



REGULAR MEETING AGENDA – AMENDED

Date: 6/8/2021
Time: 5:00 p.m.
Location: [Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930

This amended agenda includes a title change to item D1.

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 closed session and regular meeting
 - Submit a written comment online up to 1-hour before the meeting start time: menlopark.org/publiccommentJune8 *
 - Access the meeting real-time online at: [Zoom.us/join](https://zoom.us/join) – Meeting ID 998 8073 4930
 - Access the meeting real-time via telephone at: (669) 900-6833
Meeting ID 998 8073 4930
Press *9 to raise hand to speak

*Written public comments are accepted up to 1-hour before the meeting start time. Written messages are provided to the City Council at the appropriate time in their meeting.

- Watch 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 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 ([Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930)

A. Call To Order

B. Roll Call

C. Agenda Review

Agenda Review provides advance notice to members of the public and City staff of any modifications to the agenda order and any requests from City Councilmembers under City Councilmember reports.

D. Closed Session

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

D1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (1 potential case) ([Attachment](#))

D2. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Confidential employees; Service Employees International Union Local 521 (SEIU); Menlo Park Police Sergeants Association (PSA); Menlo Park Police Officers' Association (POA); and unrepresented management

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, Legal Counsel Charles Sakai, Human Resources Director Theresa DellaSanta

E. Adjournment

Regular Session ([Zoom.us/join](https://zoom.us/join) – ID# 998 8073 4930)

F. Call To Order

G. Roll Call

H. Report from Closed Session

I. Presentations and Proclamations

I1. Proclamation: Recognizing Ron Shepherd

I2. Certificate of Recognition: Karanvir Singh Bhasin ([Attachment](#))

I3. Certificate of Recognition: Parker Evan Brown ([Attachment](#))

J. Public Comment

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

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

K. Advisory Body Vacancies and Appointments

- K1. Consider applicants and make appointments to fill vacancies on the Park and Recreation Commission and the Housing Element Community Engagement and Outreach Committee ([Staff Report #20-123-CC](#))

L. Consent Calendar

- L1. Adopt Resolution No. 6631 updating City Council procedure CC-19-0004 Commission Committee Policies And Procedures, Roles And Responsibilities ([Staff Report #21-124-CC](#))

[Web form public comment received on item L1.](#)

- L2. Authorize the city manager to enter into an agreement with Chefables in an amount not to exceed \$100,000 for the delivery of food services at the Belle Haven Child Development Center for fiscal year 2021-22 ([Staff Report #21-117-CC](#))
- L3. Adopt Resolution No. 6627, preliminary approval of the engineer’s report for the Menlo Park Landscaping Assessment District, and Resolution No. 6628, intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2021-22 ([Staff Report #21-108-CC](#)) – updated and continued from May 25, 2021
- L4. Adopt Resolution No. 6632 approving the list of projects eligible for fiscal year 2021-22 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 ([Staff Report #21-122-CC](#))

M. Public Hearing

- M1. Public hearing on proposed fiscal year 2021-22 budget and capital improvement plan ([Staff Report #21-118-CC](#)) ([Presentation](#)) ([Handout](#))

[Web form public comment received on item M1.](#)

Recess

M. Public Hearing – continued

- M2. 1) Introduce and waive first reading of zoning Ordinance No. 1077 amendment associated with community amenities and bonus level development in the Office, Life Sciences and Residential Mixed Use zoning districts to establish an in-lieu fee payment for the provision of community

amenities and authorize applicants to propose community amenities not on the community amenities list through negotiation of a development agreement, and 2) provide direction on preparing a revised community amenities list and community amenity review procedures and regulations ([Staff Report #21-120-CC](#)) ([Presentation](#))

N. Regular Business

- N1. Authorize the city manager to execute an agreement with GEOinovo Solutions Inc. for demographic analysis and census mapping services for the City Council 2020 census redistricting process ([Staff Report #21-121-CC](#))
- N2. Adopt fireworks urgency Ordinance No. 1075 and waive first reading of fireworks Ordinance No. 1076 ([Staff Report #21-219-CC](#))

O. Informational Items

- O1. City Council agenda topics: June – July 2021 ([Staff Report #21-116-CC](#))

P. City Manager's Report

Q. City Councilmember Reports

R. 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: 6/3/2021)

James Pistorino

Menlo Park: The Willows
on Mar 18, 2020 at 11:01 am

Roy - Where can we see the ordinance that was actually passed?

Proposed ordinance 1067 provided for criminal prosecution (misdemeanor), a \$1000 fine, six months in jail, or both.

Also, why do you think anybody needs to wait until they try and enforce it? Is it not the case that the ordinance goes into effect 30 days after voting? If so, on April 10, people will have a well founded fear of prosecution/fines and would have standing to file suit against the violation of their rights.

Also, respectfully, I disagree about whether this is a Heller case. In Heller, the question decided by the Supreme Court was: "Do the provisions of the District of Columbia Code that restrict the licensing of handguns and require licensed firearms kept in the home to be kept nonfunctional violate the Second Amendment?" Clearly, the Supreme Court found that they did and then applied this holding to the States in MacDonald. In 2015, (i.e., before Gorsuch and Kavanaugh), the Supreme Court declined to grant cert in Jackson v. San Francisco, which is the same issue - over the dissents of Scalia and Thomas. Do people think that the same case now will get a better or more hostile reception by the Supreme Court as currently constituted or how it is likely to be constituted in ~3-4 years?

Also, why does anybody need to wait for CalGuns or the NRA?
Any Menlo Park resident could bring suit on April 10 in federal court.
The City should anticipate litigation.
Seems like there are better uses of tax dollars.

Presented to

Karanvir Singh Bhasin

National STEM (Science, Technology, Engineering, and Math) Education
Honorable Mention Award Winner for

Human Decision-Making Models in Games with Time Pressure and
Partial Information

Presented this eighth day of June 2021

DocuSigned by:

Drew Combs

52C1D491348F4A3...

Drew Combs, Mayor

CERTIFICATE OF RECOGNITION

Presented to

Parker Evan Brown

Boy Scout Troup 206

for attaining the rank of

Eagle Scout

Presented this eighth day of June, 2021

DocuSigned by:

Drew Combs

52C1D491348F4A3...

Drew Combs, Mayor
City of Menlo Park

Agenda item J
Frengiz Surty, resident

Hello, my name is Frengiz (pronounced: "Fren-geese") Surty.

I live in the University Heights section of Menlo Park and grew up here. I am excited to share the news that I am leading a new Menlo Park Climate Action City Team, formed through 350 Silicon Valley! In the week and a half since our formation we already have 39 members and are continuing to grow.

Our purpose is to broaden community support for city implementation of the CAP and we look forward to engaging with the city and the community at large to promote these efforts.

We encourage Council members to remain steadfast in their commitment to reducing fossil gas use through electrification, increasing electric vehicle adoption and creating more bike-friendly paths. We encourage the Council to create budget allocations for staffing across departments that align with the complexities of the CAP implementation work plan.

The new City Team supports the Menlo Park's transition away from fossil gas and believes a clean energy future is in our hands.

Thank you.

Agenda item J
Cheryl Schaff, resident

Dear Mayor Combs and City Council Members:

Do you feel the communal buzz as Menlo Park residents emerge from hibernation, relish going out with bare smiles and start to revel in summer and being together? I do. And I'm beyond grateful. We made it through a real dilemma.

Now we have work to do. The most important work of our lives.

It's time to mitigate monstrous changes in Menlo Park's temperature, air quality, water availability, food accessibility and lifestyle that will make this pandemic look like a momentary annoyance...a bug bite. I applaud the Environmental Quality Commission and City Council for developing and adopting an ambitious Climate Action Plan last year. Today, I encourage you to take every possible step...in setting priorities, maximizing budgets and staffing up...to implement that plan. We need it. Now.

The majority of Menlo Park residents are with you. Right now, they're holding their breath—and praying—as humidity levels drop, vegetation crisps and we wait for that first all-hands-on-deck wildfire and dread learning how close it is, how many acres are being devoured and what the air quality index is. This nightmare is coming, and many of our city's residents are not equipped to handle the heat and dangerous air quality. Please use American Rescue Plan or other funds to protect our vulnerable residents from harm ASAP.

And, simultaneously, please move quickly in transitioning our commercial and residential buildings from dirty gas to clean electricity. Our evolved, educated community understands the urgency of mitigating climate change. Let's go.

As Bill McKibben is often quoted, "Even if we win slow, we lose."

Cheryl Schaff
Peninsula Clean Energy Citizens Advisory Committee
Climate Reality Project Leader, Bay Area Chapter
Extinction Rebellion San Mateo





STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-123-CC

Commission Reports

Consider applicants and make appointments to fill vacancies on the Park and Recreation Commission and the Housing Element Community Engagement and Outreach Committee

Recommendation

Staff recommends the City Council consider applicants for appointment to vacant or expired term seats on the following advisory bodies: Housing Element Community Engagement and Outreach Committee (CEOC) and Parks and Recreation Commission (PRC.)

Policy Issues

City Council Policy CC-19-004 (Attachment A) establishes the policies, procedures, roles and responsibilities for the City's appointed advisory bodies, including the manner in which members are selected.

Background

Annually, staff conducts a recruitment to fill advisory body vacancies that exist due to members being termed out or regular terms ending April 30. This recruitment period consisted of a three-month period of advertisements and announcements. Incumbent members who were terming out were informed of their ability to apply for reappointment and previous applicants were notified of current vacancies.

Following City Council's appointment, the city clerk and city attorney offices provide onboarding and orientation for the new advisory body members. This includes the oath of office, advisory body handbook, introduction of advisory body liaison staff, Form 700 Statement of Economic Interests filing (if applicable) and Brown Act training. For all other appointments that are made throughout the year, the city clerk's office handles all aspects of advisory body member training.

The city clerk's office regularly reviews all agendas and minutes, tracks attendance (Attachment B) and serves as the principal staff contact for all advisory bodies.

City Council made appointments to various other advisory bodies at the May 25, 2021, City Council meeting. City Council postponed recruitment for the PRC and CEOC. City Council also requested that City Councilmember Mueller recruit for two positions on the CEOC.

Staff reached out to all applicants who were not appointed at the May 25 City Council meeting encouraging them to consider and apply for the PRC vacancies.

Analysis

Pursuant to City Council Policy CC-19-004, advisory body members must be residents of the City of Menlo Park and serve for designated terms of four years, or through the completion of an unexpired term or as otherwise designated. Residency for all applicants has been verified by the city clerk's office. In addition, the City Council's policy states that the selection/appointment process shall be conducted before the public at a regularly scheduled meeting of the City Council. Nominations will be made and a vote will be called for each nomination in the order received. Applicants receiving the highest number of affirmative votes from a majority of the City Councilmembers present shall be appointed.

The CEOC is a newly formed committee focused on ensuring a broad and inclusive community outreach and engagement process during the housing element update over the next 18 months. The CEOC's current composition consists of 14 members.

Appointments for the CECO are for two vacancies in District 5.

Appointments for the PRC are for two vacancies:

- One regular term expiring April 30, 2025
- One unexpired term expiring April 30, 2024

Applications are provided as Attachment C.

The City received the following applicants, presented by advisory body and listed in alphabetical order by last name.

Community Engagement and Outreach Committee – two vacancies (District 5):

- Richard Li

Parks and Recreation Commission – two vacancies:

- Aurora Brosnan
- David Thomas

Impact on City Resources

Staff support for advisory bodies and funds for recruitment advertising are provided in the annual budget.

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 Policy CC-19-004
- B. Hyperlink – April 13 City Council attendance Staff Report #21-068-CC:
menlopark.org/DocumentCenter/View/24570/H2-20200326-CC-Commission-attendance-SR
- C. Applications
- D. Applications by District
- E. Current advisory body members by District

Staff Report #: 21-123-CC

Report prepared by:
Judi A. Herren, City Clerk

Commissions/Committees Policies and Procedures, Roles and Responsibilities

City Council Procedure #CC-19-0004

Adopted March 05, 2019

Resolution No. 6477

ATTACHMENT A



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as "Organization of Advisory Commissions of the City of Menlo Park."
Background
<p>The City of Menlo Park currently has eight active commissions and committees. The active advisory bodies are: Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401.)</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
Section
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the city staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from city actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council's adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq., 65300-65401.) • Commissions and committees shall not become involved in the administrative or operational matters of city departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services of a general staff nature. Commissions/committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce city resources rests with the city's duly elected representatives, the City Council. • Additional or other staff support may be provided upon a formal request to the City Council. • The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council. • Commission/committee members will have mandatory training every two years regarding the Brown Act and

Commissions/Committees Policies and Procedures, Roles and Responsibilities

City Council Procedure #CC-19-0004

Adopted March 5, 2019

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parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.

- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete must be directed by the City Council.

Role of City Council commission/committee liaison

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

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

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

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The city shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the city clerk's office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the city clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.
- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with city policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

Commissions/Committees Policies and Procedures, Roles and Responsibilities

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Adopted March 5, 2019

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The city clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion.)

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. *Agendas/notices/minutes*

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and minutes shall be provided to the City Council, city manager, city attorney, city clerk and other appropriate staff, as requested.
- Original agendas and minutes shall be filed and maintained by support staff in accordance with the city's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or city regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The Chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the Chair when the Chair is absent.
- The role of the commission/committee Chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the Chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.

Commissions/Committees Policies and Procedures, Roles and Responsibilities

City Council Procedure #CC-19-0004

Adopted March 5, 2019

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- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated city facilities, as noticed.
- All commissions/committees with the exception of the Planning Commission, Finance and Audit Committee and Sister City Committee shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month. The Finance and Audit Committee and Sister City Committee shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- Sister City Committee – Quarterly; Date and time to be determined

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its Chair and Vice Chair.

Memberships

1. *Appointments/Oaths*

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the city clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

Commissions/Committees Policies and Procedures, Roles and Responsibilities

City Council Procedure #CC-19-0004

Adopted March 5, 2019

Resolution No. 6477

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2. *Application and selection process*

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the city clerk's office and on the city's website.
- The city clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted; however, the form submitted must be signed.
- After the deadline of receipt of applications, the city clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the city clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the city clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed.
- Following a City Council appointment, the city clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the city clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

3. *Attendance*

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

4. *Compensation*

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002.)

5. *Conflict of interest and disclosure requirements*

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the city clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the city clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the city attorney.

6. *Qualifications, compositions, number*

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age

Commissions/Committees Policies and Procedures, Roles and Responsibilities

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- Current members of any other city commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
 - Commission/committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
7. *There shall be seven (7) members on each commission/committee with the exception of:*
- Finance and Audit Committee – five (5) members
 - Housing Commission – seven (7) members
 - Complete Streets Commission – nine (9) members
 - Library Commission – eleven (11) members
8. *Reappointments, resignations, removals*
- Incumbents seeking a reappointment are required to complete and file an application with the city clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion.)
 - Resignations must be submitted in writing to the city clerk, who will distribute copies to City Council and appropriate staff.
 - The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.
9. *Term of office*
- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place.
 - If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
 - Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
 - If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.
10. *Vacancies*
- Vacancies are created due to term expirations, resignations, removals or death.
 - Vacancies are listed on the City Council agenda and posted by the city clerk in the City Council Chambers bulletin board and on the city website.
 - Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974.)
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the city clerk and posted in the City Council Chambers bulletin board and on the city's website. This list is also available to the public. (Government Code 54972, Maddy Act.)

Roles and responsibilities

Complete Streets Commission (approved March 23, 2021)

The Complete Streets Commission shall advise the City Council on realizing the City's adopted goals for complete streets, vision zero, climate action plan, and provide input on major land use and development projects as it relates to transportation. The Complete Streets Commission's responsibilities would include:

- To advance the goals of the city's newly adopted climate action plan by making alternatives to driving safer and more attractive, namely by:
 - Reviewing the city's transportation master plan (TMP) and recommending the projects most likely to reduce vehicle miles traveled (VMT)
 - Providing input on major development projects such as the Menlo Park Community Campus, by looking at them through the lens of transportation accessibility, especially bicycle/pedestrian/public transportation accessibility
- Advise City Council on the implementation of the TMP.
- Continue to advocate for and advise the City Council on the planning and installation of the Middle Avenue pedestrian and bicycle rail crossing, and safe cycling/pedestrian infrastructure connecting the Burgess complex to the Middle Avenue corridor to Olive Street, and north on Olive Street to Hillview Middle School.
- Continue to support City Council in ongoing initiatives to improve access to Downtown and support downtown businesses.
- Continue to support the implementation of the Safe Routes to School strategy and advocate for comm

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engagement, program continuity and engineering implementation.

- Continue to support City Council's role as a stakeholder with regard to regional multi-modal and transportation demand management programs projects to increase

Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically, a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the city's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the city
- Planning, implementing and evaluating city programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the city
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991.)

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the city's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of city libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to city programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the city, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities

Commissions/Committees Policies and Procedures, Roles and Responsibilities

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Adopted March 5, 2019

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and equipment

- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Sister City Committee

The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges

- Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement
- Implement the approved program plan upon request of the City Council
- Keep the community informed concerning the Sister City program
- Advise the City Council on matters pertaining to any sister city affairs. Perform other duties as may be assigned to the committee by the City Council

Special advisory bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the city, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the city clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261
Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
Procedure adoption	2019	Resolution No. 6477

HOUSING ELEMENT COMMUNITY ENGAGEMENT AND OUTREACH COMMITTEE APPLICATION

City Manager's Office – City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620
jaherren@menlopark.org



Please type or print clearly. You may attach additional pages, if necessary. This is a public document.

Name: Richard Li

1. Civic affiliations and community activities, including service on other advisory bodies, commissions, committees:
I have volunteered for some school activities, city council campaigns and measures in past years but I am currently not engaged in anything.

2. Describe why you want to serve on this advisory body, how your personal and professional experiences would help bring diverse perspectives to the group, and what you hope to accomplish as a member:
I believe my experience as a home builder will be helpful. Planning and zoning issues are quite familiar to me.

3. Describe how you communicate and engage with your friends and neighbors about issues that matter to you:
I am good at explaining matters that invoke both advantages and disadvantages of particular issues.

4. Do you own real property in Menlo Park besides your primary residence? Yes No
(All committee members will be asked to disclose and sign a real property form before serving on the committee.)

5. Applicant acknowledges the committee's roles and responsibilities: Yes No

Signature

June 4, 2021

Date

OFFICE USE ONLY:

Application received: _____
Considered by City Council: _____
Considered by City Council: _____
Considered by City Council: _____
If appointed, term ends: _____

Address verified in city limits (if necessary): By: _____
Appointed: Yes No (Initials)
Appointed: Yes No
Appointed: Yes No

Personal information			
Name: Richard Li		Number of years as a Menlo Park resident: 20	
Resident address: [REDACTED]		City: Menlo Park	State: CA Zip: 94025
Mailing address (if different):		City:	State: Zip:
Home phone: [REDACTED]		Email: richard [REDACTED]	
Cell phone: [REDACTED]		Employer phone:	
Employer address:		City:	State: Zip:
Registered voter: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
How did you hear about this opportunity:			
<input type="checkbox"/> Email <input type="checkbox"/> Local newspaper <input type="checkbox"/> City website <input type="checkbox"/> News site <input checked="" type="checkbox"/> Social media (Facebook, Nextdoor, etc.) <input type="checkbox"/> Other:			
If I am appointed, the City is authorized to post the this information on the city website (please select at least one)		Home phone: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Cell phone: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Employer phone: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Email: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Demographic information			
Age: <input type="checkbox"/> 18-30 yrs <input type="checkbox"/> 31-40 yrs <input type="checkbox"/> 41-50 yrs <input checked="" type="checkbox"/> 51-60 yrs <input type="checkbox"/> 61-70 yrs <input type="checkbox"/> 71-80 yrs <input type="checkbox"/> 80+ yrs			
Ethnicity and race (Check all that apply):			
<input checked="" type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian and other Pacific Islander <input type="checkbox"/> White or Caucasian <input type="checkbox"/> Not specified (write in):			
Housing status (Check one and enter years):			
<input type="checkbox"/> Renter _____ years <input checked="" type="checkbox"/> Homeowner <u>20</u> years <input type="checkbox"/> Other _____ years			

COMMISSION AND COMMITTEE APPLICATION

City Manager's Office - City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620 fax 650-328-7935



Please type or print clearly. You may attach additional pages, if necessary. This is a public document.

Date: MAY 7, 2021

Commission or committee of interest: Complete Streets Commission

Name: Aurora Brosnan

Education: B.A. in Philosophy from San Francisco State University

Civic affiliations and community activities, including service on other commissions or committees:

Chair (2014), Aboriginal Remote Power Supply Upgrade Steering Committee, Western Australian Housing Authority

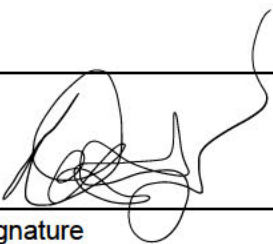
Administrator (current), Menlo Park chapter of Buy Nothing, a community recycling and gifting economy forum devoted to strengthening communities by sharing resources.

Describe your understanding of the responsibilities of the commission or committee that you are applying for and how your personal community or professional experience relate to these responsibilities:

See attachment A

Describe why you want to serve on this commission or committee and what you hope to accomplish as a member:

See attachment A



Signature

May 7, 2021

Date

OFFICE USE ONLY:

Application received: 5/7/2021

Considered by City Council: _____

Considered by City Council: _____

Considered by City Council: _____

If appointed, term ends: 4/30/2022, 4/30/2023,
4/30/2025

Address verified in City Limits (if necessary): By: JAH
(Initials)

Appointed: Yes No

Appointed: Yes No

Appointed: Yes No

Personal information:			
Name: Aurora Brosnan		Number of years as a Menlo Park resident: ~1	
Resident address: [REDACTED]	City: Menlo Park	State: CA	Zip: 94025
Mailing address (if different): same as above		City:	State:
Phone: [REDACTED]	Email: [REDACTED]		
Business address: same as above		City:	State:
Business phone: same as above			
How did you hear about this opportunity: <input type="checkbox"/> Local newspaper <input type="checkbox"/> Email <input type="checkbox"/> City website <input type="checkbox"/> Nextdoor <input type="checkbox"/> Patch.com <input checked="" type="checkbox"/> Other <u>A friend's FB post</u>			
If I am appointed, the City is authorized to post the following information on the city website (please select at least one):		Cellphone:	<input type="radio"/> Yes <input type="radio"/> No
		Business phone:	<input type="radio"/> Yes <input type="radio"/> No
		Home phone:	<input type="radio"/> Yes <input type="radio"/> No
		Email:	<input checked="" type="radio"/> Yes <input type="radio"/> No

Attachment A - Application to Become A Complete Streets Commission Member

Aurora Brosnan, ph: [REDACTED], **email:** [REDACTED]

May 7, 2021

Describe your understanding of the responsibilities of the commission or committee that you are applying for and how your personal community or professional experience relate to these responsibilities:

The Complete Streets Commission (CSC) provides advice to the City Council with regards to transportation in order to advance Menlo Park's vision zero, complete streets, and climate action plan. The CSC reviews the city's transportation master plan advising City Council which projects will likely result in the least vehicle miles travelled, considers bicycle, pedestrian, and public transportation accessibility, the plan's implementation, as well as supports the City Council as a stakeholder across broader regional transportation demand and multi-modal management programs and projects.

In addition to its advisory capacity, the CSC also advocates for community engagement, program continuity, planning and engineering implementation of safe pedestrian/cycling rail crossings and infrastructure, access to downtown businesses, and the implementation of the Safe Routes to School strategy.

In my previous role consulting as the principal planning project manager to a government Housing Authority in Australia, I managed programs with a team of town planners, business analysts, engineering project managers and consultancies to advance the agency's commitment to closing the gap on Indigenous disadvantage as it related to remote Indigenous housing. My program was accountable for reviewing power and water distribution designs for project-related considerations, safety, employment and training accessibility, heritage sites, and respect for Australia's Indigenous culture.

I have an extensive background in program and project management which will be useful for tracking important details while staying focused on the big picture for the CSC's reviews and advisory decisions. My strength in identifying and engaging stakeholders would add value in cooperating with other city commissions and community stakeholders.

Describe why you want to serve on this commission or committee and what you hope to accomplish as a member:

Reducing carbon emissions effectively can only be achieved through global teamwork and effort. It is a point of pride that Menlo Park is a trailblazer being the first city in the U.S. to set a target of becoming carbon neutral by 2030. In doing so, the residents and City Council of Menlo Park have demonstrated a sense of social responsibility and commitment. This action aligns with the U.S. as it joins the Paris Agreement and the rest of the world as it supports the United Nations Framework Convention on Climate Change. Sound transportation planning has the capacity to help achieve this target, as well as promoting healthier lifestyles through alternate modes of transportation, making connections between neighboring communities and residents, supporting local businesses, and enhancing the safety of our community.

As a member of the Complete Streets Commission, I hope my professional experience will contribute to the commission's ability to provide sound advice for our City Council to make confident decisions with regards to transportation, as well as the opportunity to cement my personal commitment to three matters of great importance; protecting our environment for ourselves, future generations and all life on earth, safety of the city's residents, and by indirectly encouraging civil relationships in strong, healthy communities through proper planning. I hope to have an opportunity to serve the residents of Menlo Park whom I have found to be a strong, supportive, and generous community.

COMMISSION AND COMMITTEE APPLICATION

City Manager's Office - City Clerk
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620 fax 650-328-7935



Please type or print clearly. You may attach additional pages, if necessary. This is a public document.

Date: 2/13/21

Commission or committee of interest: Housing Commission

Name: David Thomas

Education: Stanford University Ph.D. in Computational and Mathematical Engineering; MIT B.S. in Computer Science and Mathematics

Civic affiliations and community activities, including service on other commissions or committees:
 I have served in leadership roles, volunteer positions, and professional organizations. In college, I served as team captain of the MIT Division III Varsity Mens Volleyball Team and led my team to a top 10 national ranking. When I worked as a quant in Chicago, I introduced kids from disadvantaged neighborhoods to careers in STEM and taught them programming skills through the After-School All-Stars program. I have also been invited to give many academic talks, led and published original research in astrophysics and machine learning, and am a member of the LSST Dark Energy Science Collaboration.

Describe your understanding of the responsibilities of the commission or committee that you are applying for and how your personal community or professional experience relate to these responsibilities:
 The Housing Commission has two key responsibilities: (i) providing City Council with the best information available to decide on housing related issues, and (ii) helping the city staff and City Council with housing related prioritization, particularly during the annual planning process. My work experience in quantitative finance and Stanford Ph.D. training have prepared me to digest complicated documents and communicate the most salient points to leadership. I also read enumerable books, white papers, and blogs about housing related issues that will help me keep staff and the City Council up to date on housing trends at the state level and in academic circles.

Describe why you want to serve on this commission or committee and what you hope to accomplish as a member:
 My wife and I are Ph.D. students at Stanford University and have experienced the struggle to find affordable housing first hand. After researching this issue extensively, I decided to apply for the commission to alleviate housing pressures in Menlo Park through housing supply, subsidy, and stabilization while simultaneously enhancing the qualities that make Menlo Park unique: relaxed downtown, safe neighborhoods, and high tree density.
 My background in software engineering and machine learning will allow me to offer the City Council a new lens on these issues and provide the council with richer data and deeper analysis.

David Thomas
 Signature

2/13/21
 Date

OFFICE USE ONLY:
 Application received: 2/16/2021
 Considered by City Council: _____
 Considered by City Council: _____
 Considered by City Council: _____
 If appointed, term ends: 4/30/2025
 Address verified in City Limits (if necessary): By: JAH
 Appointed: Yes No (Initials)
 Appointed: Yes No
 Appointed: Yes No

Personal information:			
Name: David Thomas		Number of years as a Menlo Park resident: 1	
Resident address [REDACTED]	City: Menlo Park	State: CA	Zip: 94025
Mailing address (if different):	City:	State:	Zip:
Phone: [REDACTED]	Email: [REDACTED]		
Business address:	City:	State:	Zip:
Business phone:			
How did you hear about this opportunity: <input type="checkbox"/> Local newspaper <input type="checkbox"/> Email <input checked="" type="checkbox"/> City website <input type="checkbox"/> Nextdoor <input type="checkbox"/> Patch.com <input type="checkbox"/> Other _____			
If I am appointed, the City is authorized to post the following information on the city website (please select at least one):	Cellphone:	<input type="radio"/> Yes	<input type="radio"/> No
	Business phone:	<input type="radio"/> Yes	<input type="radio"/> No
	Home phone:	<input type="radio"/> Yes	<input type="radio"/> No
	Email:	<input checked="" type="radio"/> Yes	<input type="radio"/> No

David Thomas

EDUCATION

- **Stanford University** Palo Alto, CA
Ph.D. Candidate in Computational and Mathematical Engineering; GPA: 3.9/4.0
Ph.D. Minor in Computer Science; GPA: 4.0/4.0
Expected Sep 2021
- **Massachusetts Institute of Technology** Cambridge, MA
B.S. in Computer Science and Engineering, and in Mathematics; GPA: 4.6/5.0
June 2013

EXPERIENCE

- **Kavli Institute for Particle Astrophysics and Cosmology** Palo Alto, CA
Ph.D. Candidate
Sep 2016 - Present
 - **Fast Physics Simulations:** Consumed and contributed to multiple high performance codes that simulate astrophysical, atmospheric, optical, and electronic effects. Worked primarily in Python and C/C++.
 - **Star Trail Imaging:** Designed a U-net inspired CNN in PyTorch to detect bursts in star trail images that enabled previously unattainable high-speed photometry experiments. Demonstrated the feasibility of this approach by implementing it on the Dark Energy Camera in Chile. [Thomas and Kahn \(2018\)](#)
 - **Deep Wavefront Sensing:** Created scalable multi-stage deep learning algorithm to improve the real-time camera and mirror control of the Vera Rubin Telescope. [Thomas, Meyers, and Kahn \(2020\)](#)
 - **Optimal Telescope Control:** Developed novel reinforcement learning control algorithm and simulation platform for the Rubin Observatory.
- **Citadel** Chicago, IL
Quantitative Research Intern
Jun 2020 - Aug 2020
 - **Fast ML:** Created a sophisticated testing environment to iterate through multiple stock prediction algorithms. Built a python package that accelerated off-the-shelf ML models, resulting in a 10x improvement in training time.
 - **Data Layer:** Rewrote Python data layer and reduced the baseline memory footprint with lazy loading and caching. Implemented faster data querying, loading, iteration, and time series operations.
- **Teza Technologies** Chicago, IL
Quantitative Researcher
Jan 2014 - Sep 2016
 - **High Frequency Trading:** Created automated trading strategies driven by machine learning, reduced latency in the trading technology stack, and uncovered predictive signals.
 - **Team Lead:** Top 3 firmwide PnL contributor. Managed all Eurex trading. Responsible for \$1,500,000,000 in daily trading volume.
 - **Market Simulator:** Wrote Java market simulator that consumed multiple data streams and modelled trading at the packet level. Reverse-engineered exchange order gateways, matching engines, and market data feeds.
- **Twitter** San Francisco, CA
Software Engineering Intern
June 2013 - Aug 2013
 - **Ads Platform:** Developed Java market allocation platform that replayed historical advertisement auctions with alternative advertisement throttling, ranking, and allocation strategies.
- **Shopify** Ottawa, ON
Software Engineering Intern
June 2012 - Sep 2012
 - **Fulfillment Service:** Created Ruby service to synchronize merchant resources (inventory, orders, tracking) across multiple APIs.

AWARDS

- Large Synoptic Survey Telescope Data Science Fellow 2017 - 2019
- Kleiner, Perkins, Caufield, and Byers Engineering Fellow 2013
- MIT Division III Varsity Men's Volleyball 2008 - 2012
- Senior Team Captain, All-Conference First Team, 2x MIT Invitational MVP, 5x NECVA Player of the Week.*

Table 1: Community Engagement and Outreach Committee applications by District		
Applications by District	Applicant	District
Community Engagement and Outreach Committee	Richard Li	5
Table 2: Parks and Recreation Commission applications by District		
Applications by District	Applicant	District
Parks and Recreation Commission	Aurora Brosnan	4
Parks and Recreation Commission	David Thomas	4

Applicant	Last appointment date	District
Bortnik, Michal	5/25/2021	4
Cline, Rich	5/25/2021	4
Dao, Tiffany	5/25/2021	4
DiSiena, Yadira	5/25/2021	1
Feldman, Lesley	5/25/2021	2
Fennell, Max	5/25/2021	3
Mayer Marshall, Carol	5/25/2021	4
McMahon, Dan	5/25/2021	2
Ollarvia, Nehezi	5/25/2021	2
Robledo, Victoria	5/25/2021	1
Spaulding, Aaron	5/25/2021	3
Tronson, Soody	5/25/2021	4
	6/8/2021	5
	6/8/2021	5

Applicant	Last appointment date	District
Altman, Brian	5/25/2021	4
Berhoozi, Katie	6/9/2020	2
Cebrian, Jacqueline	4/16/2019	1
Cole, Sally	5/25/2021	4
Cromie, John	4/16/2019	2
Jensen, Jk	5/25/2021	3
King, Lizbeth	5/25/2021	5
Lee, Lydia	4/24/2018	3
Levin, Adina	4/24/2018	4

Applicant	Last appointment date	District
Elkins, Leah	10/13/2020	2
Evans, Angela	5/25/2021	5
Gaillard, Josie	4/16/2019	3
Kabat, Tom	4/24/2018	2
London, Janelle	6/9/2020	5
Payne, James	6/9/2020	1
Price, Ryann	4/24/2018	2

Applicant	Last appointment date	District
Combs, Drew - City Council	12/15/2020	2
Keet, Theo	6/9/2020	3
Mueller, Ray - City Council	12/15/2020	5
Norrington, Matt	5/25/2021	3
Royse, Roger	4/24/2018	4
Westcott, Brian	6/4/2019	5
Wong, Carol	5/25/2021	4

Applicant	Last appointment date	District
Bigelow, Lauren	4/16/2019	5
Grove, Karen	7/18/2017	5
Horst, Rachel	5/25/2021	4
Leitch, Heather	5/25/2021	2
Merriman, Nevada	5/25/2021	2
Nguyen, Chelsea	5/25/2021	3
Pimentel, John	4/16/2019	3

Applicant	Last appointment date	District
Cohen, Alan	4/24/2018	5
Erhart, David	4/16/2019	1
Guha, Sukanya	6/9/2020	4
Hadrovic, Katie	4/24/2018	2
Lee, Aldora	5/25/2021	4
Leep, Kristen	4/16/2019	4
Velagapudi, Vamsi	5/25/2021	4

Applicant	Last appointment date	District
Baskin, Jennifer	6/9/2020	4
Bryman, Marc	4/16/2019	3
Diepenbrock, Peter	10/15/2019	4
Joshua, Peter	5/25/2021	2
Payne, Dana	4/24/2018	1
Vacant		
Vacant		

Applicant	Last appointment date	District
Barnes, Andrew	6/9/2020	2
DeCardy, Chris	4/16/2019	2
Doran, Michael	1/29/2019	4
Harris, Cynthia	5/25/2021	3
Kennedy, Camille	4/24/2018	4
Riggs, Henry	6/9/2020	2
Tate, Michele	4/16/2019	1



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-124-CC

Consent Calendar:

Adopt Resolution No. 6631 updating City Council procedure CC-19-0004 Commission Committee Policies And Procedures, Roles And Responsibilities

Recommendation

Staff recommends the adoption of Resolution No. 6631 (Attachment A) updating City Council procedure CC-19-0004 Commission Committee Policies and Procedures, Roles and Responsibilities (Attachment B – redline) with the following:

- Addition of the Community Engagement and Outreach Committee (CEOC)
- Addition of the City Council approved real property reporting form
- Removal of the Sister City Committee (SCC)
- Updating the policy to reflect the Finance and Audit Committee (FAC) term
- Updating the voting procedure

Policy Issues

City Council Policy CC-01-004 was adopted in 1991 and outlines the procedures, roles and responsibilities of the Council-appointed advisory bodies for optimal functioning. Amendments were made to the policy in 2001, 2011, 2013, 2017, and 2019.

Background

The City Council's 2019-20 adopted work plan included a project to update City Council procedures previously compiled in the City Council procedures manual. In March, the City Council disbanded the subcommittee appointed to assist with the updates and directed staff to return with revisions.

At the April 27, 2021, City Council meeting (Attachment C), the City Council authorizes the formation of the CEOC for the housing element update project. At the May 25, 2021, City Council meeting, the City Council appointed 12 members to the CEOC with two placeholder positions for District 5.

At the April 27, 2021 City Council meeting (Attachment D), the City Council adopted Resolution No. 6622 approving the Menlo Park advisory bodies real property reporting form and requires the CEOC, Complete Streets Commission (CSC), and Housing Commission (HC) to submit said form on an annual basis.

At the November 10, 2020 meeting (Attachment E), the City Council adopted Resolution No. 6597 dissolving the City's Sister City Committee and authorizing committee members to form a nonprofit to support the ongoing sister city program.

Analysis

The CEOC is a newly formed committee focused on ensuring a broad and inclusive community outreach and engagement process during the housing element update over the next 18 months. At the time of the formation, the CEOC's composition was anticipated to consist of 10 members, with five members appointed by the City Council (one from each district) and the remaining five anticipated to be selected at random by the City Council. At the May 25, 2021 City Council meeting, the City Council amended the membership to 12 members from Districts 1, 2, 3, and 4 with two placeholder positions for District 5. The proposed changes to the procedure include the addition of the CEOC's composition, term of office, and roles and responsibilities.

The proposed procedure also includes the addition of the real property reporting form that requires the CEOC, CSC, HC to submit said form on an annual basis to the *Conflict of interest and disclosure requirements* section.

The removal of the SCC, brings the procedure up to date with City Council direction.

The next update, related to the FAC term, brings the *Term of office* section up to date.

Lastly, the *Application and selection process* of the procedure, requests an update to the selection/appointment process to include the order of voting for a nominee and clarifying the number of votes per vacancy to match current practices.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

- A. Resolution No. 6631
- B. City Council procedure CC-21-004 Commission Committee Policies and Procedures, Roles and Responsibilities – redline
- C. Hyperlink – April 27, 2021 Staff Report # 21-094-CC: menlopark.org/DocumentCenter/View/27986/J7-20210427-CC-CEOC-housing-element
- D. Hyperlink – April 27, 2021 Staff Report #21-093-CC: menlopark.org/DocumentCenter/View/27985/J6-20210427-CC-AB-real-prop-form
- E. Hyperlink – November 10, 2020 Staff Report #20-245-CC: menlopark.org/DocumentCenter/View/26647/I3-20201110-CC-Dissolve-sister-city

Staff Report #: 21-124-CC

Report prepared by:
Judi Herren, City Clerk
Nick Pegueros, Assistant City Manager

RESOLUTION NO. 6631

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO AMENDING THE CITY COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES

WHEREAS, this policy defines policies, procedures, and roles and responsibilities for Menlo Park appointed commissions and committees.

WHEREAS, this policy satisfies the requirements of Government Code sections 65100 et seq., 65300-65401, 87300, 54974, and 54972.

WHEREAS, the Community Engagement and Outreach Committee is composed of fifteen (15) members, all of whom shall be residents who represent each City Council District; and,

WHEREAS, the Community Engagement and Outreach Committee assists the City in ensuring a broad and inclusive community outreach and engagement process. Committee members help guide and provide feedback on the types and frequency of activities/events/meetings and the strategies and methods for communicating with the various stakeholders in the community.:

- Serve as an ambassador of the project and encourage people to participate in the process
- Help guide and provide feedback on the community engagement plan
- Serve as a community resource to provide information to and receive input from the community on matters related to community engagement and public outreach

WHEREAS, on May 25, 2021, the City Council directed that the Community Engagement and Outreach Committee be comprised of fourteen (14) members from all five Districts.

WHEREAS, in order to memorialize this direction, the City Council desires to amend the City of Menlo Park Commissions/Committees Policies and Procedures to reflect the changes described above;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby amends the City of Menlo Park Commissions/Committees Policies and Procedures, as more fully shown in Exhibit A, attached hereto and incorporated herein by this reference.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eighth day of June, 2021, by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighth day of June, 2021.

Judi A. Herren, City Clerk

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Procedure #CC-~~1921~~-0004
 Effective ~~3/5/2019~~XX/XX/XXXX
 Resolution No. ~~6477~~XXX



Purpose
To define policies and procedures and roles and responsibilities for Menlo Park appointed commissions and committees.
Authority
Upon its original adoption, this policy replaced the document known as "Organization of Advisory Commissions of the City of Menlo Park."
Background
<p>The City of Menlo Park currently has eight active Commissions and Committees. The active advisory bodies are: Community Engagement and Outreach Committee, Complete Streets Commission, Environmental Quality Commission, Finance and Audit Committee, Housing Commission, Library Commission, Parks and Recreation Commission, <u>and</u> Planning Commission, and the Sister City Committee. Those not specified in the City Code are established by City Council ordinance or resolution. Most of these advisory bodies are established in accordance with Resolution 2801 and its amendments. Within specific areas of responsibility, each advisory body has a primary role of advising the City Council on policy matters or reviewing specific issues and carrying out assignments as directed by the City Council or prescribed by law.</p> <p>Seven of the eight commissions and committees listed above are advisory in nature. The Planning Commission is both advisory and regulatory and organized according to the City Code (Ch. 2.12) and State statute (Government Code 65100 et seq., 65300-65401).</p> <p>The City has an adopted Anti-Harassment and Non-Discrimination Policy (CC-95-001), and a Travel and Expense Policy (CC-91-002), which are also applicable to all advisory bodies.</p>
Policies and Procedures
<p><u>Relationship to City Council, staff and media</u></p> <ul style="list-style-type: none"> • Upon referral by the City Council, the commission/committee shall study referred matters and return their recommendations and advise to the City Council. With each such referral, the City Council may authorize the City staff to provide certain designated services to aid in the study. • Upon its own initiative, the commission/committee shall identify and raise issues to the City Council's attention and from time to time explore pertinent matters and make recommendations to the City Council. • At a request of a member of the public, the commission/committee may consider appeals from City actions or inactions in pertinent areas and, if deemed appropriate, report and make recommendations to the City Council. • Each commission/committee is required to develop an annual work plan which will be the foundation for the work performed by the advisory body in support of City Council annual work plan. The plan, once finalized by a majority of the commission/committee, will be formally presented to the City Council for direction and approval no later than September 30 of each year and then reported out on by a representative of the advisory body at a regularly scheduled City Council meeting at least annually, but recommended twice a year. The proposed work plan must align with the City Council's adopted work plan. When modified, the work plan must be taken to the City Council for approval. The Planning Commission is exempt from this requirement as its functions are governed by the Menlo Park municipal code (Chapter 2.12) and State law (Government Code 65100 et seq, 65300-65401). • Commissions and committees shall not become involved in the administrative or operational matters of City departments. Members may not direct staff to initiate major programs, conduct large studies or establish department policy. City staff assigned to furnish staff services shall be available to provide general staff assistance, such as preparation of agenda/notice materials and minutes, general review of department programs and activities, and to perform limited studies, program reviews, and other services

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

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of a general staff nature. Commissions/Committees may not establish department work programs or determine department program priorities. The responsibility for setting policy and allocating scarce City resources rests with the City's duly elected representatives, the City Council.

- Additional or other staff support may be provided upon a formal request to the City Council.
- The staff liaison shall act as the commission/committee's lead representative to the media concerning matters before the commission/committee. Commission/Committee members should refer all media inquiries to their respective liaisons for response. Personal opinions and comments may be expressed so long as the commission/committee member clarifies that his or her statements do not represent the position of the City Council.
- Commission/Committee members will have mandatory training every two years regarding the Brown Act and parliamentary procedures, anti-harassment training, ethics training, and other training required by the City Council or State Law. The commission/committee members may have the opportunity for additional training, such as training for chair and vice chair. Failure to comply with the mandatory training will be reported to the City Council and may result in replacement of the member by the City Council.
- Requests from commission/committee member(s) determined by the staff liaison to take one hour or more of staff time to complete, must be directed by the City Council.

Role of City Council commission/committee liaison

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

City Councilmembers should be sensitive to the fact that they are not participating members of the commission/committee, but are there rather to create a linkage between the City Council and commission/committee. In interacting with commissions/committee, City Councilmembers are to reflect the views of the City Council as a body. Being a commission/committee liaison bestows no special right with respect to commission/committee business.

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

City Staff Liaison

The City has designated staff to act as a liaison between the commission/committee and the City Council. The City shall provide staff services to the commission/committee which will include:

- Developing a rapport with the Chair and commission/committee members
- Providing a schedule of meetings to the City Clerk's Office and commission/committee members, arranging meeting locations, maintaining the minutes and other public records of the meeting, and preparing and distributing appropriate information related to the meeting agenda.
- Advising the commission/committee on directions and priorities of the City Council.
- Informing the commission/committee of events, activities, policies, programs, etc. occurring within the scope of the commission/committee's function.
- Ensuring the City Clerk is informed of all vacancies, expired terms, changes in offices, or any other changes to the commission/committee.

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- Providing information to the appropriate appointed official including reports, actions, and recommendations of the committee/commission and notifying them of noncompliance by the commission/committee or chair with City policies.
- Ensuring that agenda items approved by the commission/committee are brought forth in a timely manner taking into consideration staff capacity, City Council priorities, the commission/committee work plan, and other practical matters such as the expense to conduct research or prepare studies, provided appropriate public notification, and otherwise properly prepare the item for commission/committee consideration.
- Take action minutes; upon agreement of the commission, this task may be performed by one of the members (staff is still responsible for the accuracy and formatting of the minutes)
- Maintain a minute book with signed minutes

Recommendations, requests and reports

As needed, near the beginning of City Council meetings, there will be an item called "Commission/Committee Reports." At this time, commissions/committees may present recommendations or status reports and may request direction and support from the City Council. Such requests shall be communicated to the staff liaison in advance, including any written materials, so that they may be listed on the agenda and distributed with the agenda packet. The materials being provided to the City Council must be approved by a majority of the commission/committee at a commission/committee meeting before submittal to the City Council. The City Council will receive such reports and recommendations and, after suitable study and discussion, respond or give direction.

City Council referrals

The City Clerk shall transmit to the designated staff liaison all referrals and requests from the City Council for advice and recommendations. The commissions/committees shall expeditiously consider and act on all referrals and requests made by the City Council and shall submit reports and recommendations to the City Council on these assignments.

Public appearance of commission/committee members

When a commission/committee member appears in a non-official, non-representative capacity before the public, for example, at a City Council meeting, the member shall indicate that he or she is speaking only as an individual. This also applies when interacting with the media and on social media. If the commission/committee member appears as the representative of an applicant or a member of the public, the Political Reform Act may govern this appearance. In addition, in certain circumstances, due process considerations might apply to make a commission/committee member's appearance inappropriate. Conversely, when a member who is present at a City Council meeting is asked to address the City Council on a matter, the member should represent the viewpoint of the particular commission/committee as a whole (not a personal opinion).

Disbanding of advisory body

Upon recommendation by the Chair or appropriate staff, any standing or special advisory body, established by the City Council and whose members were appointed by the City Council, may be declared disbanded due to lack of business, by majority vote of the City Council.

Meetings and officers

1. Agendas/notices/minutes

- All meetings shall be open and public and shall conduct business through published agendas, public notices and minutes and follow all of the Brown Act provisions governing public meetings. Special, canceled and adjourned meetings may be called when needed, subject to the Brown Act provisions.
- Support staff for each commission/committee shall be responsible for properly noticing and posting all regular, special, canceled and adjourned meetings. Copies of all meeting agendas, notices and

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minutes shall be provided to the City Council, City Manager, City Attorney, City Clerk and other appropriate staff, as requested.

- Original agendas and minutes shall be filed and maintained by support staff in accordance with the City's adopted records retention schedule.
- The official record of the commissions/committees will be preserved by preparation of action minutes.

2. *Conduct and parliamentary procedures*

- Unless otherwise specified by State law or City regulations, conduct of all meetings shall generally follow Robert's Rules of Order.
- A majority of commission/committee members shall constitute a quorum and a quorum must be seated before official action is taken.
- The chair of each commission/committee shall preside at all meetings and the vice chair shall assume the duties of the chair when the chair is absent.
- The role of the commission/committee chair (according to Roberts Rules of Order): To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if s/he thinks it advisable; to restrain the members when engaged in debate, within the rules of order, to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly when necessary, or when referred to for the purpose, on a point of order to practice pertinent to pending business; to authenticate by his/her signature, when necessary, all the acts, orders, and proceedings of the assembly declaring it will and in all things obeying its commands.

3. *Lack of a quorum*

- When a lack of a quorum exists at the start time of a meeting, those present will wait 15 minutes for additional members to arrive. If after 15 minutes a quorum is still not present, the meeting will be adjourned by the staff liaison due to lack of a quorum. Once the meeting is adjourned it cannot be reconvened.
- The public is not allowed to address those commissioners present during the 15 minutes the commission/committee is waiting for additional members to arrive.
- Staff can make announcements to the members during this time but must follow up with an email to all members of the body conveying the same information.
- All other items shall not be discussed with the members present as it is best to make the report when there is a quorum present.

4. *Meeting locations and dates*

- Meetings shall be held in designated City facilities, as noticed.
- All commissions/committees with the exception of the Community Engagement and Outreach Committee, Planning Commission, and Finance and Audit Committee, ~~and Sister City Committee~~ shall conduct regular meetings once a month. Special meetings may also be scheduled as required by the commission/committee. The Planning Commission shall hold regular meetings twice a month, ~~the Community Engagement and Outreach Committee shall hold meetings as need, and the~~ Finance and Audit Committee ~~and Sister City Committee~~ shall hold quarterly meetings.
- Monthly regular meetings shall have a fixed date and time established by the commission/committee. Changes to the established regular dates and times are subject to the approval of the City Council. An exception to this rule would include any changes necessitated to fill a temporary need in order for the commission/committee to conduct its meeting in a most efficient

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and effective way as long as proper and adequate notification is provided to the City Council and made available to the public.

The schedule of Commission/Committee meetings is as follows:

- ~~Community Engagement and Outreach Committee – as needed~~
- Complete Streets Commission – Every second Wednesday at 7 p.m.
- Environmental Quality Commission – Every third Wednesday at 6:00 p.m.
- Finance and Audit Committee – Third Wednesday of every quarter at 5:30 p.m.,
- Housing Commission – Every first Wednesday at 6:30 p.m.
- Library Commission – Every third Monday at 6:30 p.m.
- Parks and Recreation Commission – Every fourth Wednesday at 6:30 p.m.
- Planning Commission – Twice a month at 7 p.m.
- ~~Sister City Committee – Quarterly; Date and time to be determined~~

Each commission/committee may establish other operational policies subject to the approval of the City Council. Any changes to the established policies and procedures shall be subject to the approval of the City Council.

5. *Off-premises meeting participation*

While technology allows commission/committee members to participate in meetings from a location other than the meeting location (referred to as “off-premises”), off-premises participation is discouraged given the logistics required to ensure compliance with the Brown Act and experience with technological failures disrupting the meeting. In the event that a commission/committee member believes that his or her participation is essential to a meeting, the following shall apply:

- Any commission/committee member intending to participate from an off-premise location shall inform the staff liaison at least two weeks in advance of the meeting.
- The off-premise location must be identified in the notice and agenda of the meeting.
- Agendas must be posted at the off-premise location.
- The off-premise location must be accessible to the public and be ADA compliant.
- The commission/committee member participating at a duly noticed off-premises location does not count toward the quorum necessary to convene a meeting of the commission/committee.
- For any one meeting, no more than one commission/committee member may participate from an off-premise location.
- All votes must be by roll call.

6. *Selection of chair and vice chair*

- The chair and vice chair shall be selected in May of each year by a majority of the members and shall serve for one year or until their successors are selected.
- Each commission/committee shall annually rotate its chair and vice chair.

G. Memberships

Appointments/Oaths

- The City Council is the appointing body for all commissions/committees. All members serve at the pleasure of the City Council for designated terms.
- All appointments and reappointments shall be made at a regularly scheduled City Council meeting, and require an affirmative vote of not less than a majority of the City Council present.
- Before taking office, all members must complete an Oath of Allegiance required by Article XX, §3, of the Constitution of the State of California. All oaths are administered by the City Clerk or his/her designee.
- Appointments made during the middle of the term are for the unexpired portion of that term.

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Application and selection process

- The application process begins when a vacancy occurs due to term expiration, resignation, removal or death of a member.
- The application period will normally run for a period of four weeks from the date the vacancy occurs. If there is more than one concurrent vacancy in a Commission, the application period may be extended. Applications are available from the City Clerk's office and on the City's website.
- The City Clerk shall notify members whose terms are about to expire whether or not they would be eligible for reappointment. If reappointment is sought, an updated application will be required.
- Applicants are required to complete and return the application form for each commission/committee they desire to serve on, along with any additional information they would like to transmit, by the established deadline. Applications sent by email are accepted; however, the form submitted must be signed.
- After the deadline of receipt of applications, the City Clerk shall schedule the matter at the next available regular City Council meeting. All applications received will be submitted and made a part of the City Council agenda packet for their review and consideration. If there are no applications received by the deadline, the City Clerk will extend the application period for an indefinite period of time until sufficient applications are received.
- Upon review of the applications received, the City Council reserves the right to schedule or waive interviews, or to extend the application process in the event insufficient applications are received. In either case, the City Clerk will provide notification to the applicants of the decision of the City Council.
- If an interview is requested, the date and time will be designated by the City Council. Interviews are open to the public.
- The selection/appointment process by the City Council shall be conducted open to the public. Nominations will be made and a vote will be called for each nomination in the order received. Applicants receiving the highest number of affirmative votes from a majority of the City Council present shall be appointed. The number of votes for each City Councilmember is limited to the number of vacancies.
- Following a City Council appointment, the City Clerk shall notify successful and unsuccessful applicants accordingly, in writing. Appointees will receive copies of the City's Non-Discrimination and Sexual Harassment policies, and disclosure statements for those members who are required to file under State law as designated in the City's Conflict of Interest Code. Copies of the notification will also be distributed to support staff and the commission/committee chair.
- An orientation will be scheduled by the City Clerk following an appointment (but before taking office) and a copy of this policy document will be provided at that time.

Attendance

- An Attendance Policy (CC-91-001), shall apply to all advisory bodies. Provisions of this policy are listed below.
- A compilation of attendance will be submitted to the City Council at least annually listing absences for all commissions/committee members.
- Absences, which result in attendance at less than two-thirds of their meetings during the calendar year, will be reported to the City Council and may result in replacement of the member by the City Council.
- Any member who feels that unique circumstances have led to numerous absences can appeal directly to the City Council for a waiver of this policy or to obtain a leave of absence.
- While it is expected that members be present at all meetings, the chair and staff liaison should be notified if a member knows in advance that he/she will be absent.
- When reviewing commissioners for reappointment, overall attendance at full commission meetings will be given significant consideration.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-1921-0004

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Compensation

- Members shall serve without compensation (unless specifically provided) for their services, provided, however, members shall receive reimbursement for necessary travel expenses and other expenses incurred on official duty when such expenditures have been authorized by the City Council (See Policy CC-91-002).

Conflict of interest and disclosure requirements

- A Conflict of Interest Code has been updated and adopted by the City Council and the Community Development Agency pursuant to Government Code §87300 et seq. Copies of this Code are filed with the City Clerk. Pursuant to the adopted Conflict of Interest Code, members serving on the Planning Commission are required to file a Statement of Economic Interest with the City Clerk to disclose personal interest in investments, real property and income. This is done within 30 days of appointment and annually thereafter. A statement is also required within 30 days after leaving office.
- If a public official has a conflict of interest, the Political Reform Act may require the official to disqualify himself or herself from making or participating in a governmental decision, or using his or her official position to influence a governmental decision. Questions in this regard may be directed to the City Attorney.
- In accordance with Resolution No. 6622, current and future members of the Community Engagement and Outreach Committee, Complete Streets Commission, and Housing Commission, are required to report any and all real property in Menlo Park for impacting land use, real property, and the housing element.

Qualifications, compositions, number

- In most cases, members shall be residents of the City of Menlo Park and at least 18 years of age.
- Current members of any other City commission/committee are disqualified for membership, unless the regulations for that advisory body permit concurrent membership. Commission/Committee members are strongly advised to serve out the entirety of the term of their current appointment before seeking appointment on another commission/committee.
- Commission/Committee members shall be permitted to retain membership while seeking any elective office. However, members shall not use the meetings, functions or activities of such bodies for purposes of campaigning for elective office.
- There shall be seven (7) members on each commission/committee with the exception of:
 - Community Engagement and Outreach Committee – fourteen (14) members
 - Complete Streets Commission – nine (9) members
 - Finance and Audit Committee – five (5) members
 - Housing Commission – seven (7) members
 - Library Commission – eleven (11) members

Reappointments, resignations, removals

- Incumbents seeking a reappointment are required to complete and file an application with the City Clerk by the application deadline. No person shall be reappointed to a commission/committee who has served on that same body for two consecutive terms; unless a period of one year has lapsed since the returning member last served on that commission/committee (the one-year period is flexible subject to City Council's discretion).
- Resignations must be submitted in writing to the City Clerk, who will distribute copies to City Council and appropriate staff.
- The City Council may remove a member by a majority vote of the City Council without cause, notice or hearing.

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-1921-0004

Effective 3/5/2019XX/XX/XXXX

Resolution No. 6477XXXX

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Term of office

- Unless specified otherwise, the term of office for all commission/committee shall be four (4) years unless a resignation or a removal has taken place. The Finance and Audit Committee term of office shall be two (2) years. The Community Engagement and Outreach Committee term is for eighteen (18) months.
- If a person is appointed to fill an unexpired term and serves less than two years, that time will not be considered a full term. However, if a person is appointed to fill an unexpired term and serves two years or more, that time will be considered a full term.
- Terms are staggered to be overlapping four-year terms, so that all terms do not expire in any one year.
- If a member resigns before the end of his/her term, a replacement serves out the remainder of that term.

Vacancies

- Vacancies are created due to term expirations, resignations, removals or death.
- Vacancies are listed on the City Council agenda and posted by the City Clerk in the City Council Chambers bulletin board and on the city website.
- Whenever an unscheduled vacancy occurs in any commission/committee, a special vacancy notice shall be posted within 20 days after the vacancy occurs. Appointment shall not be made for at least 10 working days after posting of the notice (Government Code 54974).
- On or before December 31 of each year, an appointment list of all regular advisory commissions/committees of the City Council shall be prepared by the City Clerk and posted in the City Council Chambers bulletin board and on the City's website. This list is also available to the public. (Government Code 54972, Maddy Act).

Roles and Responsibilities

Community Engagement and Outreach Committee

The Housing Element Community Engagement and Outreach Committee (CEOC) assists the City in ensuring a broad and inclusive community outreach and engagement process. Committee members help guide and provide feedback on the types and frequency of activities/events/meetings and the strategies and methods for communicating with the various stakeholders in the community.

Roles and responsibilities:

- Serve as an ambassador of the project and encourage people to participate in the process
- Help guide and provide feedback on the community engagement plan
- Serve as a community resource to provide information to and receive input from the community on matters related to community engagement and public outreach

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Complete Streets Commission

The Complete Streets Commission is charged primarily with advising the City Council on multi-modal transportation issues according to the goals and policies of the City's general plan. This includes strategies to encourage safe travel, improve accessibility, and maintaining a functional and efficient transportation network for all modes and persons traveling within and around the City. The Complete Streets Commission's responsibilities would include:

- Coordination of multi-modal (motor vehicle, bicycle, transit and pedestrian) transportation facilities
- Advising City Council on ways to encourage vehicle, multi-modal, pedestrian and bicycle safety and accessibility for the City supporting the goals of the General Plan
- Coordination on providing a citywide safe routes to school plan
- Coordination with regional transportation systems
- Establishing parking restrictions and requirements according to Municipal Code sections 11.24.026 through 11.24.028

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-1921-0004

Effective 3/5/2019XX/XX/XXXX

Resolution No. 6477XXXX

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Environmental Quality Commission

The Environmental Quality Commission is charged primarily with advising the City Council on matters involving environmental protection, improvement and sustainability. Specific focus areas include:

- Preserving heritage trees
- Using best practices to maintain city trees
- Preserving and expanding the urban canopy
- Making determinations on appeals of heritage tree removal permits
- Administering annual Environmental Quality Awards program
- Organizing annual Arbor Day Event; typically a tree planting event
- Advising on programs and policies related to protection of natural areas, recycling and waste reduction, environmentally sustainable practices, air and water pollution prevention, climate protection, and water and energy conservation.

Finance and Audit Committee

The Finance and Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City's fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Housing Commission

The Housing Commission is charged primarily with advising the City Council on housing matters including housing supply and housing related problems. Specific focus areas include:

- Community attitudes about housing (range, distribution, racial, social-economic problems)
- Programs for evaluating, maintaining, and upgrading the distribution and quality of housing stock in the City
- Planning, implementing and evaluating City programs under the Housing and Community Development Act of 1974
- Members serve with staff on a loan review committee for housing rehabilitation programs and a first time homebuyer loan program
- Review and recommend to the City Council regarding the Below Market Rate (BMR) program
- Initiate, review and recommend on housing policies and programs for the City
- Review and recommend on housing related impacts for environmental impact reports
- Review and recommend on State and regional housing issues
- Review and recommend on the Housing Element of the General Plan
- The five most senior members of the Housing Commission also serve as the members of the Relocation Appeals Board (City Resolution 4290, adopted June 25, 1991).

Library Commission

The Library Commission is charged primarily with advising the City Council on matters related to the maintenance and operation of the City's libraries and library systems. Specific focus areas include:

- The scope and degree of library activities
- Maintenance and protection of City libraries
- Evaluation and improvement of library service
- Acquisition of library materials
- Coordination with other library systems and long range planning
- Literacy and ESL programs

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-1921-0004

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Parks and Recreation Commission

The Parks and Recreation Commission is charged primarily with advising the City Council on matters related to City programs and facilities dedicated to recreation. Specific focus areas include:

- Those programs and facilities established primarily for the participation of and/or use by residents of the City, including adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities and equipment
- Adequacy, operation and staffing of recreation programs
- Modification of existing programs and facilities to meet developing community needs
- Long range planning and regional coordination concerning park and recreational facilities

Planning Commission

The Planning Commission is organized according to State Statute.

- The Planning Commission reviews development proposals on public and private lands for compliance with the General Plan and Zoning Ordinance.
- The Commission reviews all development proposals requiring a use permit, architectural control, variance, minor subdivision and environmental review associated with these projects. The Commission is the final decision-making body for these applications, unless appealed to the City Council.
- The Commission serves as a recommending body to the City Council for major subdivisions, rezoning's, conditional development permits, Zoning Ordinance amendments, General Plan amendments and the environmental reviews and Below Market Rate (BMR) Housing Agreements associated with those projects.
- The Commission works on special projects as assigned by the City Council.

Sister City Committee

~~The Sister City Committee is primary charged with promoting goodwill, respect and cooperation by facilitating cultural, educational and economic exchanges~~

- ~~• Develop a mission statement and program plan consisting of projects, exhibits, contacts and exchanges of all types to foster and promote the objectives of the mission statement~~
- ~~• Implement the approved program plan upon request of the City Council~~
- ~~• Keep the community informed concerning the Sister City program~~
- ~~• Advise the City Council on matters pertaining to any sister city affairs~~
- ~~• Perform other duties as may be assigned to the committee by the City Council~~

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Special Advisory Bodies

The City Council has the authority to create standing committees, task forces or subcommittees for the City, and from time to time, the City Council may appoint members to these groups. The number of persons and the individual appointee serving on each group may be changed at any time by the City Council. There are no designated terms for members of these groups; members are appointed by and serve at the pleasure of the City Council.

Any requests of city commissions or committees to create such ad hoc advisory bodies shall be submitted in writing to the City Clerk for City Council consideration and approval.

Procedure history

Action	Date	Notes
Procedure adoption	1991	Resolution No. 3261

COMMISSIONS/COMMITTEES POLICIES AND PROCEDURES, ROLES AND RESPONSIBILITIES

City Council Policy #CC-~~1921~~-0004

Effective ~~3/5/2019~~XX/XX/XXXX

Resolution No. ~~6477~~XXXX

11

Procedure adoption	2001	
Procedure adoption	2011	
Procedure adoption	2013	Resolution No. 6169
Procedure adoption	2017	Resolution No. 6377
<u>Procedure proposed</u>	<u>6/8/2021</u>	<u>Resolution No. XXXX</u>

Agenda item L1
Soody Tronson, resident

In practice, the roles of committees for Menlo Park suffer from restrictive language that handcuffs the Committees from providing meaningful work.

It is understood that the committees are not policymaking bodies, rather advisory. However, even in the context of an advisory role, the roles, as described, compared to other cities (see Palo Alto below), are frequently used to restrict input and advise.

For example, the current Housing Element Committee language frames the role as follows: "Members help guide and provide feedback on the types and frequency of activities/events/meetings and the strategies and methods for communicating with the various stakeholders in the community."

For comparison take neighbor city, Palo Alto's description:

"1. Advise the Planning and Transportation Commission and City Council on housing policy, including initial site selection of potential housing sites and to prepare housing programs for the Housing Element Update, that assists Council in carrying out its responsibilities; and

2. Provide community input by being ambassadors to the community for the Housing Element update process."

A simple comparison of the two language between Menlo Park and Palo Alto (called Working Group in the case of Palo Alto), Palo Alto gives ownership to the committee (to provide advice) and is action driven regarding several critical issues. Menlo Park's on the other hand, provides no ownership to its committee with its only role being a helper on means of communication.

In reading the current Menlo Park Housing Element Committee role broadly, the word 'strategies' can reasonably be interpreted to include input regarding content, form, timeline, etc. That said, that is not how it is often used. It is also noteworthy that there is not direct link between Housing Element Committee and the Planning Committee although both address Housing Element.

This problem was present in the Finance & Audit Committee and it appears to be present now again with the Housing Element Committee.

I believe and strongly recommend for a detailed review of the roles and responsibilities as stated and revising them to empower the committees to be take ownership and be more impactful advisory bodies.

Warm regards
Soody Tronson
Speaking as Meno Park resident



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-117-CC

Consent Calendar:

Authorize the city manager to enter into an agreement with Chefables in an amount not to exceed \$100,000 for the delivery of food services at the Belle Haven Child Development Center for fiscal year 2021-22

Recommendation

Staff recommends the City Council authorize the city manager to enter into an agreement with Chefables in an amount not to exceed \$100,000 for the delivery of food services at the Belle Haven Child Development Center for fiscal year 2021-22.

Policy Issues

City Council must authorize the city manager to execute agreements in excess of \$78,000. Additionally, State and Federal grants that the City receives for operating the Belle Haven Child Development Center require an annual contract with a food service provider meeting specific standards. This vendor conforms to State and Federal requirements for food service delivery.

Background

The City of Menlo Park has operated the Belle Haven Child Development Center (BHDC) for over 30 years. An important component of the program is the breakfast and lunch served to each child every day. Meal services must comply with the California Child and Adult Care Food Program (CACFP) meal pattern requirements (including quantity of food and food types for each age group) as well as the nutritional standards for breakfast and lunch as established by the United States Department of Agriculture (USDA.) The BHDC receives meal reimbursements through the USDA based on income levels of families served as well as daily attendance.

Contracts for food services must be renewed annually due to USDA requirements limiting the length of a contract to one year and disallowing automatic renewal provisions. The contract for food services must also be submitted to the California department of education in order to ensure compliance with all the provisions and standards set forth by the USDA.

The BHDC is licensed for 96 children and has an average daily meal count of approximately 90 breakfasts and 90 lunches when operating at full capacity. BHDC is contracted by the State to remain open for 246 days a year, which results in the need for approximately 44,280 meals per year. During the COVID-19 pandemic, BHDC has operated a reduced capacity to comply with state and local public health restrictions, however it is anticipated that the restrictions will change to allow increased capacity on or around the time the state retires the COVID-19 color tier system June 15, with full capacity expected by the time K-12 school resumes in Fall 2021.

Analysis

In 2019, staff received bids for the delivery of breakfast and lunch were solicited from food vendors providing meals in accordance to State CACFP regulations including: Kidango, School Foodies and Chefables. Chefables was selected based on their years of experience and their ability to meet strict CACFP regulations, the quality and convenience of their food delivery services and their competitive pricing. Chefables supports building a foundation of healthy children's food habits through providing a nutritious, creative and a fun variety.

The current contract between the city and Chefables expires June 30, 2021, unless extended, amended or terminated in writing by the city. Staff recommends that the City Council amend the contract to extend the term for one additional year to continue the delivery of food services at the Belle Haven Child Development Center for fiscal year 2021-22.

The City receives reimbursement from the USDA through the child care food program for a fixed amount for each child's meals. The current reimbursement rate varies based on the child's family income and ranges from a base rate to the free rate of \$ 0.32 to \$1.89 for breakfast, \$0.33 to \$3.51 for lunch, and \$0.08 to \$0.96 for snacks. Data from current fiscal year indicates that of the children qualifying for a meal subsidy, approximately 60 percent (30 children) qualified for the base reimbursement rate, 14 percent (seven children) qualified for the reduced-price reimbursement rate and 26 percent (13 children) qualified for full subsidy or free reimbursement rate.

Impact on City Resources

The estimated full-year cost with Chefables is \$100,000 for fiscal year 2021-22. The estimated expenditures and revenues are included in the fiscal year 2021-22 operating budget proposal.

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. Draft agreement
- B. CACFP-17 agreement

Report prepared by:
Theresa DellaSanta, Interim Assistant Community Services Director

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

PROFESSIONAL SERVICES AGREEMENT

City Manager's Office
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Agreement #:
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND BIGBREAK, LLC DBA) CHEFABLES
THIS AGREEMENT made and entered into at Menlo Park, California, this _____, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and BIGBREAK, LLC DBA) CHEFABLES, hereinafter referred to as "FIRST PARTY."
<p>WITNESSETH:</p> <p>WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: Meal preparation and delivery service</p> <p>WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.</p> <p>NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:</p>
1. SCOPE OF WORK
In consideration of the payment by CITY to FIRST PARTY, as hereinafter provided, FIRST PARTY agrees to perform all the services as set forth in Exhibit "A," Scope of Services.
2. SCHEDULE FOR WORK
<p>FIRST PARTY's proposed schedule for the various services required pursuant to this agreement will be as set forth in Exhibit "A," Scope of Services. CITY will be kept informed as to the progress of work by written reports, to be submitted monthly or as otherwise required in Exhibit "A." Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other, or the other's employees and agents.</p> <p>FIRST PARTY shall commence work immediately upon receipt of a "Notice to Proceed" from CITY. The "Notice to Proceed" date shall be considered the "effective date" of the agreement, as used herein, except as otherwise specifically defined. FIRST PARTY shall complete all the work and deliver to CITY all project related files, records, and materials within one month after completion of all of FIRST PARTY's activities required under this agreement.</p>
3. PROSECUTION OF WORK
FIRST PARTY will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the CITY. (See Exhibit "A," Scope of Services).

4. COMPENSATION AND PAYMENT

- A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$100,000 as described in Exhibit "A," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable.
- B. FIRST PARTY's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by FIRST PARTY and used in carrying out or completing the work.
- C. Payments shall be monthly for the invoice amount or such other amount as approved by CITY. As each payment is due, the FIRST PARTY shall submit a statement describing the services performed to CITY. This statement shall include, at a minimum, the project title, agreement number, the title(s) of personnel performing work, hours spent, payment rate, and a listing of all reimbursable costs. CITY shall have the discretion to approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by CITY.
- D. Payments are due upon receipt of written invoices. CITY shall have the right to receive, upon request, documentation substantiating charges billed to CITY. CITY shall have the right to perform an audit of the FIRST PARTY's relevant records pertaining to the charges.

5. EQUAL EMPLOYMENT OPPORTUNITY

- A. FIRST PARTY, with regard to the work performed by it under this agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, handicap, marital status or age in the retention of sub-consultants, including procurement of materials and leases of equipment.
- B. FIRST PARTY shall take affirmative action to insure that employees and applicants for employment are treated without regard to their race, color, religion, sex, national origin, marital status or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship.
- C. FIRST PARTY shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. FIRST PARTY shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, marital status or handicap.
- E. FIRST PARTY shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. FIRST PARTY shall incorporate the foregoing requirements of this section in FIRST PARTY's agreement with all sub-consultants.

6. ASSIGNMENT OF AGREEMENT AND TRANSFER OF INTEREST

- A. FIRST PARTY shall not assign this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the CITY thereto, provided, however, that claims for money due or to become due to the FIRST PARTY from the CITY under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of an intended assignment or transfer shall be furnished promptly to the CITY.
- B. In the event there is a change of more than 30 percent of the stock ownership or ownership in FIRST PARTY from the date of this agreement is executed, then CITY shall be notified before the date of said change of stock ownership or interest and CITY shall have the right, in event of such change in stock ownership or interest, to terminate this agreement upon notice to FIRST PARTY. In the event CITY is not notified of any such change in stock ownership or interest, then upon knowledge of same, it shall be deemed that CITY has terminated this agreement.

7. INDEPENDENT WORK CONTROL

It is expressly agreed that in the performance of the service necessary for compliance with this agreement, FIRST PARTY shall be and is an independent contractor and is not an agent or employee of CITY. FIRST PARTY has and shall retain the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting FIRST PARTY in the performance of FIRST PARTY's services hereunder. FIRST PARTY shall be solely responsible for its own acts and those of its subordinates and employees.

8. CONSULTANT QUALIFICATIONS

It is expressly understood that FIRST PARTY is licensed and skilled in the professional calling necessary to perform the work agreed to be done by it under this agreement and CITY relies upon the skill of FIRST PARTY to do and perform said work in a skillful manner usual to the profession. The acceptance of FIRST PARTY's work by CITY does not operate as a release of FIRST PARTY from said understanding.

9. NOTICES

All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or by overnight courier service. Notices required to be given to CITY shall be addressed as follows:

Sean Reinhart
Library and Community Services
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-2510
ssreinhart@menlopark.org

Notices required to be given to FIRST PARTY shall be addressed as follows:

Lesley Kohn
Bigbreak, LLC DBA) Chefables
P.O. Box 228
South San Francisco, 94083
1-888-808-2433x201
lesley@chefables.com

Provided that any party may change such address by notice, in writing, to the other party and thereafter notices shall be addressed and transmitted to the new address.

10. HOLD HARMLESS

The FIRST PARTY shall defend, indemnify and hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants from all claims, suits or actions that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the FIRST PARTY brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work required by this agreement by FIRST PARTY, its officers, agents, employees and servants. Nothing herein shall be construed to require the FIRST PARTY to defend, indemnify or hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants against any responsibility to liability in contravention of Section 2782.8 of the California Civil Code.

11. INSURANCE

- A. FIRST PARTY shall not commence work under this agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City, with certificates of insurance evidencing the required coverage.
- B. There shall be a contractual liability endorsement extending the FIRST PARTY's coverage to include the contractual liability assumed by the FIRST PARTY pursuant to this agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY, at the address shown in Section 9, of any pending cancellation of the policy. FIRST PARTY shall notify CITY of any pending change to the policy. All certificates shall be filed with the City.
1. Workers' compensation and employer's liability insurance:
The FIRST PARTY shall have in effect during the entire life of this agreement workers' compensation and Employer's Liability Insurance providing full statutory coverage. In signing this agreement, the FIRST PARTY makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this agreement" (not required if the FIRST PARTY is a Sole Proprietor).
 2. Liability insurance:
The FIRST PARTY shall take out and maintain during the life of this agreement such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this agreement from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the FIRST PARTY's operations under this agreement, whether such operations be by FIRST PARTY or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in aggregate, or one million dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. FIRST PARTY shall provide the CITY with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions. FIRST PARTY shall maintain Automobile Liability Insurance pursuant to this agreement in an amount of not less than one million dollars (\$1,000,000) for each accident combined single limit or not less than one million dollars (\$1,000,000) for any one (1) person, and one million dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.
 3. Professional liability insurance:
FIRST PARTY shall maintain a policy of professional liability insurance, protecting it against claims arising out of the negligent acts, errors, or omissions of FIRST PARTY pursuant to this agreement, in the amount of not less than one million dollars (\$1,000,000) per claim and in the aggregate. Said professional liability insurance is to be kept in force for not less than one (1) year after completion of services described herein.
- C. CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the Professional Liability and workers' compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.
- D. In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this agreement to the contrary, immediately declare a material breach of this agreement and suspend all further work pursuant to this agreement.
- E. Before the execution of this agreement, any deductibles or self-insured retentions must be declared to and approved by CITY.

12. PAYMENT OF PERMITS/LICENSES

Contractor shall obtain any license, permit, or approval if necessary from any agency whatsoever for the work/services to be performed, at his/her own expense, before commencement of said work/services or forfeit any right to compensation under this agreement.

13. RESPONSIBILITY AND LIABILITY FOR SUB-CONSULTANTS AND/OR SUBCONTRACTORS

Approval of or by CITY shall not constitute nor be deemed a release of responsibility and liability of FIRST PARTY or its sub-consultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by CITY for any defect in the designs, working drawings, specifications or other documents prepared by FIRST PARTY or its sub-consultants and/or subcontractors.

14. OWNERSHIP OF WORK PRODUCT

Intentionally left blank.

15. REPRESENTATION OF WORK

Any and all representations of FIRST PARTY, in connection with the work performed or the information supplied, shall not apply to any other project or site, except the project described in Exhibit "A" or as otherwise specified in Exhibit "A."

16. TERMINATION OF AGREEMENT

- A. CITY may give thirty (30) days written notice to FIRST PARTY, terminating this agreement in whole or in part at any time, either for CITY's convenience or because of the failure of FIRST PARTY to fulfill its contractual obligations or because of FIRST PARTY's change of its assigned personnel on the project without prior CITY approval. Upon receipt of such notice, FIRST PARTY shall:
1. Immediately discontinue all services affected (unless the notice directs otherwise); and
 2. Deliver to the CITY all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by FIRST PARTY in performing work under this agreement, whether completed or in process.
- B. If termination is for the convenience of CITY, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
- C. If the termination is due to the failure of FIRST PARTY to fulfill its agreement, CITY may take over the work and prosecute the same to completion by agreement or otherwise. In such case, FIRST PARTY shall be liable to CITY for any reasonable additional cost occasioned to the CITY thereby.
- D. If, after notice of termination for failure to fulfill agreement obligations, it is determined that FIRST PARTY had not so failed, the termination shall be deemed to have been effected for the convenience of the CITY. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this Section.
- E. The rights and remedies of the CITY provided in this Section are in addition to any other rights and remedies provided by law or under this agreement.
- F. Subject to the foregoing provisions, the CITY shall pay FIRST PARTY for services performed and expenses incurred through the termination date.

17. INSPECTION OF WORK

It is FIRST PARTY's obligation to make the work product available for CITY's inspections and periodic reviews upon request by CITY.

18. COMPLIANCE WITH LAWS

It shall be the responsibility of FIRST PARTY to comply with all State and Federal Laws applicable to the work and services provided pursuant to this agreement, including but not limited to compliance with prevailing wage laws, if applicable.

19. BREACH OF AGREEMENT

- A. This agreement is governed by applicable federal and state statutes and regulations. Any material deviation by FIRST PARTY for any reason from the requirements thereof, or from any other provision of this agreement, shall constitute a breach of this agreement and may be cause for termination at the election of the CITY.
- B. The CITY reserves the right to waive any and all breaches of this agreement, and any such waiver shall not be deemed a waiver of any previous or subsequent breaches. In the event the CITY chooses to waive a particular breach of this agreement, it may condition same on payment by FIRST PARTY of actual damages occasioned by such breach of agreement.

20. SEVERABILITY

The provisions of this agreement are severable. If any portion of this agreement is held invalid by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect unless amended or modified by the mutual consent of the parties.

21. CAPTIONS

The captions of this agreement are for convenience and reference only and shall not define, explain, modify, limit, exemplify, or aid in the interpretation, construction, or meaning of any provisions of this agreement.

22. LITIGATION OR ARBITRATION

In the event that suit or arbitration is brought to enforce the terms of this agreement, the prevailing party shall be entitled to litigation costs and reasonable attorneys' fees. The Dispute Resolution provisions are set forth on Exhibit "B," 'Dispute Resolution' attached hereto and by this reference incorporated herein.

23. RETENTION OF RECORDS

Contractor shall maintain all required records for three years after the City makes final payment and all other pending matters are closed, and shall be subject to the examination and /or audit of the City, a federal agency, and the state of California.

24. TERM OF AGREEMENT

This agreement shall remain in effect for the period of July 1, 2021 through June 30, 2022 unless extended, amended, or terminated in writing by CITY.

25. ENTIRE AGREEMENT

This document constitutes the sole agreement of the parties hereto relating to said project and states the rights, duties, and obligations of each party as of the document's date. Any prior agreement, promises, negotiations, or representations between parties not expressly stated in this document are not binding. All modifications, amendments, or waivers of the terms of this agreement must be in writing and signed by the appropriate representatives of the parties to this agreement.

26. STATEMENT OF ECONOMIC INTEREST

Consultants, as defined by Section 18701 of the Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations, are required to file a Statement of Economic Interests with 30 days of approval of a contract services agreement with the City of its subdivisions, on an annual basis thereafter during the term of the contract, and within 30 days of completion of the contract.

Based upon review of the Consultant's Scope of Work and determination by the City Manager, it is determined that Consultant IS NOT required to file a Statement of Economic Interest. A statement of Economic Interest shall be filed with the City Clerk's office no later than 30 days after the execution of the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doherty, City Attorney

Date

FOR CITY OF MENLO PARK:

Starla Jerome-Robinson, City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date

EXHIBIT “A” – SCOPE OF SERVICES

A1. SCOPE OF WORK

FIRST PARTY agrees to provide consultant services for CITY’s Library and Community Services Department. In the event of any discrepancy between any of the terms of the FIRST PARTY’s proposal and those of this agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

Provide general consultant services for projects as determined by the CITY. The detailed scope of work for each task the CITY assigns the consultant shall be referred to as Exhibit A -1, which will become part of this agreement. A notice to proceed will be issued separately for each separate scope of work agreed to between the CITY and FIRST PARTY.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY’s satisfaction.

A2. COMPENSATION

CITY hereby agrees to pay FIRST PARTY at the rates to be negotiated between FIRST PARTY and CITY as detailed in Exhibit A-1. The actual charges shall be based upon (a) FIRST PARTY’s standard hourly rate for various classifications of personnel; (b) all fees, salaries and expenses to be paid to engineers, consultants, independent contractors, or agents employed by FIRST PARTY; and shall (c) include reimbursement for mileage, courier and plan reproduction. The total fee for each separate Scope of Work agreed to between the CITY and FIRST PARTY shall not exceed the amount shown in Exhibit A-1.

FIRST PARTY shall be paid within thirty (30) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in Section A5 below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY before the commencement of the work.

A3. SCHEDULE OF WORK

FIRST PARTY’S proposed schedule for the various services required will be set forth in Exhibit A-1.

A4. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section A1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

- Change in the services because of changes in scope of the work.
- Additional tasks not specified herein as required by the CITY.

The CITY and FIRST PARTY shall agree in writing to any changes in compensation and/or changes in FIRST PARTY’s services before the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the Senior Program Assistant.

A5. BILLINGS

FIRST PARTY's bills shall include the following information: A brief description of services performed, project title and the agreement number; the date the services were performed; the number of hours spent and by whom; the current contract amount; the current invoice amount; Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section A2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.

EXHIBIT “B” - DISPUTE RESOLUTION

- B1.0** All claims, disputes and other matters in question between the FIRST PARTY and CITY arising out of, or relating to, the contract documents or the breach thereof, shall be resolved as follows:
- B2.0 Mediation**
- B2.1** The parties shall attempt in good faith first to mediate such dispute and use their best efforts to reach agreement on the matters in dispute. After a written demand for non-binding mediation, which shall specify in detail the facts of the dispute, and within ten (10) days from the date of delivery of the demand, the matter shall be submitted to a mutually agreeable mediator. The Mediator shall hear the matter and provide an informal opinion and advice, none of which shall be binding upon the parties, but is expected by the parties to help resolve the dispute. Said informal opinion and advice shall be submitted to the parties within twenty (20) days following written demand for mediation. The Mediator’s fee shall be shared equally by the parties. If the dispute has not been resolved, the matter shall be submitted to arbitration in accordance with Paragraph B3.1.
- B3.0 Arbitration**
- B3.1** Any dispute between the parties that is to be resolved by arbitration as provided in Paragraph B2.1 shall be settled and decided by arbitration conducted by the American Arbitration Association in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, as then in effect, except as provided below. Any such arbitration shall be held before three arbitrators who shall be selected by mutual agreement of the parties; if agreement is not reached on the selection of the arbitrators within fifteen (15) days, then such arbitrator(s) shall be appointed by the presiding Judge of the court of jurisdiction of the agreement.
- B3.2** The provisions of the Construction Industry Arbitration Rules of the American Arbitration Association shall apply and govern such arbitration, subject, however to the following:
- B3.3** Any demand for arbitration shall be writing and must be made within a reasonable time after the claim, dispute or other matter in question as arisen. In no event shall the demand for arbitration be made after the date that institution of legal or equitable proceedings based on such claim, dispute or other matter would be barred by the applicable statute of limitations.
- B3.4** The arbitrator or arbitrators appointed must be former or retired judges, or attorneys at law with last ten (10) years’ experience in construction litigation.
- B3.5** All proceedings involving the parties shall be reported by a certified shorthand court reporter, and written transcripts of the proceedings shall be prepared and made available to the parties.
- B3.6** The arbitrator or arbitrators must be made within and provide to the parties factual findings and the reasons on which the decisions of the arbitrator or arbitrators is based.
- B3.7** Final decision by the arbitrator or arbitrators must be made within ninety (90) days from the date of the arbitration proceedings are initiated.
- B3.8** The prevailing party shall be awarded reasonable attorneys’ fees, expert and non-expert witness costs and expenses, and other costs and expenses incurred in connection with the arbitration, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.9** Costs and fees of the arbitrator or arbitrators shall be borne by the non-prevailing party, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.10** The award or decision of the arbitrator or arbitrators, which may include equitable relief, shall be final, and judgment may be entered on it in accordance with applicable law in any court having jurisdiction over the matter.

INSTRUCTIONS FOR USE

CHILD CARE STANDARD FOOD SERVICE VENDING AGREEMENT (DELIVERY)

The attached sample *Standard Agreement to Furnish Food Service* can be used when an agency contracts with a food service vendor for meals that will be claimed for reimbursement under the Child and Adult Care Food Program (CACFP).

Agencies should familiarize themselves with procurement procedures and requirements as found in Title 2 *Code of Federal Regulations*, sections 200.318–326 (2 *CFR* 200.318–326) and Title 7 *Code of Federal Regulations*, Section 226.22 (7 *CFR* 226.22).

This agreement may be used **only** if the aggregate value of your contract is below the purchase threshold appropriate to your agency. The current Federal purchase threshold is \$250,000, per 2 *CFR* 200.88. As part of your agency's procurement standards, ensure that when you are purchasing goods over \$10,000 that obtain an adequate number of price quotes and select the lowest cost vendor. Please note that if you intend to purchase anything above the aggregate value of \$250,000 or would like a contract longer than one year, you must follow formal procurement process.

The agreement must be signed by both the agency and the vendor. This agreement contains the requirements outlined in the Code of Federal Regulations. **No deletions of clauses or items will be allowed without the approval of the Nutrition Services Division.** The Schedule B–Meal Pattern appropriate to your agency type is a required part of the agreement. Additional clauses may be added to bring the agreement into conformance with applicable State or local laws governing your agency.

If you are a public agency you may use your customary form of contract **if that form incorporates all of the provisions set forth in 7 *CFR* 226.6(i), 226.21, and 226.22.**

This agreement is **valid for one year only** (Ex: January 5, 2018–January 4, 2019). A new agreement must be executed annually. Submit a photocopy of each agreement to the CACFP for review **prior** to beginning program operations covered under the agreement. Copies of the completed agreement and all amendments must be retained by both the agency and the vendor. If only one original agreement is signed, we recommend that you retain it in your files.

If you have any questions regarding the use of this agreement or need clarification of the regulatory requirements for contracting, please call the Nutrition Services Division at (916) 445-0850 or toll free at (800) 952-5609.

VENDOR #:20780004312-CACFP-
41-GM-CS
AGREEMENT #:

STANDARD AGREEMENT TO FURNISH FOOD SERVICE BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY AND A FOOD SERVICE VENDOR

THIS ENTERED INTO ON THIS FIRST DAY OF JULY MONTH, 2021 YEAR BY
AND BETWEEN CITY OF MENLO PARK – BELLE HAVEN CHILD DEVELOPMENT CENTER, HEREINAFTER REFERRED TO AS THE
NAME OF AGENCY
AGENCY, AND BIGBREAK, LLC DBA) CHEFABLES HEREINAFTER REFERRED TO AS THE
NAME OF VENDOR/FOOD SERVICE MANAGEMENT COMPANY
VENDOR.

WHEREAS, IT IS NOT WITHIN THE CAPABILITY OF THE AGENCY TO PREPARE SPECIFIED MEALS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM (CACFP) FOR ENROLLED PARTICIPANTS; AND

WHEREAS, THE FACILITIES AND CAPABILITIES OF THE VENDOR ARE ADEQUATE TO PREPARE SPECIFIED MEALS FOR THE AGENCY'S FACILITY(IES); AND

WHEREAS, THE VENDOR IS WILLING TO PROVIDE SUCH SERVICES TO THE AGENCY ON A COST REIMBURSEMENT BASIS.

THEREFORE, BOTH PARTIES HERETO AGREE AS FOLLOWS:

THE VENDOR AGREES TO:

- PREPARE THE MEALS (INCLUSIVE/EXCLUSIVE) OF MILK FOR Bell Haven CDC
NAME OF SITE (ATTACH SHEET IF MULTIPLE)
DELIVERY TO THE AGENCY AT 410 Ivy Drive, Menlo Park, CA BY Noon
ADDRESS TIME
EACH weekday, IN ACCORDANCE WITH THE NUMBER OF MEALS REQUESTED AND
* WEEKDAY OR SPECIFIC DAYS AS APPROPRIATE

AT THE COST(S) PER MEAL LISTED BELOW:

BREAKFAST	<u>\$ 1.55</u>	EACH	LUNCH	<u>\$ 3.55</u>	EACH
SUPPLEMENT/SNACK	<u>\$0.79</u>	EACH	SUPPER	<u>\$ N/A</u>	EACH

1) BREAKFAST PRICING ABOVE ASSUMES GRAINS. IF AGENCY WOULD LIKE MA IN LIEU OF GRAINS (UP TO 3 TIMES/WEEK) THERE WILL BE A \$.49 SURCHARGE PER MEAL. (2) ALLERGIES/MEAL MODS COME SEPARATELY PACKAGED AND WILL HAVE A SURCHARGE AT COST FOR THE PACKAGING. (3) SPECIALTY MILK CAN BE SUBSTITUTED FOR 1%/WHOLE MILK AT COST. (4) PRICING ABOVE ASSUMES FAMILY STYLE DINING PACKAGING. IF CUSTOMER REQUIRES INDIVIDUALIZED/UNITIZED PACKAGING A SURCHARGE FOR THE PACKAGING WILL BE AT COST.

- ASSURE THE AGENCY THAT NO TITLE III(C) FUNDS HAVE BEEN APPLIED TO THE COST OF OR TITLE III(C) COMMODITIES USED FOR THE PREPARATION OF THESE MEALS.

* Negotiable time frame but should be no longer than 24 hours.

VENDOR #:20780004312-CACFP-
41-GM-CS
AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY
AND A FOOD SERVICE VENDOR**

3. PROVIDE THE AGENCY, FOR APPROVAL, A PROPOSED MENU FOR EACH MONTH AT LEAST * 5 DAYS PRIOR TO THE BEGINNING OF THE MONTH TO WHICH THE MENU APPLIES. ANY CHANGES TO THE MENU MADE AFTER AGENCY APPROVAL, MUST BE AGREED UPON BY THE AGENCY AND DOCUMENTED ON THE MENU RECORDS.
4. ASSURE THAT EACH MEAL PROVIDED TO THE AGENCY UNDER THIS CONTRACT MEETS THE MINIMUM REQUIREMENTS AS TO THE NUTRITIONAL CONTENT AS SPECIFIED BY THE CHILD AND ADULT CARE FOOD PROGRAM'S SCHEDULE B--MEAL PATTERN (ATTACHED) WHICH IS EXCERPTED FROM THE TITLE 7 CODE OF FEDERAL REGULATIONS, SECTION 226.20.
5. MAINTAIN COST RECORDS SUCH AS INVOICES, RECEIPTS, AND/OR OTHER DOCUMENTATION THAT SHOWS THE PURCHASE, OR AVAILABILITY TO THE VENDOR, OF MEAL COMPONENTS, AS ITEMIZED IN THE MEAL PREPARATION RECORDS.
6. MAINTAIN FULL AND ACCURATE RECORDS WHICH DOCUMENT: (1) THE MENUS LISTING ALL MEALS PROVIDED TO THE AGENCY DURING THE TERM OF THIS CONTRACT; (2) A LISTING OF ALL NUTRITIONAL COMPONENTS OF EACH MEAL; AND, (3) AN ITEMIZATION OF THE QUANTITIES OF EACH COMPONENT USED TO PREPARE SAID MEAL. THE VENDOR AGREES TO PROVIDE MEAL PREPARATION DOCUMENTATION BY USING YIELD FACTORS FOR EACH FOOD ITEM AS LISTED IN THE USDA FOOD BUYING GUIDE WHEN CALCULATING AND RECORDING THE QUANTITY OF FOOD PREPARED FOR EACH MEAL.
7. MAINTAIN, ON A DAILY BASIS, AN ACCURATE COUNT OF THE NUMBER OF MEALS, BY MEAL TYPE, PREPARED FOR THE AGENCY. MEAL COUNT DOCUMENTATION MUST INCLUDE THE NUMBER OF MEALS REQUESTED BY THE AGENCY.
8. ALLOW THE AGENCY TO INCREASE OR DECREASE THE NUMBER OF MEAL ORDERS, AS NEEDED, WHEN THE REQUEST IS MADE WITHIN * 48 HOURS OF THE SCHEDULED DELIVERY TIME.
9. PRESENT TO THE AGENCY AN INVOICE, ACCOMPANIED BY REPORTS, NO LATER THAN THE * 15 DAY OF EACH MONTH THAT ITEMIZES THE PREVIOUS MONTH'S DELIVERY. THE VENDOR AGREES TO FORFEIT PAYMENT FOR MEALS WHICH ARE NOT READY WITHIN 1 HOUR OF THE AGREED UPON DELIVERY TIME, ARE SPOILED OR UNWHOLESOME AT THE TIME OF DELIVERY, OR DO NOT OTHERWISE MEET THE MEAL REQUIREMENTS CONTAINED IN THIS AGREEMENT.
10. PROVIDE THE AGENCY WITH A COPY OF CURRENT HEALTH CERTIFICATIONS FOR THE FOOD SERVICE FACILITY IN WHICH IT PREPARES MEALS FOR USE IN THE CACFP. THE VENDOR SHALL ENSURE THAT ALL HEALTH AND SANITATION REQUIREMENTS OF THE CALIFORNIA RETAIL FOOD FACILITIES LAW AND CHAPTER 4 OF THE CALIFORNIA HEALTH AND SAFETY CODE ARE MET AT ALL TIMES.
11. OPERATE IN ACCORDANCE WITH CURRENT CACFP REGULATIONS.
12. RETAIN ALL REQUIRED RECORDS FOR A PERIOD OF THREE (3) YEARS AFTER THE END OF THE FISCAL YEAR TO WHICH THEY PERTAIN (OR LONGER, IF AN AUDIT IS IN PROGRESS) AND, UPON REQUEST, MAKE ALL ACCOUNTS AND RECORDS PERTAINING TO THE AGREEMENT AVAILABLE TO THE AGENCY, REPRESENTATIVES OF THE CALIFORNIA STATE DEPARTMENT OF EDUCATION, THE U. S. DEPARTMENT OF AGRICULTURE, AND THE U.S. GENERAL ACCOUNTING OFFICE FOR AUDIT OR ADMINISTRATIVE REVIEW AT A REASONABLE TIME AND PLACE.
13. NOT SUBCONTRACT FOR THE TOTAL MEAL, WITH OR WITHOUT MILK, OR FOR THE ASSEMBLY OF THE MEAL.

* Negotiable time frame.

STANDARD AGREEMENT TO FURNISH FOOD SERVICE BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY AND A FOOD SERVICE VENDOR

THE VENDOR CERTIFIES:

1. NEITHER IT NOR ITS PRINCIPALS ARE PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELIGIBLE, OR VOLUNTARILY EXCLUDED FROM PARTICIPATION IN THIS TRANSACTION BY ANY FEDERAL DEPARTMENT OR AGENCY.

WHERE THE BIDDER IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH AGENCY SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

2. AS REQUIRED BY THE STATE DRUG-FREE WORKPLACE ACT OF 1990 (GOVERNMENT CODE SECTION 8350 ET. SEQ.) AND THE FEDERAL DRUG-FREE WORKPLACE ACT OF 1988, AND IMPLEMENTED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SUBPART F, FOR GRANTEES, AS DEFINED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SECTIONS 85.605 AND 85.610, THE BIDDER CERTIFIES THAT IT WILL CONTINUE TO PROVIDE A DRUG-FREE WORKPLACE.

THE AGENCY AGREES TO:

1. THE AGENCY SHALL PROVIDE THE VENDOR WITH A LIST OF APPROVED SERVING LOCATIONS TO BE FURNISHED MEALS BY THE VENDOR AND THE NUMBER OF MEALS, BY TYPE, TO BE DELIVERED TO EACH LOCATION.
2. REQUEST BY TELEPHONE NO LATER THAN Wednesday, 10am AN ACCURATE NUMBER OF
TIME OF DAY AND DAY OF WEEK
MEALS TO BE DELIVERED TO THE AGENCY ON EACH weekday. NOTIFY THE
WEEKDAY OR SPECIFIC DAYS AS APPROPRIATE
VENDOR OF NECESSARY INCREASES OR DECREASES IN THE NUMBER OF MEAL ORDERS WITHIN * 48 HOURS OF THE SCHEDULED DELIVERY TIME. ERRORS IN MEAL ORDER COUNTS MADE BY THE AGENCY SHALL BE THE RESPONSIBILITY OF THE AGENCY.
3. ENSURE THAT AN AGENCY REPRESENTATIVE RECEIVES THE MEALS FOR EACH SITE, AT THE SPECIFIED TIME ON EACH SPECIFIED DAY. THIS INDIVIDUAL WILL INSPECT AND SIGN FOR THE REQUESTED NUMBER OF MEALS. THIS INDIVIDUAL WILL VERIFY THE TEMPERATURE, QUALITY, AND QUANTITY OF EACH MEAL DELIVERED. THE AGENCY ASSURES THE VENDOR THAT THIS INDIVIDUAL WILL BE TRAINED AND KNOWLEDGEABLE IN THE RECORD KEEPING AND MEAL REQUIREMENTS OF THE CACFP, AND IN HEALTH AND SANITATION PRACTICES.
4. PROVIDE PERSONNEL TO SERVE MEALS, CLEAN THE SERVING AND EATING AREAS, AND ASSEMBLE TRANSPORT CARTS AND AUXILIARY ITEMS FOR RETURN TO THE VENDOR NO LATER THAN Next day.
TIME EACH DAY
5. NOTIFY THE VENDOR WITHIN 2 DAYS OF RECEIPT OF THE NEXT MONTH'S PROPOSED MENU OF ANY CHANGES CHANGES, ADDITIONS, OR DELETIONS, WHICH WILL BE REQUIRED IN THE MENU REQUEST.
6. PROVIDE THE VENDOR WITH A COPY OF TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226; THE CHILD AND ADULT CARE FOOD PROGRAM SCHEDULE B--MEAL PATTERN; AND THE USDA FOOD BUYING GUIDE (AS APPLICABLE); AND ALL OTHER TECHNICAL ASSISTANCE MATERIALS PERTAINING TO THE FOOD SERVICE REQUIREMENTS OF THE CACFP. THE AGENCY WILL, WITHIN 24 HOURS OF RECEIPT FROM THE STATE AGENCY, ADVISE THE VENDOR OF ANY CHANGES IN THE FOOD SERVICE REQUIREMENTS OF THE CACFP.

* Negotiable time frame.

VENDOR #: 20780004312-CACFP-41-GM-CS
AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY
AND A FOOD SERVICE VENDOR**

- 7. PAY THE VENDOR BY THE 20th DAY OF EACH MONTH THE FULL AMOUNT AS PRESENTED ON THE MONTHLY ITEMIZED INVOICE. THE AGENCY AGREES TO NOTIFY THE VENDOR WITHIN 48 HOURS OF RECEIPT OF ANY DISCREPANCY IN THE INVOICE.
- 8. THE MEALS SERVED UNDER THE CONTRACT SHALL CONFORM TO THE CYCLE MENUS UPON WHICH THE CONTRACT WAS BASED, AND TO MENU CHANGES AGREED UPON BY THE AGENCY AND VENDOR.

TERMS OF THE AGREEMENT:

THIS AGREEMENT WILL TAKE EFFECT COMMENCING July 1, 2021 AND SHALL BE FOR A PERIOD
DATE
OF ONE CALENDAR YEAR. IT MAY BE TERMINATED BY WRITTEN NOTIFICATION GIVEN BY EITHER PARTY HERETO THE OTHER PARTY AT LEAST 30 DAYS PRIOR TO THE DATE OF TERMINATION.

SCHOOL FOOD AUTHORITY VENDING TO AN AGENCY:

PER TITLE 7, CODE OF FEDERAL REGULATIONS, SECTION 226.20 (o), AGENCIES WHICH VEND FROM A SCHOOL THAT PARTICIPATES IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS MAY USE THE SCHOOL'S MEAL PATTERN. ENTER THE MEAL PATTERN YOU WILL USE: N/A

If the Agency agrees to the menu planning option, the school will train the Agency by: N/A

AGENCY:

Agrees to allow the school to use the SMI menu planning option noted above (submit menu for NSD's approval):
Yes No

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW:

VENDOR OFFICIAL SIGNATURE	AGENCY OFFICIAL SIGNATURE
VENDOR OFFICIAL NAME (PLEASE TYPE)	AGENCY OFFICIAL NAME (PLEASE TYPE)
BIGBREAK, LLC DBA) CHEFABLES	CITY OF MENLO PARK
TITLE	TITLE
Lesley Kohn, Executive Director	SEAN REINHART, LIBRARY COMMUNITY SERVICES
TELEPHONE NUMBER	TELEPHONE NUMBER
888-808-2433 x201	650-330-2249
DATE	DATE
7/16/20	

SCHEDULE B—NSD 2050B

**CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERN FOR INFANTS**

CNIPS #: VENDOR #:

	BIRTH THROUGH FIVE MONTHS	SIX THROUGH ELEVEN MONTHS
BREAKFAST, LUNCH, AND SUPPER	4 TO 6 FLUID (FL) OUNCE (OZ) BREAST MILK ¹ OR FORMULA ²	6 TO 8 FL OZ BREAST MILK ¹ OR FORMULA ² AND 0 TO 4 TABLESPOON (TBSP) INFANT CEREAL ^{2,3} MEAT, FISH, POULTRY, WHOLE EGG, COOKED DRY BEANS OR COOKED DRY PEAS OR 0 TO 2 OZ CHEESE OR 0 TO 4 OZ YOGURT ⁴ OR (½ CUP) COMBINATION OF THE ABOVE ⁵ AND 0 TO 2 TBSP FRUIT, VEGETABLE, OR COMBINATION OF BOTH ^{5,6}
SNACK	4 TO 6 FL OZ BREAST MILK ¹ OR FORMULA ²	2 TO 4 FL OZ BREAST MILK ¹ OR FORMULA ² AND 0 TO ½ SLICE BREAD ^{3,7} OR 0 TO 2 CRACKERS ^{3,7} OR 0 TO 4 TBSP INFANT CEREAL ^{2,3,7} OR READY-TO-EAT BREAKFAST CEREAL ^{3,5,7,8} AND 0 TO 2 TBSP FRUIT, VEGETABLE, OR COMBINATION OF BOTH ^{5,6}

¹ Breastmilk or formula, or portions of both, must be served; however, it is recommended that breastmilk be served in place of formula from birth through 11 months. For some breastfed infants who regularly consume less than the minimum amount of breastmilk per feeding, a serving of less than the minimum amount of breastmilk may be offered, with additional breastmilk offered at a later time if the infant will consume more.

² Infant formula and dry infant cereal must be iron-fortified.

³ Beginning October 1, 2019, oz equivalents (eq) are used to determine the quantity of creditable grains.

⁴ Yogurt must contain no more than 23 grams (g) of total sugars per 6 oz.

⁵ A serving of this component is required when the infant is developmentally ready to accept it.

⁶ Fruit and vegetable juices must not be served.

⁷ A serving of grains must be whole grain-rich (WGR), enriched meal, or enriched flour.

⁸ Breakfast cereals must contain no more than 6 g of sugar per dry oz (no more than 21 g sucrose and other sugars per 100 g of dry cereal).

CERTIFICATION

I hereby certify that all meals claimed shall meet the minimum requirements set forth in the meal patterns for infants and older children as prescribed by Title 7, Code of Federal Regulations (7 CFR), Section 226.20.

PRINTED NAME OF AGENCY'S AUTHORIZED REPRESENTATIVE	SIGNATURE	DATE
AGENCY NAME CITY OF MENLO PARK – BELLE HAVEN CDC		

SCHEDULE B—NSD 2050B

**CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERN FOR OLDER CHILDREN**

BREAKFAST (SELECT ALL THREE COMPONENTS)¹	AGES 1–2	AGES 3–5	AGES 6–12	AGES 13–18²
MILK, FL ³	½ CUP (4 OZ)	¾ CUP (6 OZ)	1 CUP (8 OZ)	1 CUP (8 OZ)
VEGETABLE, FRUIT, OR BOTH ⁴	¼ CUP	½ CUP	½ CUP	½ CUP
GRAINS ^{5, 6, 7} WGR OR ENRICHED BREAD OR WGR OR ENRICHED BISCUIT, ROLL, MUFFIN, ETC. OR WGR, ENRICHED, OR FORTIFIED COOKED BREAKFAST CEREAL ⁸ , CEREAL GRAIN, AND/OR PASTA OR WGR, ENRICHED OR FORTIFIED READY-TO-EAT BREAKFAST CEREAL (DRY COLD) ^{8, 9} FLAKES OR ROUNDS PUFFED CEREAL GRANOLA	½ SLICE ½ SERVING ¼ CUP ½ CUP ¾ CUP ⅛ CUP	½ SLICE ½ SERVING ¼ CUP ½ CUP ¾ CUP ⅛ CUP	1 SLICE 1 SERVING ½ CUP 1 CUP 1¼ CUP ¼ CUP	1 SLICE 1 SERVING ½ CUP 1 CUP 1¼ CUP ¼ CUP
LUNCH OR SUPPER (SELECT ALL FIVE COMPONENTS)¹				
MILK, FL ³	½ CUP	¾ CUP	1 CUP	1 CUP
VEGETABLES ⁴	⅛ CUP	¼ CUP	½ CUP	½ CUP
FRUITS ^{4, 10}	⅛ CUP	¼ CUP	¼ CUP	¼ CUP
GRAINS ^{6, 7} WGR OR ENRICHED BREAD OR WGR OR ENRICHED BISCUIT, ROLL, MUFFIN, ETC. WGR, ENRICHED OR FORTIFIED COOKED BREAKFAST CEREAL ⁸ , CEREAL GRAIN, AND/OR PASTA	½ SLICE ½ SERVING ¼ CUP	½ SLICE ½ SERVING ¼ CUP	1 SLICE 1 SERVING ½ CUP	1 SLICE 1 SERVING ½ CUP
MEAT/MEAT ALTERNATES (M/MA) LEAN MEAT, FISH, OR POULTRY OR TOFU, SOY PRODUCT, OR ALTERNATE PROTEIN PRODUCTS ¹¹ OR CHEESE OR EGG (LARGE) OR COOKED DRY BEANS OR DRY PEAS ¹² OR PEANUT BUTTER, SOY NUT BUTTER, OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, OR SEEDS ¹³ OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED ¹⁴	1 OZ 1 OZ 1 OZ ½ EGG ¼ CUP 2 TBSP ½ OZ ½ CUP OR 4 OZ	1½ OZ 1½ OZ 1½ OZ ¾ EGG ⅜ CUP 3 TBSP ¾ OZ ¾ CUP OR 6 OZ	2 OZ 2 OZ 2 OZ 1 EGG ½ CUP 4 TBSP 1 OZ 1 CUP OR 8 OZ	2 OZ 2 OZ 2 OZ 1 EGG ½ CUP 4 TBSP 1 OZ 1 CUP OR 8 OZ

SCHEDULE B—NSD 2050B

**CHILD AND ADULT CARE FOOD PROGRAM
MEAL PATTERN FOR OLDER CHILDREN**

SNACKS (SELECT TWO OF THESE FIVE COMPONENTS)¹⁵	AGES 1–2	AGES 3–5	AGES 6–12	AGES 13–18²
MILK, FL ³	½ CUP (4 OZ)	½ CUP (4 OZ)	1 CUP (8 OZ)	1 CUP (8 OZ)
VEGETABLES ⁴	½ CUP	½ CUP	¾ CUP	¾ CUP
FRUITS ⁴	½ CUP	½ CUP	¾ CUP	¾ CUP
GRAINS ^{6, 7} WGR OR ENRICHED BREAD OR WGR OR ENRICHED BISCUIT, ROLL, MUFFIN, ETC. OR WGR, ENRICHED, OR FORTIFIED COOKED BREAKFAST CEREAL ⁸ , CEREAL GRAIN, AND/OR PASTA OR WGR, ENRICHED, OR FORTIFIED READY-TO-EAT BREAKFAST CEREAL (DRY COLD) ^{8, 9} FLAKES OR ROUNDS PUFFED CEREAL GRANOLA	½ SLICE ½ SERVING ¼ CUP ½ CUP ¾ CUP ⅛ CUP	½ SLICE ½ SERVING ¼ CUP ½ CUP ¾ CUP ⅛ CUP	1 SLICE 1 SERVING ½ CUP 1 CUP 1¼ CUP ¼ CUP	1 SLICE 1 SERVING ½ CUP 1 CUP 1¼ CUP ¼ CUP
M/MA LEAN MEAT, FISH, OR POULTRY OR TOFU, SOY PRODUCT, OR ALTERNATE PROTEIN PRODUCTS ¹¹ OR CHEESE OR EGG (LARGE) OR YOGURT, PLAIN OR FLAVORED, UNSWEETENED OR SWEETENED ^{14, 16} OR COOKED DRY BEANS OR DRY PEAS ¹² OR PEANUT BUTTER, SOY NUT BUTTER, OR OTHER NUT OR SEED BUTTERS OR PEANUTS, SOY NUTS, TREE NUTS, OR SEEDS	½ OZ ½ OZ ½ OZ ½ EGG ¼ CUP ⅛ CUP 1 TBSP ½ OZ	½ OZ ½ OZ ½ OZ ½ EGG ¼ CUP ⅛ CUP 1 TBSP ½ OZ	1 OZ 1 OZ 1 OZ ½ EGG ½ CUP ¼ CUP 2 TBSP 1 OZ	1 OZ 1 OZ 1 OZ ½ EGG ½ CUP ¼ CUP 2 TBSP 1 OZ

- ¹ Offer versus serve is an option for at-risk afterschool participants only.
- ² Age group applies to at-risk programs and emergency shelters. Larger portion sizes than specified may need to be served to children ages 13–18 to meet their nutritional needs.
- ³ Must serve unflavored whole milk to children age one. Must serve unflavored low-fat (1 percent) or unflavored fat-free (skim) milk for children ages 2–5. Must serve unflavored low-fat (1 percent), unflavored fat-free (skim), or flavored fat-free (skim) milk to children six years and older.
- ⁴ Pasteurized full-strength juice may only be used to meet the vegetable or fruit requirement at one meal, including snack, per day.
- ⁵ M/MA may be used to meet the entire grains requirement a maximum of three times a week for breakfast. One oz of M/MA is equal to 1 oz eq of grains.
- ⁶ At least one serving per day, across all eating occasions, must be WGR. Grain-based desserts do not count towards meeting the grains requirement.
- ⁷ Beginning October 1, 2019, oz eq are used to determine the quantity of creditable grains.
- ⁸ Breakfast cereals must contain no more than 6 g of sugar per dry oz (no more than 21.2 g sucrose and other sugars per 100 g of dry cereal).
- ⁹ Beginning October 1, 2019, the minimum serving size specified in this section for ready-to-eat breakfast cereals must be served. Until October 1, 2019, the minimum serving size for any type of ready-to-eat breakfast cereals is ¼ cup for children ages 1–2; ½ cup for children ages 3–5; and ¾ cup for children ages 6–18.
- ¹⁰ A vegetable may be used to meet the entire fruit requirement. When two vegetables are served at lunch or supper, two different types of vegetables must be served.
- ¹¹ Alternate protein products must meet the requirements in Appendix A per 7 CFR, Section 226.20.
- ¹² Cooked dry beans or dry peas may be used as a meat alternate or as a vegetable component; but **cannot** be counted as both components in the same meal.
- ¹³ No more than 50 percent of the requirement shall be met with nuts (peanuts, soy nuts, tree nuts) or seeds. Nuts or seeds shall be combined with another M/MA to fulfill the requirement. To determine combinations, 1 oz of nuts or seeds is equal to 1 oz of cooked lean meat, poultry, or fish.
- ¹⁴ Yogurt must contain no more than 23 g of total sugars per 6 oz.
- ¹⁵ Juice cannot be served when milk is served as the only other component.
- ¹⁶ Commercially added fruit or nuts in flavored yogurt cannot be used to satisfy the second component requirement in snacks.

Breakfast		
Milk¹, Fluid (fl)	Milk¹, fl	1 cup ²
Vegetable/Fruit³	Vegetables/Fruits³, or portions of both	½ cup
Grains {ounce (oz) equivalent (eq)}^{4, 5, 6}	<ul style="list-style-type: none"> • Whole grain-rich (WGR) or enriched bread • WGR or enriched bread product, such as rolls, muffins, or biscuits • WGR, enriched or fortified cooked breakfast cereal⁷, cereal grain, and/or pasta • WGR, enriched or fortified ready-to-eat breakfast cereal (dry, cold)^{7, 8} <ul style="list-style-type: none"> ○ Flakes or rounds ○ Puffed cereal ○ Granola 	2 slices 2 servings
		1 cup 2 cup 2½ cup ½ cup
Lunch or Supper		
Milk¹, fl	Milk¹, fl (lunch only—milk is not required for supper)	1 cup ²
Vegetable³	Vegetables³	½ cup
Fruit^{3, 9}	Fruits^{3, 9}	½ cup
Grains (oz eq)^{4, 6}	<ul style="list-style-type: none"> • WGR or enriched bread • WGR or enriched bread product, such as rolls, muffins, or biscuits • WGR, enriched, or fortified cooked breakfast cereal⁷, cereal grain, and/or pasta 	2 slices 2 servings 1 cup
Meat/Meat Alternates (M/MA)¹⁰ Lean Meat, Fish, Poultry (edible portion) or one of the following:	<ul style="list-style-type: none"> • Lean meat, fish, poultry • Tofu, soy product, or alternate protein product¹¹ • Cheese • Yogurt, plain or flavored, sweetened or unsweetened¹² • Egg (large) • Cooked dry beans or peas • Peanut butter, soy nut butter, other nut or seed butters • Peanuts, soy nuts, tree nuts, seeds, or whole roasted peas 	2 oz 2 oz 2 oz 1 cup or 8 oz 1 egg ½ cup 4 tablespoon (tbsp) 1 oz = 50%
AM or PM Snack (select two different food components)		
Milk¹, fl	Milk¹, fl	1 cup
Vegetable³	Vegetables³	½ cup
Fruit³	Fruits³	½ cup
Grains (oz eq)^{4, 6}	<ul style="list-style-type: none"> • WGR or enriched bread • WGR or enriched bread product, such as rolls, muffins, or biscuits • WGR, enriched, or fortified cooked breakfast cereal⁷, cereal grain, and/or pasta • WGR, enriched, or fortified ready-to-eat breakfast cereal (dry, cold)^{7, 8} <ul style="list-style-type: none"> ○ Flakes or rounds ○ Puffed cereal ○ Granola 	1 slice 1 serving
		½ cup 1 cup 1¼ cup ¼ cup
M/MA¹⁰ Lean Meat, Fish, Poultry or one of the following:	<ul style="list-style-type: none"> • Lean meat, fish, poultry • Tofu, soy product, or alternate protein product¹¹ • Cheese • Yogurt, plain or flavored, sweetened or unsweetened¹² • Egg (large) • Cooked dry beans or peas • Peanut butter, soy nut butter, other nut, or seed butters • Peanuts, soy nuts, tree nuts, seeds, or whole roasted peas 	1 oz 1 oz 1 oz ½ cup or 4 oz ½ egg ¼ cup 2 tbsp 1 oz

Offer versus Serve

Adult day care centers may use the offer versus serve (OVS) option for breakfast, lunch, and supper. The OVS option allows participants to refuse some of the food items required while still allowing those meals to be claimed for reimbursement. Under OVS, each adult care center shall offer its participants all of the required food components as set forth in the requirements for meals (7 CFR, Section 226.20). However, at the discretion of the adult day care center, participants may be permitted to decline the following:

- Breakfast: Participants may decline one serving of the four food items (one serving of milk, one serving of vegetable or fruit, or two servings of bread or bread alternate)
- Lunch: Participants may decline two servings of the six food items (one serving of milk, two servings of vegetable or fruit, two servings of bread or bread alternate, or one serving of M/MA)
- Supper: Participants may decline two servings of the five food items (two servings of vegetables and/or fruit, two servings of bread or bread alternate, or one serving of M/MA)

The price of a reimbursable meal shall not be affected if an adult participant declines a food item.

CERTIFICATION

Are meals provided using the OVS option? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which meals () Breakfast () Lunch () Supper If yes, what date will you begin the OVS option? _____		
I hereby certify that all meals claimed shall meet the minimum requirements set forth in the meal pattern for adults as prescribed by 7 CFR, Section 226.20.		
PRINTED NAME OF AGENCY'S AUTHORIZED REPRESENTATIVE	SIGNATURE	DATE
AGENCY NAME CITY OF MENLO PARK – BELLE HAVEN CDC		

NONDISCRIMINATION STATEMENT

In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.

Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the agency (state or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at 800-877-8339. Additionally, program information may be made available in languages other than English.

To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (AD-3027), found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office, or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call 866-632-9992. Submit your completed form or letter to USDA by:

- (1) Mail: U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410
- (2) Fax: 202-690-7442
- (3) E-mail: program.intake@usda.gov

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STAFF REPORT

**City Council
Meeting Date:**

~~5/25/2021~~ 6/8/2021 – **UPDATED AND CONTINUED
FROM MAY 25, 2021**

Staff Report Number:

21-108-CC

Consent Calendar:

Adopt Resolution No. 6627, preliminary approval of the engineer's report for the Menlo Park Landscaping Assessment District, and Resolution No. 6628, intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2021-22

Recommendation

Staff recommends that the City Council:

1. Adopt Resolution No. 6627, the preliminary approval of the engineer's report for the Landscaping Assessment District for fiscal year 2021-22, which proposes: an increase to the tree assessment by three percent, resulting in \$86.15 per single family equivalent per year and an increase to the sidewalk assessment by three percent, resulting in \$46.02 per single family equivalent per year (Attachment A); and
2. Adopt Resolution No. 6628, the intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2021-22 pursuant to the Landscaping and Lighting Act of 1972 (Attachment B) and set the date for the public hearing for June 22, 2021.

The proposed three percent increases to the assessments are less than the 3.17 percent inflationary escalation in the construction cost index for the San Francisco Bay area published by the engineering news record.

Policy Issues

If the City Council does not order the levy and collection of assessments, the impact on City general fund resources would be approximately \$1,090,000 (the total amount of the proposed tree and sidewalk assessments) or the programs to repair sidewalks, maintain street trees, and sweep streets would be suspended.

Background

The Landscaping Assessment District provides funding for the maintenance of street trees, street sweeping and sidewalk repairs due to street tree root damage throughout the City.

Tree maintenance

Between 1960 and 1982, the City had a three-person tree crew to care for City parks, medians and street trees. At that time, the tree crew trimmed street trees as requested by residents. There was no specific long-term plan in place to address tree maintenance. As the street trees grew, it took considerably more effort per tree to provide proper care and the City did not have the resources to keep up with the required maintenance needs.

The voters approved Measure N in 1982 as an advisory measure to the City Council regarding formation of the City Landscaping Assessment District. The Landscaping Assessment District was formalized in 1983 to provide proper street-tree maintenance. Programmatic changes have occurred over the past 38 years to address new regulations and maintain the existing tree canopy. Proper care of the tree canopy continues to be identified as a priority by residents, the Environmental Quality Commission and the City Council. In 1998, the City expressed concern regarding the declining health of the trees, of which 80 percent were classified as mature trees. Due to the lack of City resources to maintain older trees, there was a growing concern that most of the street trees would fail around the same time. Consequently, the City moved forward in adopting proactive measures to minimize the risk of failure by replacing mature unhealthy trees with younger healthier trees.

In 1998, the City went through a Proposition 218 ballot measure which was approved by voters. The approval of the ballot measure resulted in an increased assessment and increase of the tree trimming/evaluation schedule to once every five years from once every seven years. In addition, the City implemented a reforestation program with a portion of the Landscaping Assessment District funds in fiscal year 2008-09.

Street sweeping

Street sweeping is performed throughout the City to remove debris for aesthetic, bicycle and pedestrian safety, and health reasons, as well as compliance with stormwater regulations to improve water quality. Street sweeping work has been performed by contract services since 1992.

City tree-damaged sidewalk repair

As trees mature, their extensive network of roots inevitably break through the sidewalk resulting in uplift. Without a proactive saw cutting and/or sidewalk removal and replacement program, the sidewalks will continue to deteriorate and become tripping hazards and more costly to repair over time.

Before 1990, property owners and the City split the cost of repairing damaged sidewalks by City street trees. Each year, the City entered into individual agreements with approximately 200 property owners to conduct these repairs. The annual cost was a financial burden to some residents on fixed incomes and burdensome for the City to administer; therefore, the City established an assessment for sidewalk repair in 1990 to make the program more cost-effective and efficient to operate. Other damage to sidewalks not caused by city trees remains the responsibility of the adjacent property owner to repair, per municipal code section 13.08.

Analysis

Each fiscal year, the City Council directs the preparation of an engineer's report, budgets and proposed assessments before the assessments can be levied. The engineer's report establishes the foundation and justification for the continued collection of the landscape assessments for fiscal year 2021-22. On January 26, 2021, the City Council adopted resolution No. 6609 describing the improvements and directing the preparation of an engineer's report for the Landscaping Assessment District for fiscal year 2021-22. In developing the engineer's report, staff and the consultant reviewed the existing budget and operating needs to maintain street trees and sidewalk repair requirements at the current level of service. The proposed budgets and findings from the engineer's report are described below.

Approval of engineer's report

SCI Consulting Group has completed the preliminary engineer's report (Attachment C) for the Landscaping Assessment District, which includes the proposed fiscal year 2021-22 budget. The budget covers tree

maintenance, the City's street sweeping program, and the sidewalk repair program. The report describes in detail the method used for apportioning the total assessment among properties within the Landscaping Assessment District. This method involves identifying the benefit received by each property in relation to a single-family residence.

Tree maintenance assessment

Staff has contracted with West Coast Arborists since 2004 to perform tree grid trimming, planting and removal, and emergency services as necessary. The grid trimming, which consists of the majority of work performed by West Coast Arborists, involves the pruning of a set number of trees on an annual basis. Currently, the City performs tree grid pruning on a five-year cycle. The grid pruning strategy is common practice within municipal arboriculture, as it becomes cost effective to maintain the trees on a regular basis. When pruning is deferred for longer periods, fast growing trees can become prone to limb failure and hazards, requiring more expensive measures in the long run.

On September 10, 2014, the City Council approved a five-year contract with authorization to extend the contract term for up to five additional years with West Coast Arborists for tree maintenance. The contract with West Coast Arborists expires June 30, 2024. For fiscal year 2021-22, West Coast Arborists requested a 3.8 percent increase. This increase is generally consistent with annual engineering news record cost escalation in the San Francisco-San Jose Bay Area each year and an increased demand for tree services due to maintenance being performed by utility companies in response to wildfire risk near electric lines. The Tree Maintenance Program expenditures include the contract for grid tree pruning services, debris removal (includes street sweeping), general operating expenses, vehicle and equipment maintenance and the salaries and benefits associated with the staff time required to manage the program and work on street trees.

The street sweeping contractor, Contract Sweeping Services Inc., is under a five-year contract expiring in June 30, 2023. The contract identifies rates for each fiscal year, and the identified increase for fiscal year 2021-22 is three percent. Currently, a combination of San Mateo County Measure M funds and the landscape assessment fund street sweeping contract services. The Measure M funding, administered by the City/County Association of Governments of San Mateo County, was approved by the voters of San Mateo County in 2010. It imposes an annual fee of \$10 on registered motor vehicles for congestion and water pollution mitigation programs. Measure M funding is anticipated to increase by \$3,000 in fiscal year 2021-22.

As shown in Table 1, a fund balance of approximately \$388,000 is projected to be carried over from fiscal year 2020-21. Per the Landscape and Lighting Act, the assessment is reduced by the projected balance, which is less than or equal to the costs necessary to perform maintenance and services until the County distributes the first assessment payment. The program revenues and expenditures are roughly equivalent, as the program has continued to progressively catch up on deferred tree maintenance the past several years.

Table 1: Tree maintenance assessments Proposed fiscal year 2021-22 budget	
Projected beginning fund balance	\$388,037.23
Estimated revenues:	
Tree assessment revenue	\$773,504.38
General fund contribution	\$265,000.00
Measure M funds	\$146,000.00
Total	\$1,184,504.38
Estimated expenses:	
Street tree maintenance	\$785,171.33
Debris removal (including street sweeping services)	\$299,841.40
Administration and County assessment fees	\$107,150.00
Total	\$1,192,362.73
Projected ending fund balance	\$380,178.88

Table 2 summarizes the proposed rates for parcels with and without street trees. The assessment for properties without street trees, but in close proximity to parcels with street trees, is 50 percent of the tree assessment due to the direct benefit of the nearby trees.

Table 2: Annual tree assessment rates Proposed fiscal year 2021-22 (3% increase)		
Property type	Properties with trees	Properties without trees
Single family	\$86.15 per parcel	\$43.08 per parcel
R-2 zone, in use as single family	\$86.15 per parcel	\$43.08 per parcel
Condominium/townhouse	\$77.54 per unit \$387.67 max. per project	\$38.77 per unit \$193.84 max per project
Other multifamily	\$68.92 per unit \$344.60 max per project	\$34.46 per unit \$172.30 max. per project
Commercial	\$86.15 per 1/5 acre \$430.75 max. per project	\$43.08 per 1/5 acre \$215.38 max. per project
Industrial	\$86.15 per 1/5 acre \$430.75 max. per project	\$43.08 per 1/5 acre \$215.38 max. per project
Parks, educational	\$86.15 per parcel	\$43.08 per parcel
Miscellaneous, other	\$0.00 per parcel	\$0.00 per parcel

Sidewalk assessment

The sidewalk repair program includes sidewalk, curb, gutter and parking strip repair and replacement due to damage cause by street trees. In fiscal year 2021-22, the program has a proposed \$550,000 budget. The program is comprised of two separate contracts, one for sidewalk saw cutting (\$100,000) and the other for sidewalk replacement (\$450,000.) Significant cost increases in this contract are not expected for fiscal year 2021-22. Under the saw cutting program, the City retains a contractor to address minor tripping hazards, which are fixed by performing horizontal saw cuts rather than removing the entire sidewalk section. Since the City adopted this approach, it has reduced the need for complete concrete removal, which has resulted in significant cost savings and environmental benefits by reducing waste and need for new raw materials for concrete over the years.

For the sidewalk replacement program, the City Council awarded a multiyear contract to Golden Bay Construction on November 11, 2015. Significant cost increases in this contract are not expected for fiscal year 2021-22. However, despite increased funding and service levels the last two years, the annual sidewalk replacement needs continue to exceed the budgeted amount and a backlog of requests still exists. While the program has made progress reducing the number of backlogged locations, approximately 35 locations identified from previous years remain. With incoming requests currently averaging 30 to 40 locations per year, the backlog would be completed in approximately two years. Staff is recommending approximately three percent increase to the sidewalk repair assessment to continue addressing the program backlog in fiscal year 2021-22. At this funding level, approximately 45 to 60 repairs can be performed per year.

Table 3: Sidewalk, curb, gutter, parking strip assessment rates Proposed fiscal year 2021-22 (3% increase)	
	Assessment rate
Parcels with trees	
Sidewalks, curbs, gutters	\$46.02 (per parcel)
Parking strips and gutters	\$46.02 (per parcel)
Curbs and/or gutters only	\$30.83 (per parcel)
No improvements	\$15.19 per parcel)
Miscellaneous, other	\$0.00 (per parcel)
Parcels without trees	
Parcels with or without improvements	\$15.19 (per parcel)
Miscellaneous, other	\$0.00 (per parcel)

Table 4: Sidewalk assessments Proposed fiscal year 2021-22 budget	
Projected beginning fund balance	\$50,972.37
Estimated revenues:	
Sidewalk assessment revenue	\$312,807.10
General fund contribution	\$300,000.00
Total	\$612,807.10
Estimated expenses:	
Sidewalk, curb, gutter parking strip repair/replacement	\$550,000.00
Total	\$550,000.00
Projected ending fund balance	\$113,779.47

Assessment

The assessments are subject to an annual adjustment based on the engineering news record construction cost index (CCI) for the San Francisco Bay Area. The maximum authorized assessment rate for fiscal year 2021-22, based on current and accumulated unused CCI increases reserved from prior years is summarized in Table 5 below. These increases are legally permissible without additional ballot proceedings. The comparison assessments for single-family properties with City trees and sidewalks levied in fiscal year 2020-21 and the proposed rates for fiscal year 2021-22 are shown in Table 5.

While the ongoing cost of maintenance of trees and sidewalks has significantly increased since the inception of the Landscaping Assessment District, the City has tried to minimize rate increases. Incremental rate increases to keep pace with escalating costs and inflation, combined with monies allocated from the general fund ensures the maintenance program remains proactive while maintaining a balanced funding approach.

Table 5: Assessment (annual, per SFE) Fiscal year 2021-22					
Assessment	Fiscal year 2020-21 rate	Percent increase	Fiscal year 2021-22 rate	Amount increase	Maximum allowable assessment
Tree assessment	\$83.64	3.0%	\$86.15	\$2.51	\$121.10
Sidewalk assessment	\$44.68	3.0%	\$46.02	\$1.34	\$54.07

If the City Council approves the attached resolutions, staff will publish a legal notice of the assessment public hearing at least 10 days before the hearing, which is tentatively scheduled for June 22, 2021. Once the assessments are confirmed and approved, the levies will be submitted to the County Controller for inclusion onto the property tax roll for fiscal year 2021-22.

Impact on City Resources

Funding for the entire tree maintenance, street sweeping and sidewalk repair programs under the Landscaping Assessment District come from a variety of sources, including the carry-over of unspent funds from prior years, annual tax assessment revenues, and contributions from the general fund. If the City

Council does not order the rate increase, levy and collection of assessments, the impact on City general fund resources would be \$1,086,311.48 (the total amount of the proposed tree and sidewalk assessments) or the program to repair sidewalks, maintain street trees, and sweep streets would be suspended.

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 before the meeting.

Attachments

- A. Resolution No. 6627, preliminary approval of the engineer's report
- B. Resolution No. 6628, intention to order the levy and collection of assessments
- C. Engineer's report dated June 2021

Report prepared by:

Esther Jung, Assistant Engineer

Reviewed by:

Christopher Lamm, Assistant Public Works Director

RESOLUTION NO. 6627**RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT
FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT FOR FISCAL
YEAR 2020-21**

WHEREAS, on the twenty-sixth day of January, 2021, the Menlo Park City Council did adopt Resolution No. 6609, describing improvements and directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District (District) for Fiscal Year 2021-22, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, in said City and did refer the proposed improvements to SCI Consulting Group and did therein direct SCI Consulting Group to prepare and file with the Clerk of said City a report, in writing, all as therein more particularly described, under and in accordance with Section 22565, *et. seq.*, of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, said SCI Consulting Group prepared and filed with the City Clerk of said City a report in writing as called for in Resolution No. 6609 and under and pursuant to said Article and Act, which report has been presented to this City Council for consideration; and

WHEREAS, said City Council has duly considered said report and each and every part thereof, and finds that each and every part of said report is sufficient, and that neither said report, nor any part thereof, should be modified in any respect.

NOW, THEREFORE, BE IT RESOLVED THAT IT IS HEREBY FOUND, DETERMINED, and ORDERED, AS FOLLOWS:

1. That the plans and specifications for the existing improvements and the proposed new improvements to be made within the District contained in said report, be, and they are hereby, preliminarily approved;
2. That the Engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance, and servicing thereof, and of the incidental expenses in connection therewith, contained in said report be, and each of them is hereby, preliminarily approved;
3. That the diagram (Exhibit A) showing the exterior boundaries of the District referred to and described in said Resolution No. 6609 and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County Assessor's maps for the fiscal year to which the report applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report be, and it is hereby, preliminarily approved;
4. That the proposed continued assessment of the total amount of the estimated costs and expenses of the proposed improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements including the maintenance or servicing, or both, thereof, and of the expenses incidental thereto, as contained in said report be, and they are hereby, preliminarily approved; and

5. That said report shall stand as the Engineer's Report for the purpose of all subsequent proceedings to be had pursuant to said Resolution No. 6609.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eighth of June, 2021, by the following votes:

AYES:

NOES:

ABSENT:

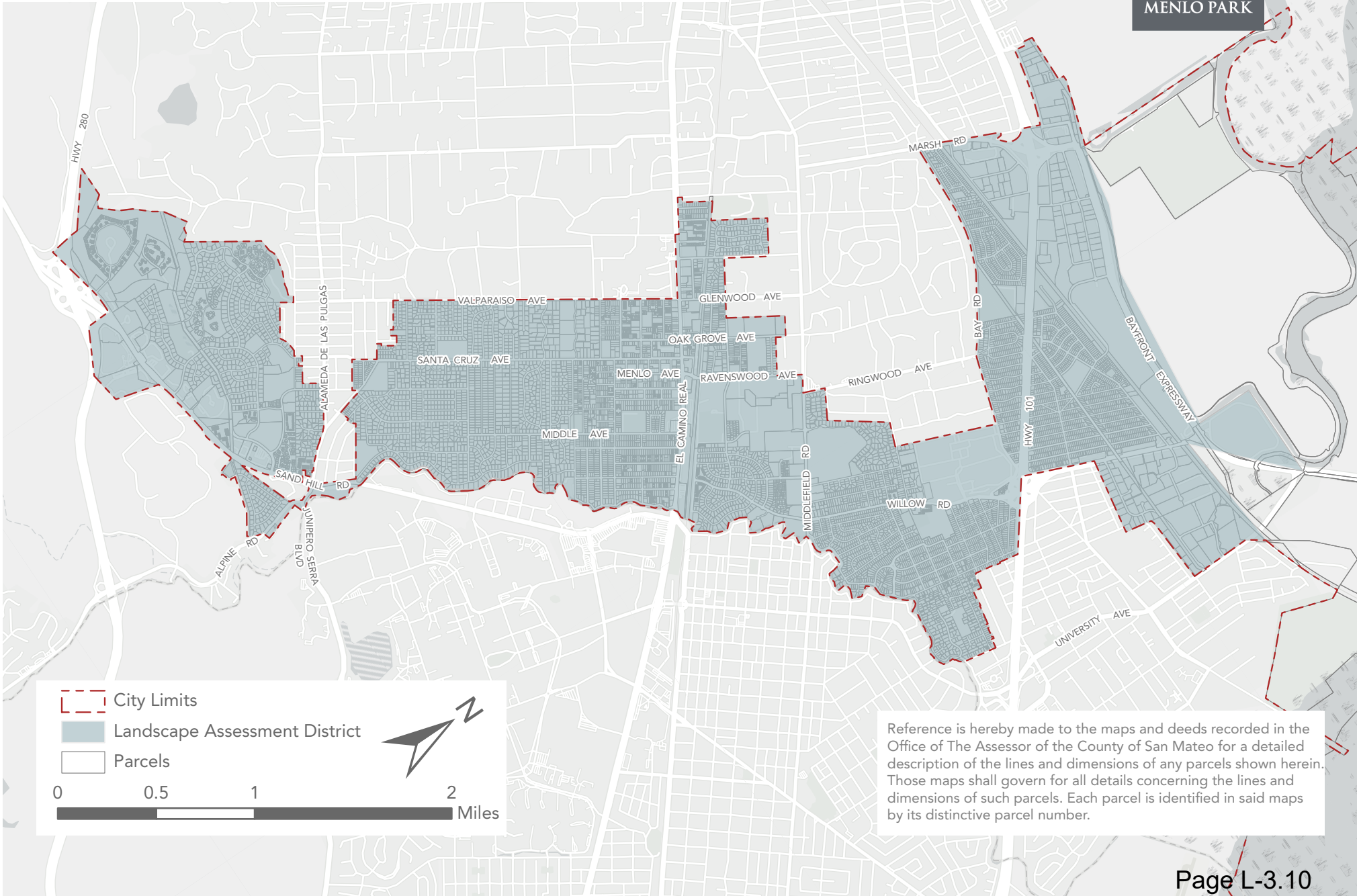
ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighth of June, 2021.

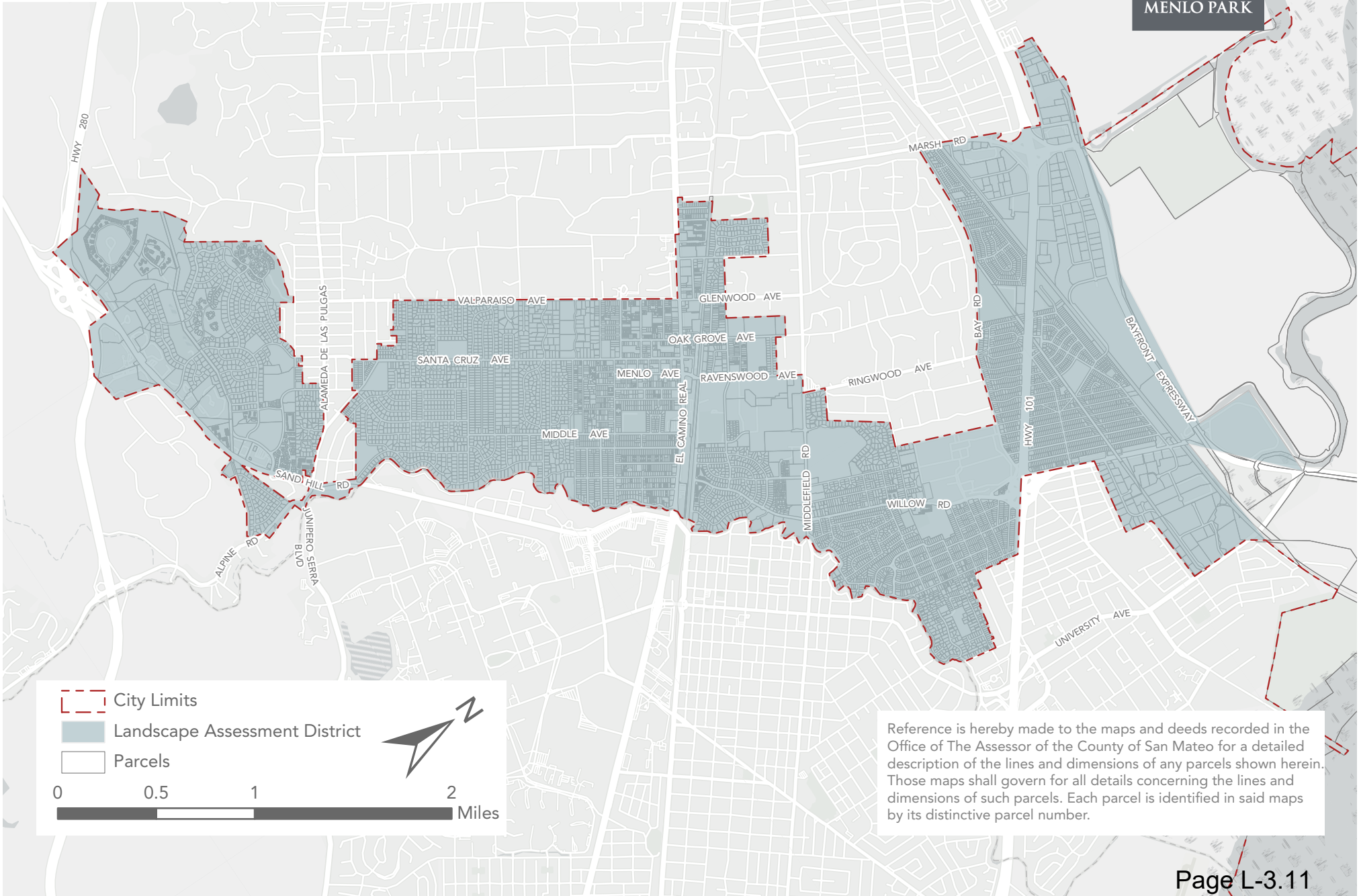
Judi A. Herren, City Clerk



Landscape Assessment District



Landscape Assessment District



Reference is hereby made to the maps and deeds recorded in the Office of The Assessor of the County of San Mateo for a detailed description of the lines and dimensions of any parcels shown herein. Those maps shall govern for all details concerning the lines and dimensions of such parcels. Each parcel is identified in said maps by its distinctive parcel number.

RESOLUTION NO. 6628**RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO ORDER THE CONTINUATION AND COLLECTION OF ASSESSMENTS FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT FOR FISCAL YEAR 2021-22 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

WHEREAS, pursuant to Resolution No. 6609 describing improvements and directing the preparation of the Engineer's Report for Fiscal Year 2021-22 for the City of Menlo Park Landscaping District, adopted on January 26, 2021, by the City Council of Menlo Park; and

WHEREAS pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, SCI Consulting Group for said City has prepared and filed with the City Clerk of this City the written report called for under and in accordance with Section 22565, *et. seq.*, of the Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, by said Resolution No. 6609, which said report has been submitted and preliminarily approved by this City Council in accordance with said Article and Act.

NOW, THEREFORE, BE IT RESOLVED, THAT IT IS HEREBY FOUND, DETERMINED, and ORDERED, AS FOLLOWS:

1. In its opinion, the public interest and convenience require, and it is the intention of this City Council, to order the continuation and collection of assessments for Fiscal Year 2021-22 pursuant to the provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972, Part 2, Division 15 of the Streets and Highways Code of the State of California, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in Exhibit A hereto attached and by reference incorporated herein;
2. The cost and expense of said improvements, including the maintenance or servicing, or both, thereof, are to be made chargeable upon the assessment district designated as "City of Menlo Park Landscaping District" (District) the exterior boundaries of which District are the composite and consolidated area as more particularly described on a map thereof on file in the office of the Clerk of said City, to which reference is hereby made for further particulars. Said map indicates by a boundary line the extent of the territory included in the District and the general location of said District;
3. Said Engineer's Report prepared by SCI Consulting Group, preliminarily approved by this City Council, and on file with the Clerk of this City, is hereby referred to for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the District;
4. The authorized maximum assessment rates for the District include an annual adjustment by an amount equal to the annual change in the Engineering News Record Index, not to exceed 3.00 percent per year, plus any uncaptured excesses. Assessment rates for the tree portion of the assessments are proposed to increase during Fiscal Year 2021-22 by 3.00 percent. Including the authorized annual adjustment, the maximum authorized assessment rate for street tree maintenance for Fiscal Year 2021-22 is \$121.10 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit

unit for Fiscal Year 2021-22 is \$86.15 which is less than the maximum authorized rate. Assessment rates for the sidewalk repairs portion of the assessments are proposed to increase during Fiscal Year 2021-22 by 3.00 percent. Including the authorized annual adjustment, the maximum authorized assessment rate for sidewalk maintenance for Fiscal Year 2021-22 is \$54.07 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2021-22 is \$46.02, which is less than the maximum authorized rate;

5. Notice is hereby given that Tuesday, the twenty-second day of June, 2021, at the hour of 5:00 p.m., or as soon thereafter as the matter may be heard, by virtual meeting available, at which time and place interested persons may participate and be heard on, and the same are hereby appointed and fixed as the time and place for a Public Hearing by this City Council on the question of the continuation and collection of the proposed assessment for the construction or installation of said improvements, including the maintenance and servicing, or both, thereof, and when and where it will consider all oral statements and all written protests made or filed by any interested person at or before the conclusion of said hearing, against said improvements, the boundaries of the assessment district and any zone therein, the proposed diagram or the proposed assessment, to the Engineer's estimate of the cost thereof, and when and where it will consider and finally act upon the Engineer's Report;
6. The Clerk of said City is hereby directed to give notice of said Public Hearing by causing a copy of this resolution to be published once in *The Examiner*, a newspaper circulated in said City, and by conspicuously posting a copy thereof upon the official bulletin board customarily used by the City for the posting of notices, said posting and publication to be had and completed at least ten (10) days prior to the date of public hearing specified herein; and
7. The Office of the Public Works Director of said City is hereby designated as the office to answer inquiries regarding any protest proceedings to be had herein, and may be contacted during regular office hours at the Civic Center, 701 Laurel Street, Menlo Park, California, 94025, or by calling (650) 330-6740.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eighth day of June, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighth of June, 2021.

Judi A. Herren, City Clerk

City of Menlo Park Landscaping District

Maintaining and servicing of street trees, including the cost of repair, removal or replacement of all or any part thereof, providing for the life, growth, health, and beauty of landscaping, including cultivation, trimming, spraying, fertilizing, or treating for disease or injury, the removal of trimmings, rubbish, debris, and other solid waste, and water for the irrigation thereof, and the installation or construction, including the maintenance and servicing thereof, of curbs, gutters, sidewalks, and parking strips.



CITY OF MENLO PARK
LANDSCAPING ASSESSMENT DISTRICT

ENGINEER'S REPORT

FISCAL YEAR 2021-22

JUNE 2021

PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972 AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
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CITY OF MENLO PARK

MENLO PARK CITY COUNCIL

Mayor Drew Combs
Vice Mayor Betsy Nash
Council Member Cecilia Taylor
Council Member Jen Wolosin
Council Member Ray Mueller

CITY MANAGER

Starla Jerome-Robinson

DEPUTY CITY MANAGER

Justin Murphy

CITY CLERK

Judi Herren

CITY ATTORNEY

Nira Doherty

ENGINEER OF WORK

SCI Consulting Group
Lead Assessment Engineer, John Bliss, M.Eng., P.E.

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INTRODUCTION

ASSESSMENT BACKGROUND

Between 1960 and 1982, the City of Menlo Park had one three-person crew to care for approximately 9,000 City trees. As the trees grew, it took considerably more time per tree to provide proper care. Consequently, one tree crew was unable to perform the necessary work to maintain all of the street trees in proper condition. The Landscape Assessment District was originally formed in 1983 for the purpose of levying annual special assessments in order to properly maintain street trees in the City of Menlo Park. Currently, there are approximately 11,000 street trees that are maintained by the assessments.

Prior to 1990, property owners and the City would split the cost of repairing sidewalks damaged by City trees. The City would annually enter into an agreement with approximately 200 individual property owners. The one-time cost was a financial burden to some residents on fixed incomes. In order to make the program more cost-effective and less of a financial burden for property owners, an assessment for repair of sidewalks/parking strips due to City street-tree related damages was established in 1990.

The increased cost of the necessary work made the assessment amounts levied in Fiscal Year 1997-98 insufficient for adequately maintaining the City's street trees, curbs, gutters and sidewalks. An increase in the assessments was required to provide funding for continued tree maintenance and sidewalk repairs. However, with the passage of Proposition 218 on November 6, 1996, assessments can only be raised after the City conducts an assessment ballot proceeding and the ballots submitted in opposition to the assessments do not exceed the ballots in favor of the assessments. (Each ballot is weighted by the amount of assessment for the property it represents.)

ASSESSMENT PROCESS

In 1998, the City conducted an assessment ballot proceeding for increased tree maintenance and sidewalk repair assessments pursuant to the requirements of Article XIII D of the California Constitution (Proposition 218) and the Landscaping and Lighting Act of 1972. The proposed tree maintenance assessments for fiscal year 1998-99 were \$64.28 per single family equivalent unit and the proposed sidewalk repair assessments were \$28.70 per single family equivalent. The proposed maximum assessments also included an annual assessment cost escalator tied to the annual change in the Engineering News Record Construction Cost Index for the San Francisco Bay Area ("ENR Index"). These proposed assessments were supported by 73% of assessment ballots received from property owners (with each ballot weighted by the amount of assessments it represented). Therefore, on June 16, 1998 by its Resolution Number 4840-D, the City Council levied the new assessments.

ENGINEER'S REPORT AND CONTINUATION OF ASSESSMENTS

In each subsequent year for which the assessments will be continued, the City Council must direct the preparation of an Engineer's Report, budgets and proposed assessments for the

upcoming fiscal year. After the Engineer's Report is completed, the City Council may preliminarily approve the Engineer's Report and proposed assessments and establish the date for a public hearing on the continuation of the assessments. This Report was prepared pursuant to the direction of the Council.

The maximum authorized assessment rate, as increased each year by the change in the ENR Index, is the maximum assessment rate that can be levied in the given fiscal year without approval from property owners in another assessment ballot proceeding. In fiscal year 1998-99, the assessments were levied at the maximum rate for that fiscal year. Since this first fiscal year after the ballot proceeding, the assessments for tree maintenance have been levied below the maximum authorized rate, and the assessment rate for sidewalk repairs has not been increased above the original rate.

From December 2019 to December 2020, the ENR Index increased 3.00%. The maximum amount assessments can be increased annually is the ENR Index plus any uncaptured excess reserved from prior years, to a maximum increase to the ENR not to exceed 3%.

Based on accumulated excess reserves from prior years, the maximum authorized rates for fiscal year 2021-22 are \$121.10 for trees and \$54.07 for sidewalks without another ballot proceeding. (No additional ballot proceeding is required because the maximum authorized assessment rates, including the annual adjustments in these rates, were approved in the 1998 ballot proceeding. The actual rate levied in any given fiscal year can be revised up, with an annual maximum increase of 3%, or down, by any amount that does not cause the actual rates levied to exceed the maximum authorized assessment rates.)

The City reduced the assessment rate for tree maintenance in fiscal year 2000-01 and increased the assessment rate in fiscal years 2002-03, 2005-06 through 2009-10, 2014-15, and 2016-17 through 2020-21. In other fiscal years it was not necessary to increase the rate, due to sufficient reserve funds carried forward from prior fiscal years, combined with general benefit contributions. For fiscal year 2021-22 the proposed assessments for tree maintenance are proposed to increase 3.00% from fiscal year 2020-21, and the assessments for sidewalk maintenance are proposed to increase 3.00%. The proposed rates are \$86.15 per Single Family Equivalent (SFE) for tree maintenance and \$46.02 per SFE for sidewalk maintenance. The comparison of actual rates levied in fiscal year 2020-21 and the proposed rates for fiscal year 2021-22 are shown below.

Sidewalk Maintenance

FY 2020-21 Rate	ENR Increase Applied	FY 2021-22 Rate	Increase
\$44.68	3.00%	\$46.02	\$1.34

Tree Maintenance

FY 2020-21 Rate	ENR Increase Applied	FY 2021-22 Rate	Increase
\$83.64	3.00%	\$86.15	\$2.51

If the Council approves this Engineer's Report and the continuation of the assessments by resolution, a notice of assessment levies must be published in a local newspaper at least 10 days prior to the date of the public hearing. The resolution preliminarily approving the Engineer's Report and establishing the date for a public hearing is used for this notice.

Following the minimum 10-day time period after publishing the notice, a public hearing is held for the purpose of allowing public testimony about the proposed continuation of the assessments. This hearing is currently scheduled for June 22, 2021. At this hearing, the Council will consider approval of a resolution confirming the continuation of the assessments for fiscal year 2021-22. If so confirmed and approved, the assessments will be submitted to the County Controller for inclusion on the property tax roll for Fiscal Year 2021-22.

LEGAL ANALYSIS

PROPOSITION 218

This assessment is consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment.

The original assessment existed prior to the passage of Proposition 218. Although the original assessment is also consistent with Proposition 218, the California judiciary has generally referred to pre-Proposition 218 assessments as "grandfathered assessments" and held them to a lower standard than post Proposition 218 assessments.

SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special, not general, benefit
- The services and/or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the

California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e., 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside (“Beutz”) appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

COMPLIANCE WITH CURRENT LAW

This Engineer’s Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer’s Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer’s Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and proportional special benefit to each property.

PLANS & SPECIFICATIONS

Following is a description of the Services that are provided for the benefit of property in the Assessment District. Prior to the residential development in Menlo Park, the Level of Service on these improvements was effectively zero. The formula below describes the relationship between the final level of improvements, the baseline level of service (pre-development) had the assessment not been instituted, and the enhanced level of improvements funded by the assessment.

Final Level of Service	=	Baseline Level of Service (≈zero, pre-development)	+	Enhanced Level of Service
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The City of Menlo Park maintains street trees, sidewalks, curbs, gutters, and parking strips throughout the City.

The proposed improvements to be undertaken by the City of Menlo Park and financed by the levy of the annual assessment provide special benefit to Assessor Parcels within the District as defined in the Method of Assessment herein. The said improvements consist of maintaining, trimming, disease treatment, and replacement of street trees; street sweeping to remove debris; and the repair and replacement of damaged sidewalks, curbs, gutters, and parking strips damaged by street trees throughout the City of Menlo Park.

METHOD OF ASSESSMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the maintenance, repair, and replacement of street trees, sidewalks, curbs, gutters, and parking strips throughout the City, and the methodology used to apportion the total assessment to properties within the Landscaping Assessment District.

The Landscaping Assessment District consists of all Assessor Parcels within the boundaries of the City of Menlo Park as defined by the County of San Mateo tax code areas. The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the Landscaping Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to properties. This benefit is received by property over and above any general benefits and such benefit is not based on any one property owner's use of the amenities or a property owner's specific demographic status. With reference to the requirements for assessment, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Article XIID, Section 4 of the California Constitution has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of landscaping and lighting improvements to be provided with the assessment proceeds. These categories of special benefit are derived from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from maintenance and improvements such as those within by the District. These types of special benefit are summarized as follows:

- A. PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT.
- B. ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT.
- C. IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT.
- D. ENHANCED ENVIRONMENT BECAUSE OF THE VIGOROUS STREET TREE PROGRAM FOR OWNERS OF PROPERTY IN THE LANDSCAPING ASSESSMENT DISTRICT.
- E. INCREASED SAFETY AGAINST TRIPPING AND OTHER HAZARDS CAUSED BY CRACKED OR DAMAGED SIDEWALKS, CURBS AND GUTTERS.
- F. ENHANCED DESIRABILITY OF THE PROPERTY.
- G. REDUCED LIABILITY FOR LANDSCAPE MAINTENANCE.

In this case, the recent the SVTA v. SCCOSA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas:

- Proximity
- Expanded or improved access
- Views

The SVTA v. SCCOSA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA v. SCCOSA decision also provides specific guidance that landscaping improvements are a direct advantage and special benefit to property that is proximate to landscaping that is improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g. proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g. general enhancement of the district's property values).

Proximity, improved access and views, in addition to the other special benefits listed above further strengthen the basis of these assessments.

BENEFIT FACTORS

The special benefits from the Improvements are further detailed below:

PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

Only the specific properties within close proximity to the Improvements are included in the Assessment District. Therefore, property in the Assessment District enjoys unique and valuable proximity and access to the Improvements that the public at large and property outside the Assessment District do not share.

In absence of the assessments, the Improvements would not be provided and the landscaping areas in the Assessment District would be degraded due to insufficient funding

for maintenance, upkeep and repair. Therefore, the assessments provide Improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits, but when combined with the unique proximity and access enjoyed by parcels in the Assessment District, they provide a direct advantage and special benefit to property in the Assessment District.

ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE ASSESSMENT DISTRICT

Since the parcels in the Assessment District are nearly the only parcels that enjoy close access to the Improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the Assessments. This is a direct advantage and special benefit to property in the Assessment District.

IMPROVED VIEWS WITHIN THE ASSESSMENT DISTRICT

The City, by maintaining these landscaped areas, provides improved views to properties in the Assessment District. The properties in the Assessment District enjoy close and unique proximity, access and views of the Improvements; therefore, the improved and protected views provided by the Assessments are another direct and tangible advantage that is uniquely conferred upon property in the Assessment District. The Landscaping Assessment District provides funding to maintain and protect these public resources and facilities of the City. For example, the assessments provide funding to trim and maintain the street trees to maintain them in a healthy condition. This benefits properties by maintaining and improving the public resources in the community.

In order to allocate the proposed assessments, the Engineer begins by identifying the types of special benefit arising from the maintenance, repair, and replacement of the aforementioned facilities and that would be provided to property within the District. These types of special benefit are as follows:

ENHANCED ENVIRONMENT BECAUSE OF THE VIGOROUS STREET TREE PROGRAM FOR OWNERS OF PROPERTY IN THE LANDSCAPING ASSESSMENT DISTRICT.

Residential properties benefit from the enhanced environment provided by a vigorous program to install and maintain the street trees at a level beyond that followed by other cities throughout the County. The increased use of street trees provides an atmosphere of beauty beyond the norm. The improvements to the trees will be available to residents and guests of properties within the District.

Non-residential properties also will benefit from these improvements in many ways. The use of street trees softens the environment making it more pleasant for employees during commute time and at breaks from their work. These improvements, therefore, enhance an employer's ability to attract and keep quality employees. The benefits to employers ultimately flow to the property because better employees improve the employment prospects for companies and enhanced economic conditions benefit the property by making it more valuable.

INCREASED SAFETY AGAINST TRIPPING AND OTHER HAZARDS CAUSED BY CRACKED OR DAMAGED SIDEWALKS, CURBS AND GUTTERS.

An aggressive inspection program identifies hazardous conditions in sidewalks, curbs and gutters caused by street trees and allows for these conditions to be repaired on a timely basis. Timely repair of hazardous conditions greatly improves the overall safety of the environment, thereby providing for safer use of property.

ENHANCED DESIRABILITY OF THE PROPERTY

The assessments will provide funding to improve the City's street tree program, raising the quality to a more desired level, and to ensure that the sidewalks, curbs, and gutters remain operable, safe, clean and well maintained. Such improved and well-maintained facilities enhance the overall desirability of property. This is a benefit to residential, commercial and industrial properties.

REDUCED LIABILITY FOR LANDSCAPE MAINTENANCE

The assessments will reduce the liability for landscape maintenance to street trees and other improvements. This is a benefit to residential, commercial and industrial properties.

GENERAL VS. SPECIAL BENEFIT

Article XIII D of the Constitution specifies that only special benefits are assessable, and that the City must separate the general benefits from the special benefits conferred on any parcel. The complete analysis of special benefits and their allocation are found elsewhere in this report. For the Landscaping Assessment District, the City has identified a general benefit and has separated it from the special assessments.

The City's maintenance of street trees and sidewalk facilities provides a general benefit to the community and to the general public to some degree. The measure of this general benefit is the enhancement of the environment and safety provided to the greater public at large. This general benefit can be measured by the proportionate amount of time that the City's sidewalks and street trees are used and enjoyed by the greater public at large¹. It is reasonable to assume that approximately 1/4 or 25% of the usage and enjoyment of the improvements is by the greater public. Therefore, approximately 25% of the benefits conferred by the improvements are general in nature.

The City's total budget for maintenance and improvement of its trees and sidewalk facilities is \$1,742,362. Of this total budget amount, the City will contribute \$300,000 from sources other than the assessments for sidewalk repair and \$265,000 for street tree maintenance. These contributions by the City, as well as \$146,000 in funds from Measure M, total \$711,000, equating to approximately 40.8% of the total budget for maintenance and more than offset the cost of the general benefits resulting from the improvements.

¹ . The greater public at large is generally defined as those who are not residents, property owners, customers or employees within the City, and residents who do not live in close proximity to the improvements.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund improvements and services directly provided within the Assessment District and every benefiting property in the Assessment District enjoys proximity and access to the Improvements. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this Report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the Assessment.

METHOD OF ASSESSMENT

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. The "benchmark" property is the single family detached dwelling, which is one Single Family Equivalent, or one SFE.

As stated previously, the special benefits derived from the assessments are conferred on property and are not based on a specific property owner's use of the improvements, on a specific property owner's occupancy of property, or the property owner's demographic status such as age or number of dependents. However, it is ultimately people who enjoy the special benefits described above, use and enjoy the City's trees and sidewalks, and control property values by placing a value on the special benefits to be provided by the improvements. In other words, the benefits derived to property are related the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner. Therefore, the number of people who could or potentially live on, work at or otherwise use a property is an indicator of the relative level of benefit received by the property.

ASSESSMENT APPORTIONMENT - STREET TREES

PROPERTIES WITH STREET TREES

All improved residential properties that represent a single residential dwelling unit and have a street tree on or fronting the property are assigned 1.0 SFE. All single-family houses with tree(s) and those units in R-2 zones that are being used as single-family dwellings (with trees) are included in this category.

Properties with more than one residential unit are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property and the relative number of people who reside in multi-family residential units compared to the average number of people who reside in a single-family home. The population density factors for the County of San Mateo from the 1990 US Census (the most recent data available when the Assessment was established) are depicted below. The SFE factors for condominium, townhouse, and multi-family parcels, as derived from relative dwelling unit population density, are also shown below.

FIGURE 1 – RESIDENTIAL ASSESSMENT FACTORS

<i>Property Type</i>	<i>Total Population</i>	<i>Occupied Households</i>	<i>Persons per Household</i>	<i>SFE Factor*</i>
Single Family Residential	412,685	140,248	2.94	1.0
Condominium/Townhouse	54,284	19,331	2.81	0.9
Multi-Family Residential	158,004	65,981	2.39	0.8

Source: 1990 Census, San Mateo County

The SFE factor for condominium, townhouse, and multi-family parcels is based on the ratio of average persons per household for the property type versus the average persons per household for a single-family residential home. Multi-family units are assessed at 0.80 per unit up to a maximum of 4.0 SFE per parcel (maximum of 5 units multiplied by 0.80). Condominium and townhouse parcels are assessed at 0.90 per unit, up to a maximum of 4.5 SFEs per development (maximum of 5 units multiplied by 0.90).

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The average size of a parcel for a single-family home in the District is approximately 0.18 acres, and such single-family property has an SFE value of 1.0. Using the equivalence of benefit on a land area basis, improved commercial and industrial parcels of approximately 0.20 acres or less would also receive an SFE benefit factor of 1.0. Commercial and industrial parcels in excess of a fifth of an acre in size are assigned 1.0 SFE per 0.20 acre or portion thereof, and the maximum benefit factor for any commercial/industrial parcel is 5.0 SFE.

Vacant parcels are also benefited from the street tree improvement and maintenance program. An example of a benefit is enhancement of the visual appeal that will accrue to a vacant parcel from the presence or proximity of the community's street trees based on its future potential use. Undeveloped property also benefits from the installation and maintenance of street trees, because if the property is developed during the year, the street trees will be available to the developed property. The relative benefit to vacant property is determined to be generally equal to the benefit to a single-family home property. Therefore, vacant property with street tree(s) are assessed 1 SFE.

PROPERTIES WITHOUT STREET TREES

The special benefit factors conferred on property can be defined by the benefits conferred to properties with and without street trees. The types of benefits conferred to all property in the community include protection of views, screening, and resource values and enhanced desirability of the property. A higher level of special benefits is conferred directly on parcels with street trees because these parcels obtain additional benefits from well-maintained, healthy trees fronting the property. The types of special benefits that are increased for properties with street trees include enhanced levels of safety, desirability, unique proximity, access and views of resources and facilities from healthy trees on the property. Therefore, individual properties without street trees but in close proximity to parcels with street trees receive a direct benefit from the street trees and should pay 50% of the rate for a similar property with street trees. Such properties are assigned an SFE benefit factor that is 50% of that for a similar property with street trees.

ASSESSMENT APPORTIONMENT - SIDEWALK PROGRAM

The benefits to property for sidewalks, curbs, gutters and parking strips are closely related to a parcel's proximity to these improvements and the parcel's proximity to street trees. Street trees are the most common cause of sidewalk problems. Therefore, the highest benefit from the proposed sidewalk improvements is to properties with street trees and sidewalks, curbs and gutters, or street trees and parking strips and gutters, because without the maintenance work, these improvements would degrade more quickly, which would affect the parcel's appearance and safety. It is estimated that 1/3 of the special benefits are conferred to property with street trees and sidewalks or parking strips. Another 1/3 of the special benefits are conferred to property with street trees and curbs and gutters. Special benefit factors are also conferred on property without street trees or adjoining sidewalk, curb, gutter and/or parking strip improvements that are in close proximity to these types of improvements. It is estimated that the remaining 1/3 of the special benefit factors from the Sidewalk Program are conferred to these parcels that are in close proximity to the improvements but that do not have improvements directly adjacent to their property.

Consequently, properties with street trees and sidewalks or parking strips and curbs and gutters or valley gutters are assigned a benefit factor of 1 SFE. Properties with street trees, curbs and gutters are assigned a benefit factor of 0.67 SFE. If there are street trees but no improvements along the frontage of a parcel, or no street trees on a parcel, its benefit is 1/3 or 0.33 SFE.

ASSESSMENT APPORTIONMENT - OTHER PROPERTIES

Improved, publicly owned parcels that are used for residential, commercial or industrial purposes are assessed at the rates specified previously. Other improved public property; institutional property and properties used for educational purposes, typically generate employees on a less consistent basis than other non-residential parcels. Moreover, many of these parcels provide some degree of on-site amenities that serve to offset some of the benefits from the District. Therefore, these parcels, with or without street trees, receive minimal benefit and are assessed an SFE factor of 1 for street tree assessments and an SFE factor of 1 for sidewalks, curbs and gutter assessments.

All properties that are specially benefited have been assessed. Agricultural parcels without living units, public right-of-way parcels, well, reservoir or other water rights parcels, unimproved open space parcels, watershed parcels and common area parcels generally provide recreational, open space and/or scenic benefits to the community. As such, they tend to provide similar benefits as provided by the improvements in the District. Any benefits they would receive from the landscaping maintenance are generally offset by the equivalent benefits they provide. Moreover, these parcels typically do not generate employees, residents or customers. Such parcels are, therefore, not specially benefited and are not assessed.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Public Works Director of the City of Menlo Park or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the Public Works Director or his or her designee will promptly review the appeal and any information provided by the property owner. If the Public Works Director or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County of San Mateo for collection, the Public Works Director or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the Public Works Director or his or her designee shall be referred to the City Council of the City of Menlo Park and the decision of the City Council of the City of Menlo Park shall be final.

FIGURE 2 – TREE MAINTENANCE ASSESSMENTS

<i>Property Type</i>	<i>2021-22 Assessment Rates</i>	
<i>Parcels with Trees</i>	<i>Assessment Rate</i>	
Single Family	\$86.15	(per Parcel)
R-2 Zone, in use as single family	\$86.15	(per Parcel)
Condominium/Townhouse	\$77.54	(per Unit, \$387.67 max. per Project)
Other Multi-family	\$68.92	(per Unit, \$344.6 max. per Project)
Commercial	\$86.15	(per 1/5 acre, \$430.750 max. per Project)
Industrial	\$86.15	(per 1/5 acre, \$430.750 max. per Project)
Parks, Educational	\$86.15	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
<i>Parcels without Trees</i>		
Single Family	\$43.08	(per Parcel)
R-2 Zone, in use as single family	\$43.08	(per Parcel)
Condominium/Townhouse	\$38.77	(per Unit, \$193.84 max. per Project)
Other Multi-family	\$34.46	(per Unit, \$172.3 max. per Project)
Commercial	\$43.08	(per 1/5 acre, \$215.38 max.)
Industrial	\$43.08	(per 1/5 acre, \$215.38 max.)
Parks, Educational	\$43.08	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

FIGURE 3 – SIDEWALK, CURB, GUTTER, PARKING STRIP ASSESSMENTS

Parcels with Trees	2021-22 Assessment Rates	
Sidewalks, curbs, gutters	\$46.02	(per Parcel)
Parking strips and gutters	\$46.02	(per Parcel)
Curbs and/or gutters only	\$30.83	(per Parcel)
No improvements	\$15.19	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
Parcels without Trees		
Parcels with or without improvements	\$15.19	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

Note: All total combined tree and sidewalk assessment amounts are rounded to the lower even penny.

ASSESSMENT

WHEREAS, on February 11, 2020 the City Council of the City of Menlo Park, County of San Mateo, California, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIII D of the California Constitution (collectively "the Act"), adopted its Resolution Initiating Proceedings for the Levy of Assessments within the Landscaping Assessment District;

WHEREAS, said Resolution directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the assessment district and an assessment of the estimated costs of the improvements upon all assessable parcels within the assessment district, to which Resolution and the description of said proposed improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Act and the order of the City Council of said City of Menlo Park, hereby make the following assessment to cover the portion of the estimated cost of said improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amount to be paid for said improvements and the expense incidental thereto, to be paid by the Landscaping Assessment District for the fiscal year 2021-22 is generally as follows:

FIGURE 4 – SUMMARY COST ESTIMATE

	<i>F. Y. 2021-22 Budget</i>
Street Tree Program	\$ 785,371.33
Street Sweeping	\$ 299,841.40
Sidewalk Program	\$ 550,000.00
Incidental Expenses	\$ 107,150.00
TOTAL BUDGET	\$1,742,363
Plus:	
Projected Fund Balance	\$ 493,958.35
Less:	
City Contribution for General Benefits	(\$711,000.00)
Contribution from Carry-Over Fund Balances	\$ (439,009.60)
NET AMOUNT TO ASSESSMENTS	\$ 1,086,311.48

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Landscaping Assessment District. The distinctive number of each parcel or lot of land in the said Landscaping Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion said net amount of the cost and expenses of said improvements, including the costs and expenses incidental thereto, upon the parcels and lots of land within said Landscaping Assessment District, in accordance with the special benefits to be received by each parcel or lot, from the improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessment is made upon the parcels or lots of land within the Landscaping Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said improvements.

The assessment is subject to an annual adjustment tied to the Engineering News Record (ENR) Construction Cost Index for the San Francisco Bay Area, with a maximum annual adjustment not to exceed 3%. Any change in the ENR in excess of 3% shall be cumulatively reserved as the "Unused ENR" and shall be used to increase the maximum authorized assessment rate in years in which the ENR is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the ENR plus any Unused ENR as described above. The initial, maximum assessment rate balloted and established in Fiscal Year 1998-99 was \$64.28 per single family equivalent benefit unit for tree maintenance, and \$28.70 per single family equivalent benefit unit for sidewalk maintenance.

Based on the preceding annual adjustments, the maximum assessment rate for Fiscal Year 2020-21 was \$83.64 for tree maintenance and \$44.68 for Sidewalk maintenance. The change in the ENR from December 2019 to December 2020 was 3.17%. Therefore, the maximum authorized assessment rate for Fiscal Year 2021-22 has been increased from \$117.57 to \$121.10 per single family equivalent benefit unit for tree maintenance, and from \$52.49 to \$54.07 per single family equivalent benefit unit for sidewalk maintenance. However, the estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2021-22 at the rate of \$86.15 per single family equivalent benefit unit for tree maintenance, which is less than the maximum authorized assessment rate and is a 3.00% increase over the rate assessed in the previous fiscal year. The proposed assessment rate for fiscal year 2021-22 for sidewalk maintenance is \$46.02 per single family equivalent benefit unit, which is also less than the maximum authorized assessment rate and is a 3.00% increase over the rate assessed in the previous fiscal year.

Property owners in the Assessment District, in an assessment ballot proceeding, approved the initial fiscal year benefit assessment for special benefits to their property including the ENR adjustment schedule. As a result, the assessment may continue to be levied annually and may be adjusted by up to the maximum annual ENR adjustment without any additional

assessment ballot proceeding. In the event that in future years the assessments are levied at a rate less than the maximum authorized assessment rate, the assessment rate in a subsequent year may be increased up to the maximum authorized assessment rate without any additional assessment ballot proceeding.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of San Mateo for the fiscal year 2021-22. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2021-22 for each parcel or lot of land within the said Landscaping Assessment District.

June 3, 2021

Engineer of Work

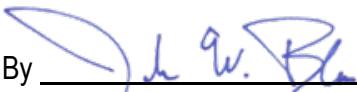
By 
John W. Bliss, License No. C52091



FIGURE 5 – ENGINEER’S COST ESTIMATE, FISCAL YEAR 2021-22

**Fiscal Year 2021-22
CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT
ENGINEER’S COST ESTIMATE**

A. Tree Maintenance		
Salaries & Benefits	\$	399,896.33
Operating Expense	\$	44,275.00
Fixed Assets & Capital Outlay	\$	20,200.00
Vehicle & Equipment Maintenance	\$	15,000.00
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$	306,000.00
Subtotal - Tree Maintenance	\$	<u>785,371.33</u>
B. Debris Removal		
Salaries & Benefits	\$	73,841.40
Street Sweeping Contract	\$	226,000.00
Subtotal - Debris Removal	\$	<u>299,841.40</u>
C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement		
Construction Costs	\$	550,000.00
Design & Inspection	\$	-
Subtotal - S/W,C,G, & PS Repair/Replace	\$	<u>550,000.00</u>
Subtotal Tree/Debris/Reforestation/Sidewalk	\$	<u>1,635,212.73</u>
D. Incidentals		
Indirect Costs & Administration	\$	92,150.00
County Collection Fees	\$	15,000.00
Subtotal - Incidentals	\$	<u>107,150.00</u>
Total Cost	\$	<u>1,742,362.73</u>

Engineer's Cost Estimate, Fiscal Year 2021-22 (continued)

Projected Fund Balance	\$ 493,958.35
Tree Maintenance Ending Fund Balance	\$ (388,037.23)
Less General Fund Contribution	\$ (265,000.00)
Measure M	\$ (146,000.00)
Sidewalk Fund Ending Balance	\$ (50,972.37)
Less General Fund CIP Contribution to Sidewalk Fund	\$ (300,000.00)
Net to Assessment	\$ 1,086,311.48

Revenue

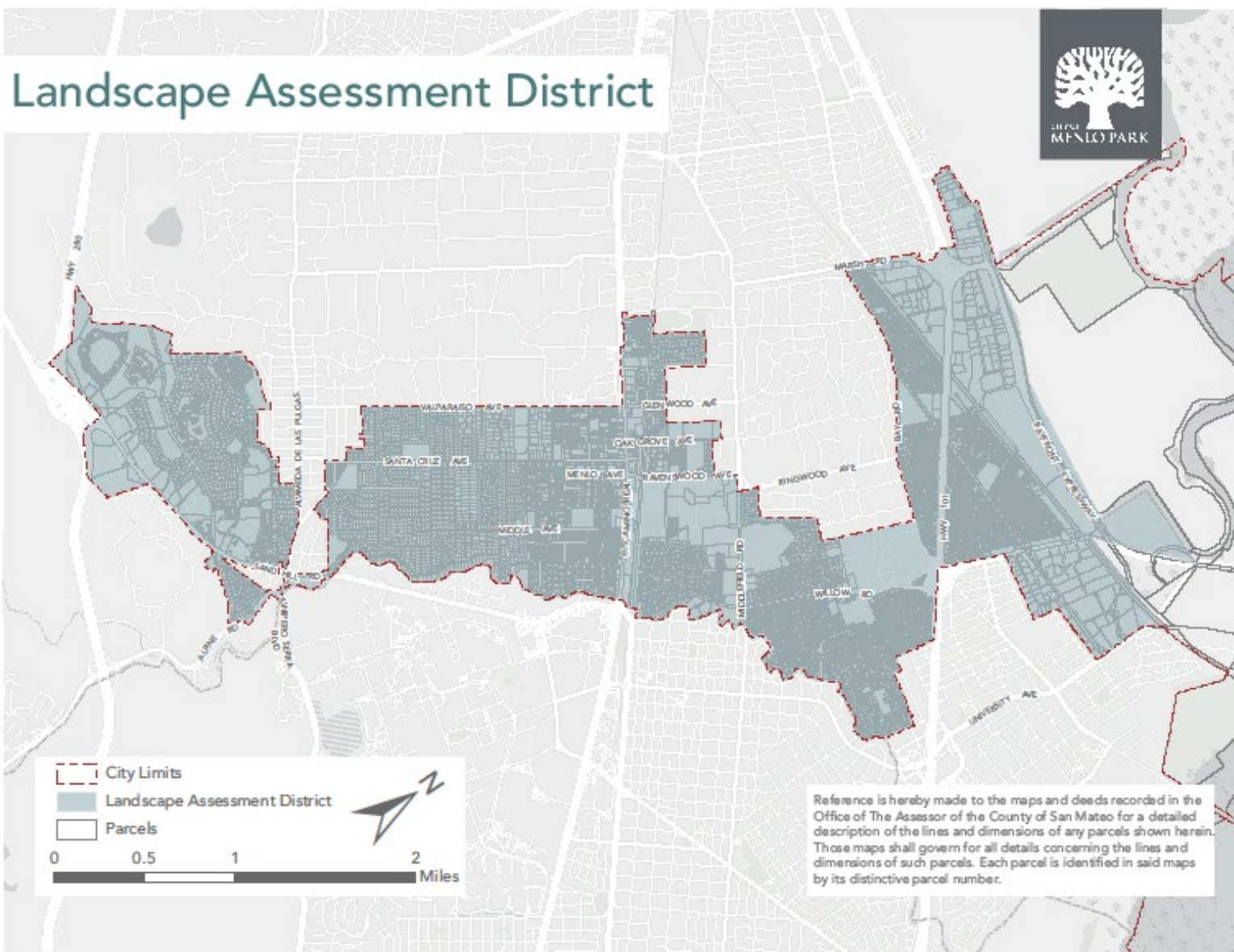
Single Family Equivalent Benefit Units - Trees	8,978.66									
Single Family Equivalent Benefit Units - Sidewalks	6,797.14									
	<table border="0"> <tr> <td></td> <td align="center">2021-22</td> <td align="center">2020-21</td> </tr> <tr> <td>Assessment Rate for Tree Fund/ SFE</td> <td align="center">\$86.15</td> <td align="center">\$83.64</td> </tr> <tr> <td>Assessment Rate for Sidewalk Fund/ SFE</td> <td align="center">\$46.02</td> <td align="center">\$44.68</td> </tr> </table>		2021-22	2020-21	Assessment Rate for Tree Fund/ SFE	\$86.15	\$83.64	Assessment Rate for Sidewalk Fund/ SFE	\$46.02	\$44.68
	2021-22	2020-21								
Assessment Rate for Tree Fund/ SFE	\$86.15	\$83.64								
Assessment Rate for Sidewalk Fund/ SFE	\$46.02	\$44.68								
Revenue for Tree Fund	\$773,504.38									
Revenue for Sidewalk Fund	\$312,807.10									
Total Revenue *	\$1,086,311.48									

* Total revenue is slightly less than SFEs times the assessment rate because all combined assessments are rounded down to the even penny.

ASSESSMENT DIAGRAM

The Landscaping Assessment District includes all properties within the boundaries of the City of Menlo Park.

The boundaries of the Landscaping Assessment District are displayed on the following Assessment Diagram.



APPENDIX A – ASSESSMENT ROLL, FY 2021-22

Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the City Clerk of the City of Menlo Park, as the Assessment Roll is too voluminous to be bound with this Engineer's Report.



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-122-CC

Consent Calendar:

Adopt Resolution No. 6632 approving the list of projects eligible for fiscal year 2021-22 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017

Recommendation

Staff recommends that the City Council adopt Resolution No. 6632 approving the list of projects eligible for fiscal year 2021-22 funds from Senate Bill 1: The Road Repair and Accountability Act of 2017 (SB 1.)

Policy Issues

The action is consistent with the City Council's goal of maintaining and enhancing the City's municipal infrastructure and facilities. Furthermore, the 2016 general plan circulation element (circulation element) includes policies that seek to provide and maintain a safe, efficient, attractive, user-friendly intermodal circulation system. The circulation element promotes a healthy, safe and active community and quality of life throughout Menlo Park and increases accessibility for the use of streets by pedestrians, bicyclists and transit riders. The projects identified in this staff report are consistent with these policies.

Background

Senate Bill 1 (SB1), the Road Repair and Accountability Act of 2017 enacted into law April 28, 2017, created a \$54 billion investment projected to fund road, bridge and freeway repair projects throughout the state over the next decade. The Act, also known as the "Gas Tax," increases gasoline and diesel taxes and vehicle fees having gone into effect November 1, 2017. The investment is to be evenly allocated between cities, counties and the state's highway system for repairs to local streets and roads, bike and pedestrian projects, and local planning grants.

To date, the City has received \$583,743 for fiscal year 2020-21 of the projected \$604,293 in funding. Funds are provided on a monthly basis starting in July through the SB1 Road Maintenance and Rehabilitation Account (RMRA.) For fiscal year 2021-22, the City is anticipated to receive projected revenues of \$677,240.

To generate the annual list of street sections for asphalt maintenance, the City utilizes a computer-based pavement management system, StreetSaver®, developed by the Metropolitan Transportation Commission (MTC.) The program is a management tool that helps in allocating available project funding in the most cost efficient manner by analyzing the street network condition, project cost estimate, available funding, and the type of maintenance intervention needed at each street segment to meet the community priorities for transportation investment. This year's priority pavement projects are Willow Road, Ravenswood Avenue and Haven Avenue, as described further below.

Analysis

The intent of SB 1 is to provide additional needed funding for deferred roads and streets maintenance

projects and not to replace the existing levels of general revenue spending by the City on such projects. As such, SB 1 requires that the City maintain “general fund” spending for road maintenance projects. As defined by the legislation, general fund expenditures are “any unrestricted funds that the City or county may expend at its discretion, including vehicle in-lieu tax revenues and revenues from fines and forfeitures, expended for street, road and highway purposes...” This maintenance of effort requirement must be no less than the average of the general fund spending in fiscal year 2009-10, 2010-11 and 2011-12.

In order to receive SB 1 funds, the City must submit annually a list of proposed eligible projects adopted by resolution, to the California Transportation Commission (CTC.) Failure to submit an eligible project list to the CTC would result in forfeiture of the monthly apportionments. The list must include the project description, its location, schedule and an estimate of the projects useful life. For fiscal year 2021-22, the CTC must receive a list of planned project expenditures by July 1, 2021. Per the program funding requirements, a resolution that includes the proposed SB 1 list of projects must be passed by City Council on an annual basis.

The City is responsible for maintaining a street network that has a total of 96.2 miles through its street preventive maintenance and resurfacing programs, for the development of transportation and drainage safety projects, and for sustaining and expanding its pedestrian and bicycle networks. Based on the SB 1 program requirements, the Willow Road Resurfacing (Middlefield Road to Chester Street), Ravenswood Avenue Resurfacing (Alma Street to Marcussen Drive) and Haven Avenue Streetscape Improvements (Marsh Road to Atherton Channel) have been proposed to be eligible to receive fiscal year 2021-22 SB 1 funding. Exhibit A of the attached resolution (Attachment A) lists these street projects.

Impact on City Resources

With the approval of the proposed resolution, the City would be eligible for SB 1 funding. The assigned project is an improvement that the City Council funds through the budget process. As described above, SB 1 would provide funding in the estimated amount of \$677,240 for fiscal year 2021-22. The current total estimated project cost for the above-listed projects is approximately \$3.6 million. The difference between the total project costs and RMRA funds received will be paid from other funding sources such as construction street impact fees, San Mateo County transportation sales tax measures A and W.

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. Each individual project would be evaluated under CEQA at the time of the bid award.

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. 6632

Report prepared by:
Eren Romero, Business Manager
Chris Lamm, Assistant Public Works Director

Staff Report #: 21-122-CC

Reviewed by:
Nikki Nagaya, Public Works Director

RESOLUTION NO. 6632**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
APPROVING THE LIST OF PROJECTS ELIGIBLE FOR FISCAL YEAR 2021-
22 FUNDS FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT (SB 1)**

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multimodal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year (FY); and

WHEREAS, the City must adopt by resolution a list of projects proposed to receive fiscal year funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City, will receive and estimated \$677,240 in RMRA funding in FY 2021-22 from SB 1; and

WHEREAS, this is the fifth year in which the City is receiving SB 1 funding and will enable the City to continue essential road maintenance and rehabilitation projects, safety improvements, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City has undertaken public outreach through development of the transportation master plan to ensure public input into our community's transportation priorities; and

WHEREAS, the City used its pavement management program to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City maintain and rehabilitate streets, roads and drainage, throughout the City this year and many other similar projects into the future; and

WHEREAS, the 2018 California statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in a good condition and this revenue will help increase the overall quality of the road system and over the next decade will bring our streets and roads into a very good condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, finds as follows:

1. The foregoing recitals are true and correct.
2. The FY 2021-22 list of projects planned to be funded with RMRA revenues include the projects in "Exhibit A."

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 by the City Council of the City of Menlo Park on the eighth day of June, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Menlo Park this eighth day of June, 2021.

Judi A. Herren, City Clerk

Planned project for road maintenance and rehabilitation account (RMRA) fiscal year 2021-22 revenues

Table 1A: Menlo Park streets included in the 2021 street preventive maintenance project

Project description: Project consists of preventive maintenance to extend service life of the City's street network

Item	Street name	Project location - begin cross street	Project location - end cross street	Estimated start date	Estimated completion date	Estimated useful life in years
1	Willow Road	Middlefield Road	Chester Street	7/2021	10/2021	15-20
2	Ravenswood Avenue	Alma Street	Marcussen Drive	8/2021	10/2021	15-20
3	Haven Avenue	Marsh Road	Atherton Channel	8/2021	10/2021	15-20



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-118-CC

Public Hearing:

Public hearing on proposed fiscal year 2021-22
budget and capital improvement plan

Recommendation

The recommendation is that City Council:

1. Hold a public hearing on the proposed budget for fiscal year 2021-22 and capital improvement program, and
2. Provide direction on which resource options and/or service level enhancements to incorporate into the fiscal year 2021-22 budget for adoption June 22, 2021.

Policy Issues

The City Council maintains responsibility for all budgetary appropriations. Under section 2.08.080(8) of the Menlo Park Municipal Code, the city manager has the responsibility “to prepare and submit to the city council the annual budget.” A public hearing on the city manager’s proposed budget is consistent with the City’s budgeting process.

Background

Preparation of the annual budget takes place primarily during the months of March and April and is informed by City Council direction including amendments to the current fiscal year’s budget, adoption of budget principles, and adoption of City Council priorities. The proposed budget was published May 10, 2021, for consideration by the community and City Council. A budget workshop was held June 1, 2021, to provide additional information about the budget and answer questions from the community. The presentation is available as Attachment A and recording of the workshop available as Attachment B.

Analysis

In prior budget development cycles, the city manager’s proposed budget was presented as a full spending plan, though this has been upended by the ongoing effects of a worldwide pandemic and the ensuing economic effects and resource constraints. The fiscal year 2021-22 proposed budget includes a baseline spending plan which maintains services according to the fiscal year 2020-21 budget, as amended, and incorporates most adopted City Council priorities, but which allows deliberation by City Council in a holistic manner with respect to restoration/addition of services, or service level enhancements. In conjunction with the proposed budget as published, there are a number of potential service level enhancements available for consideration, resource options available for use, a number of adjustments subsequent to the May 10 proposed budget’s publication, and a recommended procedure for consideration of adjustments, all outlined below.

Service level enhancements

Proposals to increase service to the community which have been fully scoped are included in the proposed budget in detail in the City Manager's Transmittal Letter, Attachment C, and also included in brief in Attachment D. These service level enhancements are presented à la carte for consideration and no service level enhancements preclude others or must be taken in conjunction. The proposed budget in its entirety is available from the cover page, Attachment E and the transparency portal, Attachment F.

Potential resources

The proposed budget for fiscal year 2021-22 is operationally balanced and requires additional direction by City Council to determine which, if any, service level enhancements to incorporate and which funding sources, such as American Rescue Plan Act (ARP) funds, budget assumptions or use of reserves. The most readily available sources are summarized briefly below.

American Rescue Plan (ARP) Act stimulus funds

Under guidance published by the U.S. Treasury Department, agencies receiving ARP funds may use a "revenue backfill" method to determine applicable uses. Under this methodology, the City has capacity to use up to the full amount of ARP funding, \$6.53 million as allocated on a per capita basis, in any fiscal year though may use any amount less than the full amount. With the exception of a small number of restricted uses, such as unfunded pension liabilities, ARP money may be used for any other of the available service level enhancements. ARP funds may also be used for other uses, though such uses would require scoping if not already included in the available service level enhancement list provided in the proposed budget.

Utility users' tax

The Menlo Park Municipal Code (MPMC) Chapter 3.14 specifies a utility users' tax (UUT) rate of 2.5 or 3.5 percent depending on utility category, though the rate has been temporarily held at a lower 1 percent rate for all categories for a number of recent years. If directed by the City Council, the 1 percent temporary rate could be allowed to lapse and generate up to approximately \$3.0 million in additional revenue over the course of fiscal year 2021-22 and be used as an additional resource.

Excess Educational Revenue Augmentation Fund assumption

The City has, over recent years, received excess Education Revenue Augmentation Fund (excess ERAF) as funding requirements for school districts are exceeded by available revenues under the ERAF transfer. The City has traditionally budgeted 50 percent of anticipated excess ERAF funding in recognition of the ongoing uncertainty of this revenue source. The proposed budget includes 50 percent of the anticipated excess ERAF funds in fiscal year 2021-22, but a change of the assumption to 100 percent of the anticipated excess ERAF funds would represent an additional \$1.81 million in available revenue.

Use of fund balance

City Council procedure #14-003-CC, Fund Balance for the General Fund, Attachment G, maintains General Fund balances in several categories which are available for use as one-time money. The fund balance includes an estimated \$37.41 million as of July 1, 2021, though not all amounts are recommended for consideration. Fund balance is one-time money, so while it is a resource for consideration, caution should be used if applied toward structural programs unless a future revenue can be substituted. Fund balance component estimates are included in Table 1.

Table 1: General Fund balance components	
Item	Estimated balance as of July 1, 2021
Recommended for consideration	
Strategic pension funding reserve	\$ 3,911,216
Emergency contingency reserve	10,300,000
Economic stabilization reserve	12,938,200
Unassigned fund balance	5,627,415
Subtotal recommended for consideration	32,776,831
Not recommended for consideration	
Capital projects transfer	3,050,500
Menlo Park City School District assigned balance	1,000,000
Deposits and prepaid items*	18,687
Encumbrance assignment*	567,348
Subtotal not recommended for consideration	4,636,535
Total fund balance	\$ 37,413,366

* These items are not reasonably estimable during budget development and estimates are amounts as of June 30, 2020

Additional information subsequent to proposed budget publication

Subsequent to publication of the proposed budget, a number of changes were made by City Council action or identified by staff as necessary modifications. These changes are outlined below.

Bayfront Mitigation Fund

On May 25, 2021, the City Council took action to create the Bayfront Mitigation Fund as a special revenue fund and to make a transfer from the General Fund assigned fund balance and operating revenue for fiscal year 2020-21. In the proposed budget, this fund is named City Services Contribution Fund, fund No. 332, and will be renamed in the chart of accounts consistent with City Council direction. The proposed budget already incorporates expected revenues for this fund in fiscal year 2021-22 and does not budget for any expenditures pending additional City Council direction, resulting in no changes to fiscal year 2021-22.

General Fund revenues and expenditures

In review of the proposed revenues and expenditures in the General Fund, a number of corrections have been identified. These include the full expectation of the Facebook transient occupancy tax (TOT or hotel tax) guarantee, a correction to child care revenues and reallocation of expenditures to a grant-based special revenue fund for the Belle Haven Child Development Center, and the incorporation of overtime in the Police Department. The net effect on the General Fund of these changes is outlined in Table 2 below and results

in additional capacity in the General Fund of \$0.54 million. These changes will be incorporated into the proposed budget for adoption June 22, 2021.

Table 2: Changes identified to the proposed budget subsequent to publication			
Item	General Fund revenue change	General Fund expenditure change	General Fund net change
TOT guarantee	\$ 625,000	\$ -	\$ 625,000
Child care adjustments	315,000	(500,000)	815,000
Overtime budget	-	900,000	(900,000)
Total	\$ 940,000	\$ 400,000	\$ 540,000

As a result of these changes, proposed General Fund revenues will total \$58.58 million and expenditures will total \$58.03 million, pending direction received by the City Council.

In addition to the changes identified above, staff continues to explore options for increasing capacity in the community development department, especially within the planning function. Given the overall quantity and type of work, staff believe the City would benefit from the creation of a Planning Manager position to enable better alignment of staff resources, responsibilities, and assignments to improve service delivery. As such, staff intends to update the Tier 1 service level enhancement as part of the June 22 staff report, resulting in an increase in requested FTE from 0.5 to 1.5 and an increase in requested budget from \$0.08 million to approximately \$0.30 million.

Recommended City Council feedback process

After consultation with the Mayor, staff recommends that the City Council consider all resource options and potential service level enhancements sequentially, using a yes/no/maybe rating for each under consideration. If the majority of the Council determines that a given resource option or service level enhancement should be included or excluded, staff will incorporate this direction into the fiscal year 2021-22 budget for adoption June 22, 2022. Items without a clear majority to include or exclude may be deliberated during the June 8 City Council meeting or deferred into the start of fiscal year 2021-22 and incorporated as amendments to the budget during the fiscal year as consensus is achieved.

Draft resolutions

The budget adoption process includes formal resolutions for a number of components, included in Attachments I through M, attached for review before finalization June 22, 2021. These are described below.

Adoption of the fiscal year 2021-22 budget and capital improvement plan

This resolution formally appropriates funds and allows for expenditures during the fiscal year. The total appropriation amounts by fund are omitted pending additional direction by City Council but will be included after incorporating direction received June 8.

Appropriations limit

California Government Code sets a limit on appropriations based on a number of factors including the prior limit, population change and cost of living changes. This resolution establishes the appropriations limit for fiscal year 2021-22.

Temporary Utility Users' Tax Reduction

The MPMC sets UUT rates but allows for temporary reductions up to 12 months. If the City Council desires to extend the temporary reduction in UUT rates, this resolution accomplishes that; if the City Council directs the temporary reduction to lapse, this resolution will be excluded June 22.

Salary schedule amendments

Two of the City's collective bargaining units, Service Employees International Union Local 521 (SEIU) and American Federation of State, County, and Municipal Employees Local 829 (AFSCME), as well as the unrepresented confidential group, deferred cost-of-living adjustments (COLAs) in fiscal year 2020-21 as a result of the fiscal impacts of the pandemic. The salary schedule amendment as of June 20, 2021, implements these COLAs at the previously agreed-upon time.

In addition, the Police Sergeants Association (PSA) agreement specifies an increase in differential as compared to the pay rates of subordinate classifications. The salary schedule amendment as of July 4, 2021, incorporates this change in differential.

Rate assistance program

The City established a rate assistance pilot program for solid waste and water utilities in June 2020. This resolution extends the rate assistance program through June 30, 2022.

Next steps

June 8 – Public hearing for the fiscal year 2021-22 budget

June 22 – Adoption of the fiscal year 2021-22 budget

July – Publication of the "budget in brief" budget overview

August – Publication of the fiscal year 2021-22 adopted budget document

Impact on City Resources

There is no impact on City resources at this time.

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 – June 1 budget workshop slides: menlopark.org/DocumentCenter/View/28281/20210601-Budget-workshop-presentation
- B. Hyperlink – June 1 budget workshop recording: youtu.be/S2Yig3H7Qx8
- C. Hyperlink – City Manager's proposed budget for fiscal year 2021-22 transmittal letter:

- stories.opengov.com/menlopark/published/6tQNIIAoZ
- D. Service level enhancements by tier
- E. Hyperlink – City Manager’s proposed budget for fiscal year 2021-22 cover page:
stories.opengov.com/menlopark/published/iwqNQF6Mb
- F. Hyperlink – Budget transparency portal: menlopark.opengov.com/transparency/
- G. Hyperlink – General Fund reserve policy: menlopark.org/DocumentCenter/View/5404/D3---General-Fund-Reserve-Update?bidId=
- H. Appropriations limit calculation
- I. Draft resolution adopting the fiscal year 2021-22 budget and capital improvement plan
- J. Draft resolution establishing the appropriations limit
- K. Draft resolution establishing a temporary UUT reduction
- L. Draft resolution amending the salary schedule effective June 20, 2021
- M. Draft resolution amending the salary schedule effective July 4, 2021
- N. Draft resolution extending the rate assistance program
- O. Award authority memo for fiscal year 2021-22

Report prepared by:
Dan Jacobson, Assistant Administrative Services Director

Item	Description	Department	Low \$ M	High \$ M	FTE
Tier 1 <i>Proposals responsive to interests expressed by City Council during goal-setting</i>					
1	Augmentation of contract-supported capacity in the building division		0.45		0
2	Improved turnaround time for plan check review and building permit issuance	CD	0.38		3
3	Restoration of planning staffing levels	CD	0.08		0.5
4	Heritage tree ordinance implementation and downtown maintenance team	PW	0.63		5
5	Resume processing neighborhood traffic requests and improve use of mapping tools	PW	0.16		1
6	Emergency preparedness collaboration with Menlo Park Fire Protection District	PD	0.10		1
7	Resident and business services program	CMO	0.43		3
8	Sustainability staff capacity for climate action plan implementation	CMO	0.15		1
	Subtotal		2.38		14.5
Tier 2 <i>Restoration of services eliminated starting in fiscal year 2020-21</i>					
9	Community-oriented civilian public safety personnel	PD	0.20		2
10	Enhanced police record-keeping, data collection, and quality assurance	PD	0.10		1
11	Long-term traffic solutions to decrease the frequency and severity of collisions through traffic enforcement	PD	0.31		2
12	Restoration of library and community services programs and services eliminated due to pandemic	LCS	0.75		7
	Subtotal		1.36		12
Tier 3 <i>Improvement of customer service and leveraging of technology</i>					
13	Enterprise systems optimization	AS	0.37		3
14	Financial management organizational resiliency	AS	0.36		2
	Subtotal		0.73		5
Tier 4 <i>Non-personnel increases in service to the community</i>					
15	Budgeting for lower than anticipated investment returns by CalPERS	General	1.46	2.95	0
16	Gymnastics program delivery options	LCS	0.03		0
17	Restoration of holiday lighting at City parks	PW	0.09		0
18	Restoration of Safe Routes to School services	PW	0.05		0
	Subtotal		1.63		0
Total			6.10	7.59	31.5

**CITY OF MENLO PARK
APPROPRIATIONS LIMIT
FISCAL YEAR 2021-22**

	<u>AMOUNT</u>	<u>SOURCE</u>
A. LAST YEAR'S LIMIT	\$ 67,931,066	Prior Year
B. ADJUSTMENT FACTORS		
1. Population - City	0.9917	State Department of Finance
2. Inflation	1.0573	State Department of Finance
	1.0485	(B1*B2)
Total Adjustment %	0.0485	(B1*B2-1)
C. ANNUAL ADJUSTMENT	\$ 3,296,315	(B*A)
D. THIS YEAR'S LIMIT	<u>\$ 71,227,381</u>	(A+C)
E. PROCEEDS OF TAXES SUBJECT TO LIMIT		
Property Tax	28,047,920	2021-22 Proposed Budget
Sales Tax	6,797,462	2021-22 Proposed Budget
Other Taxes	11,924,482	2021-22 Proposed Budget
Special Assessments	1,396,857	2021-22 Proposed Budget
Interest Allocation	652,331	2021-22 Proposed Budget
	<u>\$ 48,819,052</u>	
F. AMOUNT UNDER/(OVER) LIMIT	\$ 22,408,329	(D-E)

RESOLUTION NO. 6633**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL
YEAR 2020–21**

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document dated June 8, 2021 and related written and oral information at the meeting held June 22, 2021, and the City Council having been fully advised in the matter and good cause appearing therefore.

WHEREAS, City Council Procedure #19-001-CC requires City Council action to enter into agreements or settle claims with aggregate annual payments in excess of \$79,000 for fiscal year 2021-22; however, expenditures in debt service on currently-issued debt, utilities, employee benefits, inter-governmental agreements, and operating technological end-user hardware and subscription services included in the Information Technology Internal Service Fund exceed the annual aggregate of \$79,000 through contractual obligations or public health and safety necessity; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby:

1. Adopt the budget for the fiscal year 2021–22 as summarized in Exhibit A and as modified according to majority City Council direction; and
2. Authorize staff to adjust the city manager’s proposed budget to incorporate changes in assumptions for the proposed budget, to incorporate changes directed by the City Council at budget adoption, true-up of estimated carry-over appropriations, and other minor clerical errors; and
3. Authorize the City Manager or designee to make payments for services provided to the City in the categories of debt service on currently-issued debt, utilities, employee benefits, inter-governmental agreements, and operating technological end-user hardware and subscription services included in the Information Technology Internal Service Fund, in excess of \$79,000 and up to the budgeted amount in fiscal year 2021-22.

I, Judi Herren, 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 twenty-second day of June, 2021, by the following vote:

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 June, 2021.

Judi A. Herren, City Clerk

RESOLUTION NO. 6634

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2021–22**

WHEREAS, Article XIII B of the Constitution of the State of California places various limitations on the City's powers of appropriation; and

WHEREAS, Division 9 (commencing with Section 7900) of the Government Code implements said Article XIII B and requires that each local jurisdiction shall, by resolution, establish its appropriations limit for the following year; and

WHEREAS, the City of Menlo Park population percentage change over the prior year is -0.83 percent and the growth in the State of California per capita personal income cost of living change is 5.73 percent, both factors in calculating the appropriations limit.

NOW THEREFORE, BE IT RESOLVED that the City Council of Menlo Park at its regular meeting of June 22, 2021 hereby establishes the appropriations limit as the amount of \$71,227,381 for Fiscal Year 2021–22, calculated in accordance with the provisions of Division 9 (commencing with Section 7900) of the California Government Code.

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-second day of June, 2021, 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 June, 2021.

Judi A. Herren, City Clerk

RESOLUTION NO. 6635**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ESTABLISHING A TEMPORARY TAX PERCENTAGE REDUCTION IN THE
UTILITY USERS' TAX PURSUANT TO SECTION 3.14.130 OF THE CITY OF
MENLO PARK MUNICIPAL CODE**

WHEREAS, Ordinance 950 of the City Council of the City of Menlo Park Adopting a Utility Users' Tax became effective upon approval by a majority of voters at the General Election of November 7, 2006; and WHEREAS,

Ordinance 950 established Chapter 3.14 of the City of Menlo Park Municipal Code, this chapter known as the "Utility Users' Tax Ordinance"; and

WHEREAS, the Utility Users' Tax Ordinance Section 3.14.130 allows the City Council to enact a Temporary Tax Percentage Reduction for a period of no more than twelve (12) months; provided adequate written notice is given to all affected service suppliers; and

WHEREAS, the City Council established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2008–09, effective October 1, 2008; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2009–10, effective October 1, 2009; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2010–11, effective October 1, 2010; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2011–12, effective October 1, 2011; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2012–13, effective October 1, 2012; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2013–14, effective October 1, 2013; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2014–15, effective October 1, 2014; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2015–16, effective October 1, 2015; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2016–17, effective October 1, 2016; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2017–18, effective October 1, 2017; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2018–19, effective October 1, 2018; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2019–20, effective October 1, 2019; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2020–21, effective October 1, 2020; and

WHEREAS, the City Council is not prohibited from adopting consecutive temporary tax percentage reductions as provided by Section 3.14.130 of the Utility Users' Tax Ordinance; and

WHEREAS, the City Council now finds that a consecutive temporary tax reduction shall not adversely affect the City's ability to meet its financial obligations as contemplated in the budget for the fiscal year 2021–22, considered and adopted at its regular meeting of June 22, 2021.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park at its regular meeting of June 22, 2021 hereby establishes a temporary reduction in the Utility Users' Tax rate, maintaining the current reduced rate of one percent (1.0%) for taxes imposed by sections 3.14.040 through 3.14.070 for a period of no more than twelve (12) months, effective October 1, 2021. No other provisions of the Utility Users' Tax Ordinance are affected by this resolution. Nothing herein shall preclude the City Council from modifying the tax rate set herein during said twelve-month period.

I, Judi Herren, 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 twenty-second day of June, 2021, by the following vote:

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 June, 2021.

Judi A. Herren, City Clerk

RESOLUTION NO. 6636

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK AMENDING THE SALARY SCHEDULE**

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 FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6620 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective June 20, 2021.

I, Judi Herren, 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 Council on the twenty-second day of June, 2021, by the following vote:

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 June, 2021.

Judi A. Herren, City Clerk

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Senior Office Assistant	\$ 60,585	\$ 63,457	\$ 66,387	\$ 69,488	\$ 72,704
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655
Senior Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Police Records Specialist	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Senior Program Assistant	\$ 67,054	\$ 70,188	\$ 73,482	\$ 76,934	\$ 80,554
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284
Senior Project Manager	\$ 119,831	\$ 125,567	\$ 131,553	\$ 137,909	\$ 144,589
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Senior Sustainability Specialist	\$ 84,091	\$ 88,114	\$ 92,331	\$ 96,733	\$ 101,406
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548
Senior Transportation Engineer	\$ 126,961	\$ 133,094	\$ 139,543	\$ 146,304	\$ 153,433
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Transportation Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Transportation Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Water System Operator	\$ 79,558	\$ 83,241	\$ 87,131	\$ 91,219	\$ 95,504
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205
Sustainability Specialist	\$ 72,414	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Transportation Demand Management Coord.	\$ 95,450	\$ 99,997	\$ 104,775	\$ 109,788	\$ 115,043
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	\$ 83,084	\$ 86,992	\$ 91,083	\$ 95,450	\$ 99,997
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179
Water System Operator I	\$ 66,107	\$ 69,069	\$ 72,132	\$ 75,696	\$ 79,219
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987
Water System Operator II	\$ 72,325	\$ 75,673	\$ 79,210	\$ 82,926	\$ 86,822
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375

RESOLUTION NO. 6637

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING THE SALARY SCHEDULE**

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 FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolution No. 6620 and subsequent amendments shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective June 20, 2021.

I, Judi Herren, 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 Council on the twenty-second day of June, 2021, by the following vote:

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 June, 2021.

Judi A. Herren, City Clerk

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/04/2021

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 85,179	\$ 89,439	\$ 93,911	\$ 98,606	\$ 103,537
Accountant II	\$ 93,296	\$ 97,706	\$ 102,315	\$ 107,236	\$ 112,347
Accounting Assistant I	\$ 60,404	\$ 63,267	\$ 66,188	\$ 69,281	\$ 72,486
Accounting Assistant II	\$ 66,188	\$ 69,281	\$ 72,486	\$ 75,874	\$ 79,434
Administrative Assistant	\$ 66,387	\$ 69,488	\$ 72,704	\$ 76,102	\$ 79,673
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	\$ 102,735	\$ 107,630	\$ 112,777	\$ 118,161	\$ 123,790
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Planner	\$ 93,082	\$ 97,460	\$ 102,131	\$ 106,998	\$ 112,109
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205
Assistant Transportation Planner	\$ 93,082	\$ 97,460	\$ 102,131	\$ 106,998	\$ 112,109
Associate Civil Engineer	\$ 115,277	\$ 120,796	\$ 126,554	\$ 132,668	\$ 139,094
Associate Engineer	\$ 108,937	\$ 114,152	\$ 119,594	\$ 125,371	\$ 131,444
Associate Planner	\$ 102,131	\$ 106,998	\$ 112,109	\$ 117,474	\$ 123,096
Associate Transportation Engineer	\$ 120,796	\$ 126,554	\$ 132,668	\$ 139,094	\$ 145,834
Associate Transportation Planner	\$ 102,131	\$ 106,998	\$ 112,109	\$ 117,474	\$ 123,096
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	\$ 60,344	\$ 63,204	\$ 66,122	\$ 69,211	\$ 72,414
Building Inspector I	\$ 89,959	\$ 94,284	\$ 98,778	\$ 103,501	\$ 108,443
Building Inspector II	\$ 98,954	\$ 103,713	\$ 108,656	\$ 113,851	\$ 119,287
Business Manager	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Chief Water Operator	\$ 99,013	\$ 103,731	\$ 108,687	\$ 113,887	\$ 119,338
Child Care Teacher I	\$ 53,994	\$ 56,443	\$ 58,999	\$ 61,688	\$ 64,606
Child Care Teacher II	\$ 60,344	\$ 63,204	\$ 66,122	\$ 69,211	\$ 72,414
Child Care Teacher's Aide	\$ 40,511	\$ 42,344	\$ 44,259	\$ 46,242	\$ 48,283
City Arborist	\$ 102,708	\$ 107,632	\$ 112,760	\$ 118,147	\$ 123,800
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	\$ 85,124	\$ 89,148	\$ 93,353	\$ 97,843	\$ 102,506
Communications and Records Manager	\$ 118,275	\$ 124,015	\$ 129,971	\$ 136,238	\$ 142,791
Communications Dispatcher	\$ 86,315	\$ 90,396	\$ 94,660	\$ 99,212	\$ 103,941
Communications Training Dispatcher	\$ 90,396	\$ 94,660	\$ 99,212	\$ 103,941	\$ 108,911
Community Development Director	\$ 160,316		Open Range		\$ 227,436
Community Development Technician	\$ 72,395	\$ 75,746	\$ 79,286	\$ 83,006	\$ 86,907
Community Service Officer	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Construction Inspector I	\$ 84,866	\$ 88,948	\$ 93,187	\$ 97,642	\$ 102,304
Construction Inspector II	\$ 93,353	\$ 97,843	\$ 102,506	\$ 107,407	\$ 112,535
Contracts Specialist	\$ 74,748	\$ 78,263	\$ 81,887	\$ 85,773	\$ 89,891
Custodial Services Supervisor	\$ 69,435	\$ 72,648	\$ 76,043	\$ 79,611	\$ 83,352
Deputy City Clerk	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
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	\$ 77,818	\$ 81,421	\$ 85,286	\$ 89,379	\$ 93,605
Engineering Technician II	\$ 87,237	\$ 91,342	\$ 95,637	\$ 100,222	\$ 104,998
Enterprise Applications Support Specialist I	\$ 92,078	\$ 96,682	\$ 101,516	\$ 106,591	\$ 111,921
Enterprise Applications Support Specialist II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Equipment Mechanic	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Executive Assistant	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992	\$ 91,083
Executive Assistant to the City Mgr	\$ 80,750	\$ 84,788	\$ 89,027	\$ 93,478	\$ 98,151
Extra Help Retired Annuitant	\$ 31,200		Open Range		\$ 249,600
Facilities Maintenance Technician I	\$ 64,606	\$ 67,581	\$ 70,784	\$ 74,112	\$ 77,545
Facilities Maintenance Technician II	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578
GIS Analyst I	\$ 89,362	\$ 93,831	\$ 98,523	\$ 103,449	\$ 108,622
GIS Analyst II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Gymnastics Instructor	\$ 43,228	\$ 45,184	\$ 47,224	\$ 49,332	\$ 51,600
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 I	\$ 70,139	\$ 73,457	\$ 76,737	\$ 80,481	\$ 84,266
Human Resources Technician II	\$ 77,153	\$ 80,803	\$ 84,411	\$ 88,529	\$ 92,693
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578
Information Technology Specialist I	\$ 75,549	\$ 79,327	\$ 83,293	\$ 87,459	\$ 91,833
Information Technology Specialist II	\$ 83,942	\$ 87,886	\$ 92,020	\$ 96,348	\$ 100,968
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578
Junior Engineer	\$ 82,876	\$ 87,020	\$ 91,371	\$ 95,940	\$ 100,737

Annual Salaries based on 2080 hours per year except where set by contract or noted

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/04/2021

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Librarian I	\$ 72,414	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992
Librarian II	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353	\$ 97,843
Library and Community Services Director	\$ 156,348	Open Range			\$ 227,436
Library and Community Services Supervisor	\$ 93,654	\$ 98,158	\$ 102,835	\$ 107,753	\$ 112,898
Library Assistant I	\$ 56,443	\$ 58,999	\$ 61,688	\$ 64,606	\$ 67,581
Library Assistant II	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Library Assistant III	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,143
Library Services Manager	\$ 126,553	Open Range			\$ 170,578
Literacy Program Manager	\$ 83,352	\$ 87,273	\$ 91,376	\$ 95,757	\$ 100,320
Maintenance Worker I	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Maintenance Worker II	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225
Management Analyst I	\$ 89,362	\$ 93,831	\$ 98,523	\$ 103,449	\$ 108,622
Management Analyst II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Network Administrator	\$ 119,831	\$ 125,567	\$ 131,553	\$ 137,909	\$ 144,589
Office Assistant	\$ 55,434	\$ 57,962	\$ 60,585	\$ 63,457	\$ 66,387
Parking Enforcement Officer	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Permit Manager	\$ 116,171	\$ 121,729	\$ 127,555	\$ 133,635	\$ 140,092
Permit Technician	\$ 72,395	\$ 75,745	\$ 79,286	\$ 83,006	\$ 86,905
Plan Check Engineer	\$ 116,375	\$ 121,946	\$ 127,759	\$ 133,931	\$ 140,418
Planning Technician	\$ 83,006	\$ 86,905	\$ 90,994	\$ 95,273	\$ 99,841
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	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225
Police Recruit	n/a	Hourly Rate			\$ 84,546
Police Sergeant (2080 hours)	\$ 129,192	\$ 135,651	\$ 142,434	\$ 149,556	\$ 157,033
Police Sergeant (2080 hours)	\$ 128,626	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345
Police Sergeant (2184 hours)	\$ 135,651	\$ 142,434	\$ 149,556	\$ 157,033	\$ 164,885
Police Sergeant (2184 hours)	\$ 135,057	\$ 141,810	\$ 148,900	\$ 156,345	\$ 164,163
Principal Planner	\$ 123,321	\$ 131,042	\$ 137,313	\$ 143,859	\$ 148,713
Program Aide/Driver	\$ 38,757	\$ 40,511	\$ 42,344	\$ 44,259	\$ 46,242
Program Assistant	\$ 55,214	\$ 57,732	\$ 60,344	\$ 63,204	\$ 66,122
Project Manager	\$ 108,937	\$ 114,152	\$ 119,594	\$ 125,371	\$ 131,444
Property and Court Specialist	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
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 - Facilities	\$ 103,438	\$ 108,397	\$ 113,562	\$ 118,988	\$ 124,681
Public Works Supervisor - Fleet	\$ 105,083	\$ 110,121	\$ 115,368	\$ 120,880	\$ 126,663
Public Works Supervisor - Park	\$ 97,773	\$ 102,460	\$ 107,343	\$ 112,471	\$ 117,853
Public Works Supervisor - Streets	\$ 97,773	\$ 102,460	\$ 107,343	\$ 112,471	\$ 117,853
Recreation Coordinator	\$ 72,648	\$ 76,043	\$ 79,611	\$ 83,352	\$ 87,273
Revenue and Claims Manager	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Senior Accountant	\$ 107,290	\$ 112,363	\$ 117,663	\$ 123,322	\$ 129,199
Senior Accounting Assistant	\$ 72,807	\$ 76,209	\$ 79,735	\$ 83,462	\$ 87,378
Senior Building Inspector	\$ 111,062	\$ 116,375	\$ 121,946	\$ 127,759	\$ 133,931
Senior Civil Engineer	\$ 126,961	\$ 133,094	\$ 139,543	\$ 146,304	\$ 153,433
Senior Communications Dispatcher	\$ 94,660	\$ 99,212	\$ 103,941	\$ 108,911	\$ 114,110
Senior Construction Inspector	\$ 102,688	\$ 107,627	\$ 112,757	\$ 118,162	\$ 124,071
Senior Engineering Technician	\$ 93,605	\$ 98,021	\$ 102,735	\$ 107,630	\$ 112,777
Senior Equipment Mechanic	\$ 85,309	\$ 89,471	\$ 93,679	\$ 98,018	\$ 102,669
Senior Facilities Maintenance Technician	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Senior GIS Analyst	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Senior Human Resources Technician	\$ 84,868	\$ 88,883	\$ 92,852	\$ 97,382	\$ 101,962
Senior Librarian	\$ 91,373	\$ 95,942	\$ 100,739	\$ 105,776	\$ 111,064
Senior Library Assistant	\$ 74,239	\$ 77,862	\$ 81,524	\$ 85,299	\$ 89,257
Senior Maintenance Worker	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Senior Management Analyst	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Senior Office Assistant	\$ 60,585	\$ 63,457	\$ 66,387	\$ 69,488	\$ 72,704
Senior Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Police Records Specialist	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Senior Program Assistant	\$ 67,054	\$ 70,188	\$ 73,482	\$ 76,934	\$ 80,554
Senior Project Manager	\$ 119,831	\$ 125,567	\$ 131,553	\$ 137,909	\$ 144,589
Senior Sustainability Specialist	\$ 84,091	\$ 88,114	\$ 92,331	\$ 96,733	\$ 101,406
Senior Transportation Engineer	\$ 126,961	\$ 133,094	\$ 139,543	\$ 146,304	\$ 153,433
Senior Transportation Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Water System Operator	\$ 79,558	\$ 83,241	\$ 87,131	\$ 91,219	\$ 95,504
Sustainability Manager	\$ 121,835	Open Range			\$ 159,205
Sustainability Specialist	\$ 72,414	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992
Transportation Demand Management Coord.	\$ 95,450	\$ 99,997	\$ 104,775	\$ 109,788	\$ 115,043
Transportation Director	\$ 164,671	Open Range			\$ 227,436
Transportation Manager	\$ 126,553	Open Range			\$ 170,578
Water Quality Specialist	\$ 83,084	\$ 86,992	\$ 91,083	\$ 95,450	\$ 99,997
Water System Operator I	\$ 66,107	\$ 69,069	\$ 72,132	\$ 75,696	\$ 79,219
Water System Operator II	\$ 72,325	\$ 75,673	\$ 79,210	\$ 82,926	\$ 86,822

Annual Salaries based on 2080 hours per year except where set by contract or noted

RESOLUTION NO. 6638**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO
EXTEND THE SOLID WASTE AND WATER RATE ASSISTANCE PROGRAM**

WHEREAS, as of June 16, 2020 the City Council adopted Resolution No. 6563 to support the black lives matter movement, which emphasizes inclusion and equity within the community through City policies and services; and

WHEREAS, to promote equity and support Menlo Park's diverse community, establishing a rate assistance program will help low-income households to cover basic living expenses; and

WHEREAS, some rate assistance programs, such as Pacific Gas & Electricity (PG&E) California Alternative Rate Energy (CARE) program offers monthly minimum discount of 20 percent on gas and electricity; and

WHEREAS, due to the current COVID-19 pandemic and solid waste and water rate increases, some residential customers may be financially impacted; and

WHEREAS, on August 25, 2020 during a study session, the City Council supported city staff to establish a rate assistance program for solid waste rates at 20 percent discount; and

WHEREAS, on September 8, 2020 during a study session, the City Council supported city staff to establish a rate assistance program for Menlo Park Municipal Water customers; and

WHEREAS, on January 1, 2021, new solid waste rates went into effect; and

WHEREAS, on April 27, 2021 the City Council received an update about extending the pilot program for fiscal year 2021-22;

WHEREAS, on July 1, 2021, new Menlo Park Municipal Water rates are scheduled to be in effect; and

WHEREAS, the City of Menlo Park's rate assistance program should be extended to June 30, 2022.

NOW, THEREFORE BE IT RESOLVED, the program shall be comprised of the following timeframe, discount, and qualifications unless modified by the City Council by resolution:

1. Timeframe: continue on July 1, 2021 and end on June 30, 2022;
2. Discount: monthly 20 percent discount for solid waste rates and a monthly fixed discount equal to 50 percent of the 5/8-inch meter service charge for water rates; and
3. Qualifications: households must meet the following criteria to receive the discount:
 - Must be enrolled in PG&E CARE program;
 - Submit most recent PG&E bill to verify CARE enrollment. Address on PG&E bill must be the same on solid waste and water bills, but names may be different;
 - Submit most recent Recology and Menlo Park Municipal Water bills to receive applicable discounts; and

- Re-certify eligibility according to the PG&E CARE program enrollment expiration date. Re-certification will vary, depending on when the household applies to CARE.

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 June 2021, 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 June 2021.

Judi A. Herren, City Clerk

2021-22 AWARD AUTHORITY AND BID REQUIREMENTS ATTACHMENT 2

City Council Policy No. CC-19-001
 Adopted February 12, 2019
 Resolution No. 6479



Purpose			
Pursuant to City Council adopted policy CC-19-001, this memo establishes the award authority and bid requirements for the 2021-22 fiscal year.			
2018-19 Award Authority and Bid Requirements			
Category	Amount	Approving authority	Bid requirement
Goods, general services, and professional services	Less than \$39,500	City Manager Designee	Written quotations
	\$39,501 to \$79,000/year (up to 3 years)	City Manager	Informal bid
	\$79,001 to \$200,000	City Council	Informal bid
	Greater than \$200,000		Formal bid
Public projects	Less than \$60,000	City Manager Designee	Informal bid/force account
	\$60,001 to \$79,000	City Manager	
	\$79,001 to \$200,000	City Council	Informal bid
	Greater than \$200,000		Formal bid
Claims settlement	Up to \$79,000	City Manager	N/A
	\$79,001 or greater	City Council	

Agenda item M1

Bernard and Carmen Clouse, resident

I would suggest that the funding include better enforcement of the ban on gas leaf blowers on Spare the Air days. When qw call to report violations, the gardeners are usually gone before anyone can respond.

Better - fine the home owners, not the gardeners - since the gardeners may not be able to keep track of the various local laws about this, and since this way the responder can arrive after the fact and still be effective

And - why not ban the gas power leaf blowers completely, they just move dust from one place to another while creating air and noise pollution.



2021-22 BUDGET PUBLIC HEARING

June 8, 2021

ARRRERGA RAVVHY
CYLVVSTEV



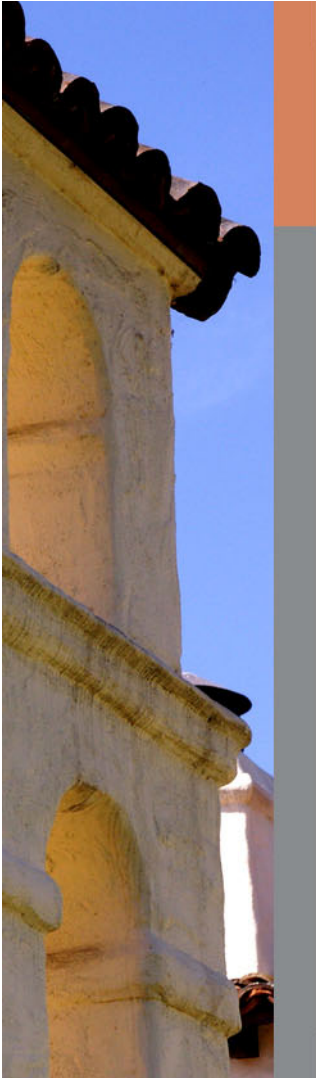
AGENDA

- Introduction
- Baseline fiscal year 2021-22 budget
- Resource options
- Service level enhancement options
- City Council questions
- Public Hearing
- City Council direction to staff





BASELINE BUDGET



FUNDED CITY COUNCIL PRIORITIES

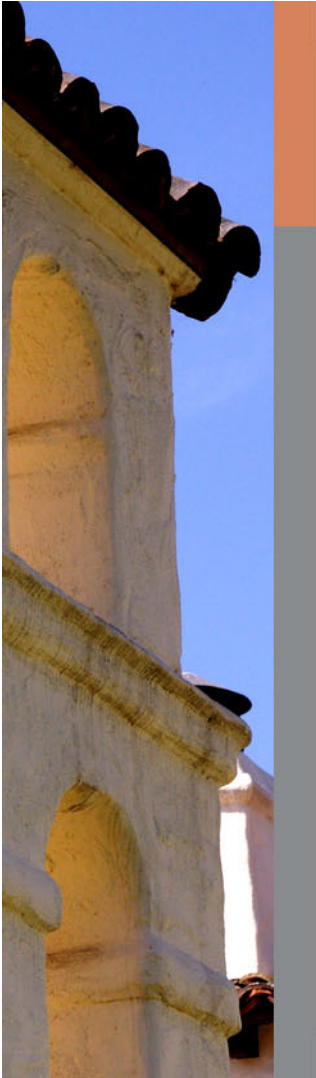
- 2020 census redistricting
- 2022 housing element and related zoning code updates and documents
- Caltrain rail corridor quiet zone analysis
- Climate Action Plan
 - No. 1 – explore policy/program options to convert 95% of existing building to all-electric by 2030
 - No. 4b – Middle Avenue rail crossing and complete street
- ConnectMenlo community amenities list update
- Menlo Park Community Campus



UNFUNDED CITY COUNCIL PRIORITIES

- Reimagining downtown
- Reimagining public safety





PROPOSED FISCAL YEAR 2021-22 BUDGET

- **Baseline budget**
 - Operating surplus of \$549,430
 - Includes \$3.1 million transfer to General Capital
 - Includes substantially similar services to fiscal year 2020-21
- **Incorporates changes to budgeting/accounting**
 - One-time Revenue Fund (\$4.0 million placeholder expenditures)
 - Bayfront Mitigation Fund (no expenditures)
 - New special revenue funds for grant activities
 - Transparency on pension components
 - Reintroduction of vacancy factor
- **City Council direction required on resources/service level enhancements**



RESOURCE OPTIONS





AMERICAN RESCUE PLAN ACT (ARP) FUNDS



- \$8.30 million available through calendar year 2024
- Largely unrestricted in use
- “Revenue backfill” method allows up to full amount in any fiscal year
- Not all potential uses scoped by staff



UTILITY USERS' TAX (UUT)

- Maximum rate set by Menlo Park Municipal Code section 3.14
- Temporary reductions up to 12 months
- 60 days' notice required to change rate; allowable during fiscal year
- \$3.0 million resource available if all categories set to maximum as of October 1, 2021



EXCESS EDUCATION REVENUE AUGMENTATION FUND

- Received when ERAF transfer exceeds school districts' State mandated funding levels
- Considered threatened revenue source
- Practice has been to budget 50 percent of expected amount
- Additional 50 percent represents \$1.81 million





USE OF FUND BALANCE

- \$37.41 million estimated General Fund balance as of July 1, 2021
- \$4.64 million not recommended for use
- \$32.78 million in reserves or unassigned balance



SERVICE LEVEL ENHANCEMENT OPTIONS





TIER 1 OPTIONS

- Responsive to interests expressed by City Council during goal setting

Ref. #	Service Level Enhancement	Cost (\$ millions)	FTE
1	Augmentation of contract-supported capacity in the building division	0.45	0.00
2	Improved turnaround time for plan check review and building permit issuance	0.38	3.00
3	Restoration of planning staffing levels	0.30	1.50
4	Heritage tree ordinance implementation and downtown maintenance team	0.63	5.00
5	Resume processing neighborhood traffic requests and improve use of mapping tools	0.16	1.00
6	Emergency preparedness collaboration with Menlo Park Fire Protection District	0.10	1.00
7	Resident and business services program	0.43	3.00
8	Sustainability staff capacity for climate action plan implementation	0.15	1.00



TIER 2 OPTIONS

- Restoration of services eliminated starting in fiscal year 2020-21

Ref. #	Service Level Enhancement	Cost (\$ millions)	FTE
9	Community-oriented civilian public safety personnel	0.20	2.00
10	Enhanced police record-keeping, data collection, and quality assurance	0.10	1.00
11	Long-term traffic solutions to decrease the frequency and severity of collisions through traffic enforcement	0.31	2.00
12	Restoration of library and community services programs and services eliminated due to pandemic	0.75	7.00



TIER 3 OPTIONS

- Improvement of customer service and leveraging technology

Ref. #	Service Level Enhancement	Cost (\$ millions)	FTE
13	Enterprise systems optimization	0.37	3.00
14	Financial management organizational resiliency	0.36	2.00

TIER 4 OPTIONS



- Non-personnel increases in service to the community

Ref. #	Service Level Enhancement	Cost (\$ millions)	FTE
15	Budgeting for lower than anticipated investment returns by CalPERS	1.46	0.00
16	Gymnastics program delivery options	0.03	0.00
17	Restoration of holiday lighting at City parks	0.09	0.00
18	Restoration of Safe Routes to School services	0.05	0.00



BUDGET TEAM

- Nikki Nagaya
- Chris Lamm
- Brian Henry
- Eren Romero
- Christian Quijano
- Alxea Vilkins
- Madelinne Godinez
- Dani O'Connor
- Dave Norris
- Tony Dixon
- Jaime Romero
- Sein Reinhart
- Nick Szegda
- Theresa DellaSanta
- Rani Singh
- Deanna Chow
- Chuck Andrews
- Mike Noce
- Vanh Malathong
- Clay Curtin
- Rebecca Lucky
- Judi Herren
- Sandy Pimentel
- Kristen Strubbe
- Whit Loy
- Nicole Casados



THANK YOU



FUNDING THE CIP

- General fund: annual transfer of approximately \$3m
- Other sources:
 - Grants
 - Dedicated sources: water, transportation impact, stormwater, solid waste, etc.
 - Development agreement community benefits (e.g., Downtown amenities fund)
- Prior fiscal years, surplus revenues at the end of the year used to pre-fund CIP projects for the following year:
 - Santa Cruz Avenue Sidewalks (Phase 1)
 - Chrysler Pump Station
 - Nealon Park Playground
 - Sharon Road Sidewalks



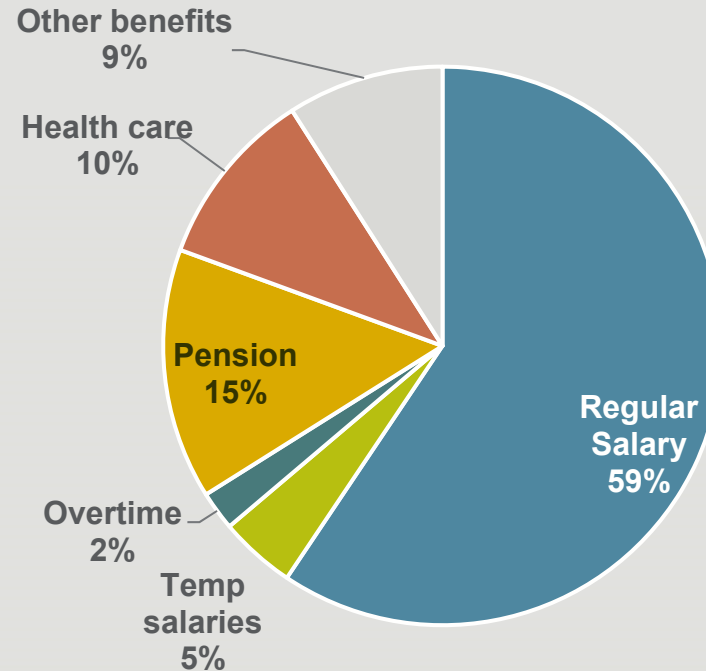
RESOURCES

2019-20 ADOPTED BUDGET



- Staffing
 - 286.75 FTEs
 - 28.50 vacant as of January 7
 - \$52.33 million salaries & benefits
 - 63.3% of General Fund revenue
 - Temporary staff = estimated 55-65 FTEs
 - 9 Retired annuitants
- Contract services
 - \$13.84 million = estimated 20-30 FTEs

Personnel costs, all funds





HOW HAS OUR STAFFING CHANGED?

2017-18
278 FTEs

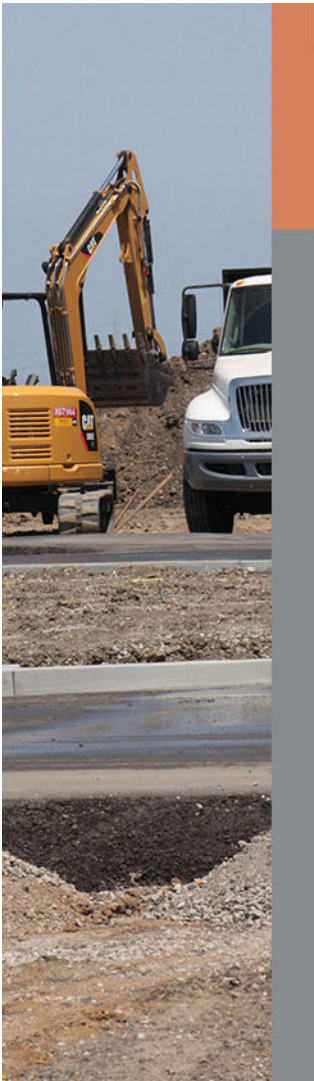
+6.0 police personnel, Community Response Team
+1.0 management analyst, housing
+1.0 asst. to the city manager, special projects
+8.0 FTEs, approved June 20, 2017

2018-19
287.25 FTEs

+3.0 library personnel
+2.0 water division personnel
+1.0 code enforcement
+1.0 construction inspector
+1.0 human resources technician
+0.75 gymnastics instructor
+0.50 police dispatcher
+9.25 FTEs, approved June 19, 2018

2019-20
286.75 FTEs

-1.0 red light enforcement officer
+0.5 CIP engineer, provisional
-0.5 FTEs, approved June 18, 2019



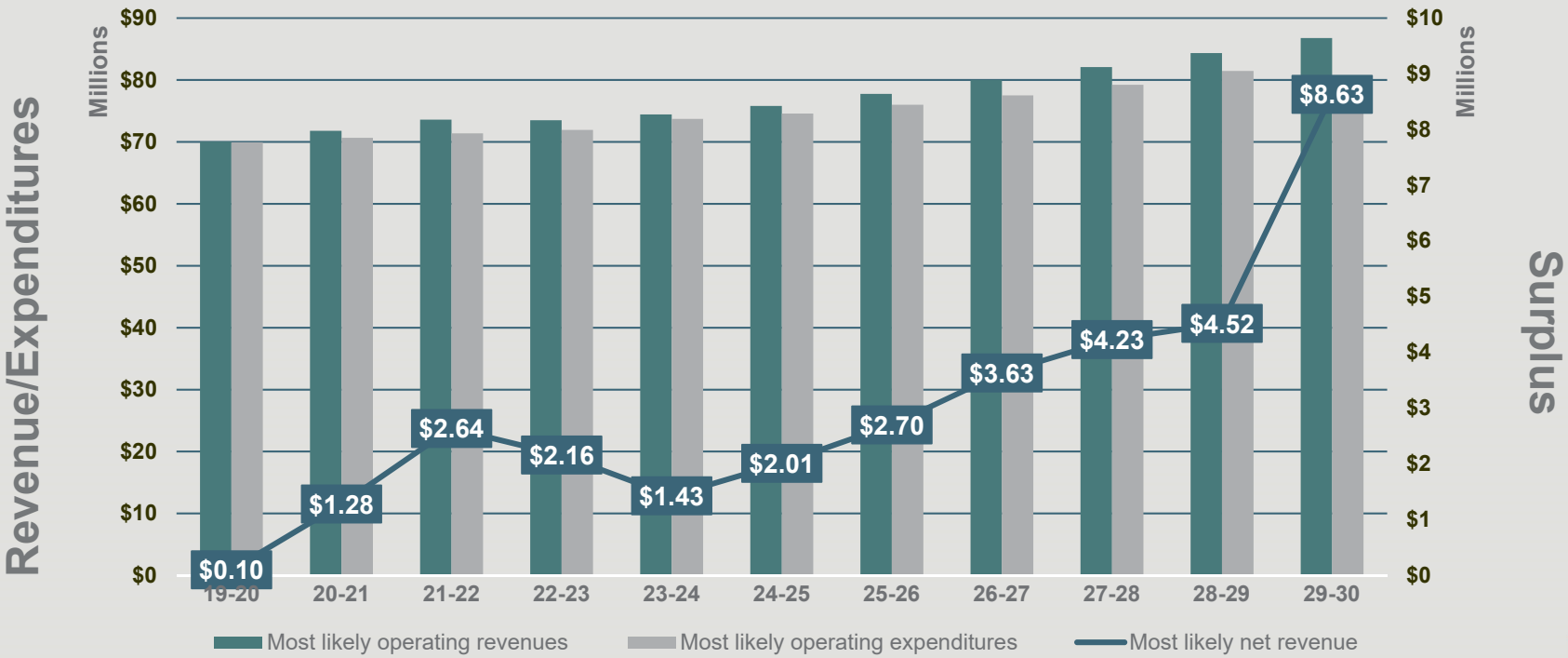
2019-20 AUTHORIZED FULL-TIME EQUIVALENT (FTE) PERSONNEL



Department	Regular FTEs	Provisional FTEs	Total FTEs
City Council & Attorney	6.00	--	6.00
City Manager's Office	10.00	--	10.00
Administrative Services	20.75	2.00	22.75
Community Development	31.00	--	31.00
Community Services	52.75	--	52.75
Library	18.25	--	18.25
Police	76.50	--	76.50
Public Works	69.00	0.50	69.50
Total	284.25	2.50	286.75



GENERAL FUND 10-YEAR FORECAST

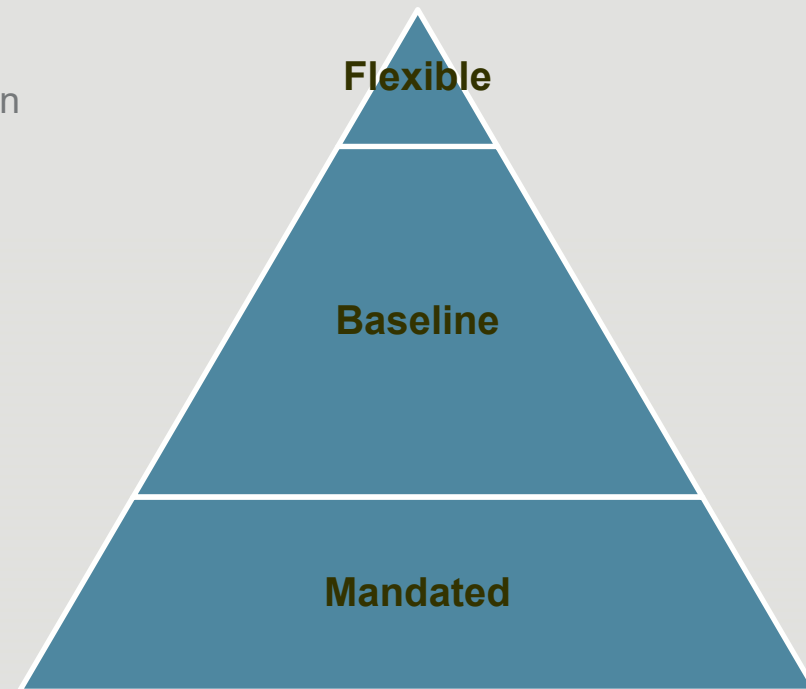




HOW ARE STAFF RESOURCES ALLOCATED?



- **Mandated**
 - Federal, State law; potential risk for violation
 - Municipal Code; City Council discretion
- **Baseline**
 - Mission critical services
 - Day-to-day programs
- **Flexible**
 - Projects oriented
 - Not mission critical





COMMUNITY DEVELOPMENT FUNCTIONAL AREAS



Ref #	Community Development	0	25	% of available hours								75	100	31.00
10	Planning	[Red bar from 0 to 75]												13.90
11	Building - inspections	[Red bar from 0 to 75]												6.30
12	Building - plan checks	[Red bar from 0 to 75]												1.30
13	Building - permitting	[Red bar from 0 to 75]												6.30
14	Housing	[Red bar from 0 to 25, Yellow bar from 25 to 75, Green bar from 75 to 100]												2.15
15	Economic development	[Yellow bar from 0 to 25, Green bar from 25 to 100]												1.05

January 7 vacancy rate = 17.7%



COMMUNITY DEVELOPMENT FUNCTIONAL AREAS



Functional area	FTEs	Mandated	Baseline	Flexible
Planning	13.00	75%	20%	5%
Building – inspections	6.30	80%	20%	--
Building – plan checks	1.30	75%	25%	--
Building – permitting	6.30	90%	10%	--
Housing	2.15	25%	50%	25%
Economic development	1.05	--	35%	65%
Total	31.00			

January 7 vacancy rate = 17.7%



PLANNING DIVISION



Mandated activities

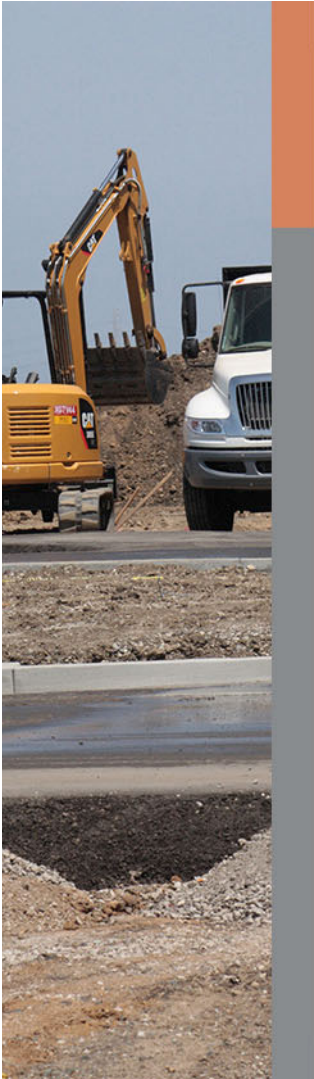
- Development review
- Building permit review
- Planning Commission meetings
- Housing Element/Update
- Code updates for compliance with State law
- Sign Permit review
- Special Events permit review
- PRAs

Baseline activities

- Public information counter
- Handouts
- Website maintenance
- Zoning Compliance Letters
- Business license review
- Code enforcement assistance
- Development Review Team (DRT)/pre-application

Flexible

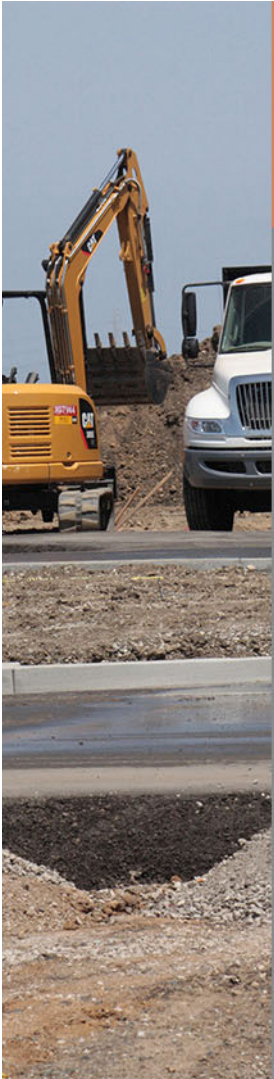
- GIS/Data/Graphics
- Community events (e.g. Facebook festivals)
- Menlo Perk initiatives
- City teams (Communications Team, Branding Team, Employee Recognition)
- Specific Plan revisions
- General Plan revisions
- Professional development



2020 COMMUNITY DEVELOPMENT PROJECTS

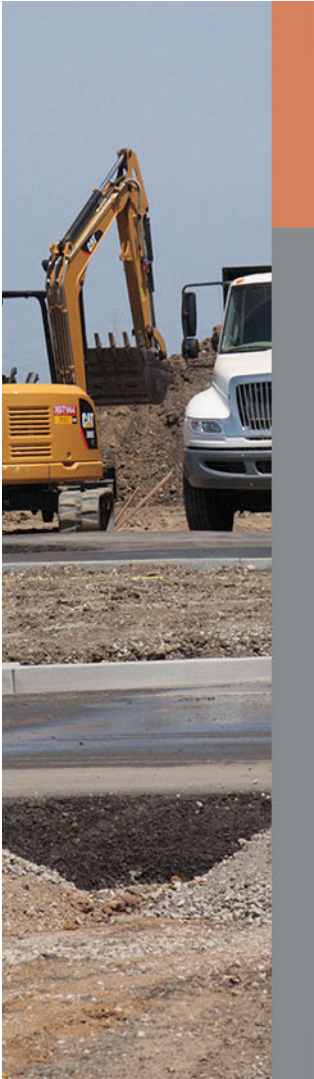


- Carryover projects
 - El Camino Real/ Downtown Specific Plan update
 - Single-family residential design review
 - Implementation of the new land management system
 - Zero waste ordinance implementation
 - Energy reach codes implementation
 - Heritage tree ordinance implementation
- New projects
 - Belle Haven Community Center and Library project support
 - ConnectMenlo community amenities list update
 - Secondary dwelling units ordinance update
 - 2022 Housing Element, zoning code update and related work



CHALLENGES IN 2020

- Too many or unclear City Council priorities
- Lack of transparency in ad hoc requests submitted to staff
- Inconsistent expectations of advisory bodies
- Employee retention



NEXT STEPS

- January 28
 - City Council acceptance of the BHCCL proposal
 - Staff report, published 1/23
- January 30
 - Goal-setting session
 - Staff report, published 1/23
- February 25
 - Adopt 2020 City Council priorities and work plan
 - Adopt 2020-21 budget principles



THANK YOU

Budget direction options					
Ref. #	Tier	Title	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
N/A	Resource	American Rescue Plan (ARP) Act funds	\$ -	0.00	0
N/A	Resource	Utility Users' Tax	-	0.00	0
N/A	Resource	Excess ERAF	-	0.00	0
N/A	Resource	Use of fund balance	-	0.00	0
1	1	Augmentation of contract-supported capacity in the building division	0.45	0.00	0
2	1	Improved turnaround time for plan check review and building permit issuance	0.38	3.00	0
3	1	Restoration of planning staffing levels	0.30	1.50	0
4	1	Heritage tree ordinance implementation and downtown maintenance team	0.63	5.00	0
5	1	Resume processing neighborhood traffic requests and improve use of mapping tools	0.16	1.00	0
6	1	Emergency preparedness collaboration with Menlo Park Fire Protection District	0.10	1.00	0
7	1	Resident and business services program	0.43	3.00	0
8	1	Sustainability staff capacity for climate action plan implementation	0.15	1.00	0
9	2	Community-oriented civilian public safety personnel	0.20	2.00	0
10	2	Enhanced police record-keeping, data collection, and quality assurance	0.10	1.00	0
11	2	Long-term traffic solutions to decrease the frequency and severity of collisions through traffic enforcement	0.31	2.00	0
12	2	Restoration of library and community services programs and services eliminated due to pandemic	0.75	7.00	0
13	3	Enterprise systems optimization	0.37	3.00	0
14	3	Financial management organizational resiliency	0.36	2.00	0
15	4	Budgeting for lower than anticipated investment returns by CalPERS	1.46	0.00	0
16	4	Gymnastics program delivery options	0.03	0.00	0
17	4	Restoration of holiday lighting at City parks	0.09	0.00	0
18	4	Restoration of Safe Routes to School services	0.05	0.00	0
Net new resources			\$ -		
Net new requirements			-	-	
Total net impact			\$ -	0.00	

Budget direction options						
Ref. #	Tier	Title	Description	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
N/A	Resource	American Rescue Plan (ARP) Act funds	American Rescue Plan (ARP) Act stimulus funds, available for use up to a maximum of \$6.53 million in fiscal year 2021-22. One-time money.	\$ -	0.00	0
N/A	Resource	Utility Users' Tax	Allow the temporary reduction in Utility Users' Tax (UUT) rates of 1 percent to lapse and return to the maximum of 2.5 percent or 3.5 percent depending on utility category.	-	0.00	0
N/A	Resource	Excess ERAF	Budget for 100 percent of anticipated excess Education Revenue Augmentation Fund (excess ERAF) funds.	-	0.00	0
N/A	Resource	Use of fund balance	Use accumulated fund balance in the General Fund. One-time money.	-	0.00	0
1	1	Augmentation of contract-supported capacity in the building division	The Building Division of the Community Development Department currently uses contract services to supplement the following services: plan check, permit technician, inspection, construction and demolition program, and arborist services. Contracted services are necessary to keep up with public demand and comply with building codes. The Building Division's contract services budget was cut due to budget reductions in fiscal year 2020-21 from \$1.4 million to \$955,000. The Building Division would like to reestablish the contract services budget. The goal of this action is to be able to fully fund contract services due to the significant increase in permit applications, issued permits and large development revision management. In 2021 and subsequent years, the Building Division anticipates additional contract service to be used for current and additional workload. In addition, contract services will be used to meet the upcoming staff leave needs that will create a significant gap in service delivery. These contract services are essential for the Building Division to keep up with public demand and comply with building codes. The requested adjustment calls for an increase of \$445,000 for a total of \$1.40 million in Contract Services for fiscal year 2021-22.	0.45	0.00	0
2	1	Improved turnaround time for plan check review and building permit issuance	<p>Since 2020, the building division of community development has experienced a substantial increase in the number of permit applications and issued permits. The number of large and complex projects has increased, despite the pandemic, and City staff anticipate demand for building division services will continue to grow in the next several years. In addition to increased demand, projects are more complex, requiring increased review and management of subsequent revisions. In addition, inspection requests have spiked for large projects. Revisions to issued permits for large-scale projects move extremely fast and involve fast reviews. The City currently has 12 large-scale active projects and five new large-scale projects in the queue for 2021 and a large volume of residential review. The department cannot meet service level goals and expectations with current staffing levels, and demand is only increasing. The city's new land management system, Accela, has allowed certain automation and data collection that streamline some requests; however, the system implementation continues requiring dedicated staff time to learn new processes and procedures. To meet the desire for faster turnaround times in the building division's services, the department requests the addition of three full-time equivalent personnel: 1.0 plan check engineer, 1.0 building inspector, and 1.0 permit technician. If approved, City staff anticipate a six to nine-month lag between City Council approval and measurable improvements in turnaround times.</p> <p>1.0 FTE plan check engineer - The department requests restoration of staff eliminated as part of the fiscal year 2020-21 adopted budget and has adversely impacted turnaround times for plan check reviews and building permit issuances. The department currently uses remote contract services to perform plan check reviews, which extend review times, ultimately extending permit issuance review times. The request provides sufficient staff to meet current and anticipated service demands successfully. The Building Division expects additional burden with both small and large-scale projects in 2021 and subsequent years. A Plan Check Engineer on staff would benefit the community with timely over-the-counter permit issuance and provide a needed resource for public questions related to the building process.</p> <p>1.0 FTE building inspector and 1.0 FTE permit technician - The building division's permit and inspection staffing levels are adequate for the number of permits applied and issued in 2019, but not the substantial increase in permits experienced over the past year. A significant increase in large-scale projects anticipated in the next several years will impact permit application workload and permit issuance until Accela implementation is complete. The department requests two FTE to assist with the land management system implementation and process improvements and anticipated increase in large project applications and subsequent building inspections.</p>	0.38	3.00	0
3	1	Restoration of planning staffing levels	The community development department requests the addition of 0.5 FTE at the principal planner level to return planning staffing levels consistent with the 2019-20 budget. The additional increment would help retain existing staff, provide flexibility in recruiting, and address the current and projected demand for development and building permit reviews. Planning staff is currently reviewing 9 projects with EIRs, and anticipates several additional large projects in this fiscal year, along with advancing the City Council's priorities of the Housing Element Update and updates to the ConnectMenlo community amenities.	0.30	1.50	0

Budget direction options						
Ref. #	Tier	Title	Description	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
4	1	Heritage tree ordinance implementation and downtown maintenance team	The public works department requests the addition of five (5.0) FTEs to provide management, administrative and technical support necessary to implement the July 2020 heritage tree ordinance and improve maintenance services in the downtown area. With respect to the heritage tree ordinance implementation, these positions would also allow improved customer service and response times to tree removal or pruning applications. The ordinance put new regulations in place in July 2020, which has created an increased demand to explain regulations and follow up with applicants with questions or concerns on the process. With respect to downtown maintenance, this request establishes a dedicated maintenance team to enhance services in the Downtown. Currently, a combination of streets, parks and trees maintenance staff support various efforts downtown, including sign installation and maintenance, curb and pavement painting, sidewalk cleaning, lighting, banner installation, and maintenance of the street closures. In order to support economic recovery efforts for downtown businesses and the street closure anticipated to be in place through January 2022, staff has identified the need for a dedicated presence of maintenance staff downtown. The staffing complement includes 1.0 FTE public works superintendent, 1.0 management analyst I/II, and 3.0 FTE maintenance workers I/II.	0.63	5.00	0
5	1	Resume processing neighborhood traffic requests and improve use of mapping tools	The public works department requests a 1.0 FTE Associate Transportation Engineer and administrative reclassifications of two authorized FTEs to restore currently suspended services including processing neighborhood traffic requests and better align the positions in the division to support current and anticipated workload as the region recovers from the pandemic, with an emphasis on more mapping and improved tools to communicate work efforts visually. The administrative reclassifications transition an authorized Engineering Technician to Geographic Information System (GIS) Analyst and the Traffic Demand Management Coordinator to a Transportation Planner.	0.16	1.00	0
6	1	Emergency preparedness collaboration with Menlo Park Fire Protection District	Expand the existing emergency preparedness relationship with Menlo Park Fire Protection District to provide subject matter expertise, training, and guidance on the City's existing emergency preparedness efforts. City staff will work with the Fire District to develop a scope of work and present a memorandum of understanding for emergency preparedness support services for City Council consideration if City Council includes the effort in the budget.	0.10	1.00	0
7	1	Resident and business services program	The city manager's office requests 3.0 FTEs to establish a neighborhood and business services program. The pandemic has highlighted the need for a point of contact for residents and businesses to assist with complex interagency services such as public health, homelessness, and economic development. Additionally, the City Manager is often called on to help residents seeking a quicker resolution to their service requests. Delays are, in part, the result of overburdened staff resulting from budget cuts, new processes and procedures resulting from technology upgrades or law changes, and individuals seeking to jump the line. The resident and business services program establishes a clearinghouse for incoming requests, concerns, and complaints with individuals familiar with city operations and services provided by other government and non-governmental agencies. The team will support staff in other departments with customer services, dispute de-escalation, and dispute resolution. The staffing complement includes 1.0 FTE economic development manager, 1.0 management analyst I/II, and 1.0 FTE administrative assistant.	0.43	3.00	0
8	1	Sustainability staff capacity for climate action plan implementation	With the adoption of the Climate Action Plan's implementation recommendations by City Council on April 27, the City Manager realigned staff assignments to provide sufficient resources to achieve milestones on CAP No. 1. Additional staff capacity is needed to support City Council direction on CAP No. 5 to eliminate the use of fossil fuels from municipal operations at equipment and machinery end-of-life unless infeasible, including city contractors. The added resource can assist with other CAP projects under the direction of the sustainability manager and provide support to other departments in their work on CAP implementation.	0.15	1.00	0
9	2	Community-oriented civilian public safety personnel	2.0 FTE community service officer - The police department requests the restoration of two full-time Community Service Officers (CSOs) assigned to patrol division that were eliminated in the fiscal year 2020-21 budget. The primary duties of CSOs are to provide in-person police services that do not require the presence of a sworn, armed police officer. This provides a more community-oriented and neutral police presence in situations where peacekeeping efforts or arrests are not required. Additionally, Menlo Park's CSOs have served as experts in Crime Prevention Through Environmental Design (CPTED) and complex evidence collection tasks such as digital evidence, DNA swabs and fingerprint dusting. CSOs are also important in community engagement opportunities such as National Night Out and assisting the department in processing of Online Police Reports (another strategy to maximize critical crime information through a manner that does not require sworn police response). CSOs provide an opportunity to stay engaged with the community in a manner that provides an expert presence in the field without the appearance of over-policing, while assisting the public safety mission and keeping sworn personnel available for any needed peacekeeping or urgent safety-related response.	0.20	2.00	0
10	2	Enhanced police record-keeping, data collection, and quality assurance	1.0 FTE police records specialist - The requested position reestablishes one full-time records position that was eliminated in the fiscal year 2020-21 budget. The addition adequately staffs the department to successfully meet the needs of the community while continuing to undertake the volume of business observed before the onset of the pandemic. Statewide, the movement of offense classifications from the Uniform Crime Reporting standard to the California Incident-Based Reporting System (CIBRS, in compliance with the National NIBRS) quadruples the number of individual offense classifications representing a significant labor impact. Additionally, enhanced police record-keeping for data collection and quality assurance will be required to the mandated Racial Identity Profiling Act (RIPA). The department has begun the steps needed to record and coordinate this new increased reportable information in anticipation of mandated reporting beginning in 2022. An immediate need is anticipated to cover for upcoming staff leave that will create a significant service gap, and ongoing needs related to enhanced public transparency in the future vision of department's community engagement commitment. This addition would also improve the department's response to public administrative and California Public Records Act (CPRA) requests.	0.10	1.00	0

Budget direction options

Ref. #	Tier	Title	Description	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
11	2	Long-term traffic solutions to decrease the frequency and severity of collisions through traffic enforcement	<p>2.0 FTE police officers - The department requests partial restoration of a dedicated traffic unit cut through the fiscal year 2020-21 budget process. A traffic unit's objective is to support long-term traffic solutions resulting in the education and increased safety of the traveling public. While traffic enforcement itself can be accomplished by any officer, specific attention to collision factors that impact our vulnerable community such as bicycle and pedestrian-related collisions require specific enforcement and education plans as well as dedicated collaboration with other city departments to address the comprehensive education, enforcement, and engineering dimensions required for improvement. The most recent published Office of Traffic Safety (OTS) data shows Menlo Park well below average safety compared to similar cities in bicycle and pedestrian collisions, speed-related collisions, fatal collisions, and hit-and-run collisions. The pre-pandemic traffic unit consisted of four employees including one sergeant, one corporal and two traffic officers. The team was eliminated in the fiscal year 2020-21 budget. The department would like to reestablish a condensed traffic unit by expanding patrol by two full-time employees, allowing two tenured officers to enter into a traffic specialty position. The goal of this personnel addition is to resume seeking out long-term traffic solutions that decrease the frequency and severity of collisions, address the needs of the community, including school zone enforcement, and support the safety of the traveling public. These officers will provide public education on bicycle and pedestrian safety, maintain a direct link to engineering staff, conduct specific enforcement related to high-risk collision factors, and partner with neighboring agencies to bring high-impact enforcement to the most impacted areas of the City.</p>	0.31	2.00	0
12	2	Restoration of library and community services programs and services eliminated due to pandemic	<p>The recommended positions provides limited capacity to restore library and community services department programs and services eliminated due to the pandemic.</p> <p>1.0 FTE librarian I/II - This request will restore capacity to coordinate early childhood literacy services including story times; library book and media collection development for children; school partnerships and joint-use school/public library coordination (Belle Haven Branch); access to library services for children with special needs; and functional supervision and coordination of front line personnel and volunteers.</p> <p>1.0 FTE library and community services manager - City staff identified a need to bolster management and supervisory resources provided to the childcare program to properly resource the programs with dedicated site supervisors and an unrepresented management level employee to provide the support necessary to run a successful childcare operation serving over 140 children and youth. At their April 13 meeting, City Council authorized the creation of site supervisors, and City staff anticipates hiring those individuals in summer 2021. The site supervisors provide the leadership and program management at the site locations consistent with State licensing requirements. City Council deferred action on the management level position pending the budget. The management level position continues to be a need to support site supervisors, help to guide the program's toward their core mission, and explore opportunities, partnerships, and added resources that would benefit program participants. The library and community services manager is an unrepresented management position and elevates childcare in the city organization to reflect the priority City Council has placed on childcare.</p> <p>4.0 FTE program assistant - The requested staffing level restores personnel capacity to operate the nutrition/ meal program for older adults; City-run indoor youth and adult sports leagues; weekend and weekday evening recreation center programming; weekend and evening operating hours at Belle Haven Branch Library and Main Library; adaptive programming for children and older adults who have disabilities or other special needs; and related administrative and programmatic support tasks. Two 1.0 FTEs and four 0.50 FTEs.</p> <p>1.0 FTE senior program assistant - The senior program assistant restores team capacity to organize large-scale community events such as block parties and festivals; cultural, educational, literary, arts and entertainment programs; special event permits; Performing Arts Center and its grants; community engagement and outreach.</p>	0.75	7.00	0

Budget direction options

Ref. #	Tier	Title	Description	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
13	3	Enterprise systems optimization	<p>The City's information technology division provides network and device access and support to all city employees. The increased reliance of new enterprise systems has struggled due to insufficient resourcing of dedicated staff in the nearly every area.</p> <p>2.0 FTE enterprise applications support specialist (land management and financials) - The City's implementation of the information technology master plan positioned the City well for greater reliance on technology to facilitate continuity of services during the pandemic. As staff migrates from legacy to new technologies, department-specific business systems require a unique skill set to manage the department's evolving needs. For example, recent policy and process changes such as the heritage tree ordinance, reach codes, and Climate Action Plan have all necessitated adaptations to the land management system. For these projects and more, a dedicated database administrator for the land management software will resource the needed database update or modifications. In administrative services, the migration to a new financial accounting, budgeting, and reporting system similarly require a dedicated resource to support the system's customers. Additionally, the enterprise application support specialists will focus on data integrity and report writing, and coordination with geographic information systems to optimize the utility of the new systems. Additionally, these positions will work with the information technology division to manage business systems' support contracts, upgrades, feature roll-outs, and security.</p> <p>1.0 FTE information technology specialist - The library and community services department lost its dedicated information technology support as a result of budget cuts impacting the department's capacity to support, deploy, configure, maintain, and operate essential technology systems including the library enterprise technology platform and automated materials handling system; recreation registration technology platform; public access computers and wifi, and videoconferencing for remote and hybrid community meetings and work.</p>	0.37	3.00	0
14	3	Financial management organizational resiliency	<p>The City's administrative services team is strong and has accomplished several major initiatives over the past two years. While strong, the team is vulnerable to loss of institutional knowledge resulting from attrition. The team lost 2.5 FTEs in the fiscal year 2020-21 budget.</p> <p>1.0 FTE finance and budget manager - The fiscal year 2020-21 budget eliminated the administrative services director position and reassigned duties to existing staff. The finance and budget manager upgraded to serve as assistant administrative services director, and the incumbent assumed oversight of the information technology and finance divisions. The dual role of the assistant administrative services director significantly reduced capacity for important projects such as mentoring and developing the finance team and taking the leadership and management initiative to standardize updated payroll, budgeting, and accounting processes implemented in recent years. In addition, the Finance and Budget Manager would provide the expertise to execute planned upgrades to City financial practices, including enhancements to the budget document and financial statements, additional reporting as requested by the City Council and community, and pursue further value-added process improvements.</p> <p>1.0 FTE management analyst II - The addition of 1.0 FTE Management Analyst II will restore a provisional position that expired on June 30, 2020 and help with supervision of payroll processing, treasury, and revenue management, including oversight of transient occupancy tax collections, cash receipts, and utility users' tax collections. In addition, the Management Analyst II will provide support to the Finance and Audit Committee as a liaison and support departments with budget-to-actual reporting.</p>	0.36	2.00	0
15	4	Budgeting for lower than anticipated investment returns by CalPERS	<p>During budget planning in the spring of 2021, the City Council directed the incorporation of a more conservative approach to full pension funding. In prior years, the City used an accelerated pension payment schedule to reduce the unfunded liability and therefore the amount of interest paid. For fiscal year 2021-22, the City Council directed staff to use an alternate method, assuming a discount rate lower than the California Public Employee Retirement System (CalPERS) assumption of 7.0 percent. Using a discount rate assumption of 6.5 percent would increase unfunded liability requirements by \$1,463,943 across all plans, while a discount rate of 6.0 percent would increase unfunded liability requirements by an additional \$1,488,146. An available resource for consideration is the Strategic Pension Funding reserve, currently estimated to be \$3.91 million at the start of fiscal year 2021-22.</p>	1.46	0.00	0
16	4	Gymnastics program delivery options	<p>Due to the infeasibility of safely delivering this service during the COVID-19 pandemic and economic downturn, City Council suspended the gymnastics program operations in the fiscal year 2020-21 operating budget. Direction from City Council is needed regarding the desired service delivery model for this program going forward. To support decision-making about the desired service delivery model and to provide City Council with up-to-date information and analysis for comparative purposes, staff recommends a process to seek qualifications and/or proposals from qualified third-party gymnastics operators. A budget of \$35,000 allows staff to backfill in-house staff or retain a consultant to issue the requests for qualifications/proposals, collect and analyze the information submitted, and formulate data-driven recommendations for City Council review by October 2021.</p>	0.03	0.00	0

Budget direction options

Ref. #	Tier	Title	Description	(Revenue)/ Expenditure (\$ millions)	FTE	Straw poll results
17	4	Restoration of holiday lighting at City parks	Since 2013, the City has used a contractor to install holiday lights during the holiday season. The first installation was on the 80-foot Douglas fir tree in Fremont Park for the holiday tree lighting event. The scope of the event, in collaboration with the Menlo Park Chamber of Commerce, has expanded since 2013 to include carolers, a movie showing, an appearance by Santa Claus, and a reading of "A Christmas Carol." In 2014, the scope for holiday lighting expanded to include additional lights in Fremont Park. Since 2014, the scope has grown to include additional locations throughout the City, including downtown, the clock tower at the Caltrain station, trees at the corner of El Camino Real and Ravenswood Avenue, and two trees at the Onetta Harris Community Center. In 2019, the lighting scope was reduced to decrease the cost of the program, focusing lighting on Fremont Park, Onetta Harris Community Center, and the corner of El Camino Real and Ravenswood Avenue. In 2020, due to the pandemic, the budget for this service was further reduced to light only the tree at Fremont Park. This proposal would restore holiday lighting to the level in 2019, with a proposed budget of \$90,000.	0.09	0.00	0
18	4	Restoration of Safe Routes to School services	The Public Works department requests to restore safe routes to school activities suspended due to the pandemic including the consulting services budget for the Safe Routes to School program from the reduced amount of \$45,000 to \$90,000 per year. Tasks include continuation of advisory committee including representatives from various schools, community groups, adjacent cities and other stakeholders; preparing community engagement materials to promote the program; assisting with grant writing; planning safety demonstration and biking/walking themed events; developing an educational curriculum and other educational materials. Also restoring the bicycle safety program activities budget of \$10,000 for public engagement material. This enhancement totals \$55,000 in fiscal year 2021-22.	0.05	0.00	0
Net new resources				\$ -		
Net new requirements				-	-	
Total net impact				\$ -	0.00	

Ref. #	Title	Available resources		Straw poll results
		Maximum revenue (\$ millions)	Approved amount (\$ millions)	
N/A	American Rescue Plan (ARP) Act funds	\$ 8.30	\$ -	
N/A	Utility Users' Tax	3.00	-	
N/A	Excess ERAF	1.81	-	
N/A	Use of fund balance	32.78	-	
N/A	Subtotal approved		\$ -	

Service level enhancements - Tier 1

Ref. #	Title	Cost (\$ millions)	FTE	Straw poll results
1	Augmentation of contract-supported capacity in the building division	\$ 0.45	0.00	
2	Improved turnaround time for plan check review and building permit issuance	0.38	3.00	
3	Restoration of planning staffing levels	0.30	1.50	
4	Heritage tree ordinance implementation and downtown maintenance team	0.63	5.00	
5	Resume processing neighborhood traffic requests and improve use of mapping tool	0.16	1.00	
6	Emergency preparedness collaboration with Menlo Park Fire Protection District	0.10	1.00	
7	Resident and business services program	0.43	3.00	
8	Sustainability staff capacity for climate action plan implementation	0.15	1.00	
N/A	Subtotal approved	\$ -	0.00	

Service level enhancements - Tier 2

Ref. #	Title	Cost (\$ millions)	FTE	Straw poll results
9	Augmentation of contract-supported capacity in the building division	\$ 0.45	0.00	
10	Improved turnaround time for plan check review and building permit issuance	0.38	3.00	
11	Restoration of planning staffing levels	0.30	1.50	
12	Heritage tree ordinance implementation and downtown maintenance team	0.63	5.00	
N/A	Subtotal approved	\$ -	0.00	

Service level enhancements - Tier 3

Ref. #	Title	Cost (\$ millions)	FTE	Straw poll results
13	Enterprise systems optimization	\$ 0.37	3.00	
14	Financial management organizational resiliency	0.36	2.00	
N/A	Subtotal approved	\$ -	0.00	

Service level enhancements - Tier 4

Ref. #	Title	Cost (\$ millions)	FTE	Straw poll results
15	Budgeting for lower than anticipated investment returns by CalPERS	\$ 1.46	0.00	
16	Gymnastics program delivery options	0.03	0.00	
17	Restoration of holiday lighting at City parks	0.09	0.00	
18	Restoration of Safe Routes to School services	0.05	0.00	
N/A	Subtotal approved	\$ -	0.00	



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-120-CC

Public Hearing:

1) Introduce and waive first reading of zoning Ordinance No. 1077 amendment associated with community amenities and bonus level development in the Office, Life Sciences and Residential Mixed Use zoning districts to establish an in-lieu fee payment for the provision of community amenities and authorize applicants to propose community amenities not on the community amenities list through negotiation of a development agreement, and 2) provide direction on preparing a revised community amenities list and community amenity review procedures and regulations

Recommendation

Staff recommends that the City Council conduct the following related to community amenities and bonus level development in the O (Office), LS (Life Science) and R-MU (Residential Mixed Use) zoning districts:

1. Consider the Planning Commission's recommendation that the City Council introduce and waive first reading of Ordinance No. 1077 amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code to establish an in-lieu fee payment option and to authorize applicants to negotiate development agreements as a means of proposing community amenities not on the community amenities list for bonus level development in the O, LS and R-MU zoning districts and introduce the ordinance (Attachment A), and
2. Discuss and provide direction on preparing a revised community amenities list and community amenity review procedures and regulations.

Policy Issues

In November 2016, the City Council adopted Resolution No. 6360 to establish the community amenities list for bonus level development in the O, LS and R-MU zoning districts in the Bayfront Area during the ConnectMenlo general plan update. Community needs were initially identified at the time through a robust community engagement process and the community amenities list was established. The community amenities list may be evaluated and updated from time to time by City Council resolution. Currently, the only form to meet the community amenities obligation is to choose an amenity from the list. The option to pay a fee is currently not available because the City has not yet adopted the applicable fee. The current zoning ordinance also allow for community amenities to be included in a development agreement; however, the amenities must be selected from the adopted amenities list.

Background

ConnectMenlo

As part of the new O, LS and R-MU zoning districts adopted during the ConnectMenlo process, regulations for bonus level development and community amenities were established. The community amenities provision in these districts are included for reference in Attachments B, C and D. In exchange for bonus level development (increased floor area ratio, density (dwelling units per acre) and/or height), an applicant is required to contribute community amenities in the area between Highway 101 and the San Francisco Bay. The community amenities were identified and prioritized through public outreach and input, but the ordinance allows the adopted community amenities list to be updated to reflect evolving community needs and priorities. The preferred approach to implementation of community amenities, at the time, was the establishment of an amenities list and process versus a case-by-case review, which would provide greater consistency and predictability. The payment of a fee was also identified as a potential means to comply with the community amenities requirement, although there was a desire to see immediate tangible results delivered by applicants. Therefore, the construction of the amenity was preferable to the payment of a fee, as noted in the applicable community amenities sections in the zoning ordinance.

City Council Ad Hoc Subcommittee

On April 20, 2021, the City Council conducted a study session on community amenities for the Bayfront Area. The City Council subcommittee (Vice Mayor Nash and City Councilmember Taylor) presented its recommendations, including 1) adopt a revised community amenities list, 2) adopt an in-lieu fee 3) adopt a “gatekeeper” application process and 4) establish a community amenities working group. The City Council provided direction to staff April 20 and subsequently April 27 to amend the zoning ordinance to establish the in-lieu fee and to allow for negotiated community amenities not identified on the community amenities list through a development agreement. The City Council identified the remaining work on community amenities as a work plan project, which the City Council will also have an opportunity to discuss and provide direction on at the meeting of June 8, 2021. No formal action, however, would be taken on these items. Depending on the direction, staff would return to the City Council at a future meeting with documents for review and action.

Analysis

The proposed amendments would replace subsections (B) and (C) of sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Municipal Code, as further discussed below. No changes to subsections (A), which is to include the community amenity as part of the project, are proposed. This still remains an option an applicant may choose to satisfy the community amenities requirement.

Proposed modifications to community amenities

In-Lieu payment option

Currently, the only way for applicants to comply with the community amenities requirement in the Bayfront Area is to select an amenity or amenities from the 2016 adopted list. While the community amenities provisions in Title 16 permit applicants to comply with the requirement by paying a fee, the City has not adopted a fee for community amenities, so this option is not available to applicants. Specifically, the various community amenities provisions state:

“Payment of a fee. If the city adopts an impact fee that identifies a square foot fee for community amenities, an applicant for the bonus development shall pay one hundred twenty percent (120%) of the fee; provided that the fee adopted by the city council is less than full cost recovery and not

less than the total bonus value less the affordable housing amenity value as calculated pursuant to subsection (3) of this section.”¹

In order to provide applicants the option of providing a payment in lieu of implementation of a community amenity, this provision must be revised. In-lieu payments are permissible where the payment is voluntarily provided in lieu of another means of satisfying a condition of development. The in-lieu payment option in the proposed ordinance provides applicants the option of either implementing a community amenity or providing a payment in lieu of the community amenity, or a combination of thereof. Both the in-lieu payment and community amenity options are entirely voluntary and need only be provided in exchange for the benefit of an increase in height or floor area, above the base allowable height or floor area standards.

Staff is recommending that the in-lieu fee be inclusive of an administrative fee to administer the community amenities program and implement projects as directed. An applicant for bonus level development may elect to pay 110 percent of the value of the community amenity, as calculated in subsection (3) of the respective code sections. No revisions to the community amenities valuation methodology are being proposed. The fee payments would be deposited in a dedicated fund and all community amenities, except for affordable housing, shall be provided in the City within the area between U.S Highway 101 and the San Francisco Bay. Staff would return to the City Council to establish the specific fund prior to the first in-lieu fee payment for community amenities. If an applicant chooses to pay the in-lieu fee, the fee must be paid prior to building permit issuance. More specifics about the guidelines for uses of the in-lieu fee are to be determined, and the City Council will also have an opportunity to provide feedback to staff at the meeting of June 8.

Development agreement option

The current zoning ordinance provisions also permit applicants to comply with community amenities requirement by entering into a development agreement. Specifically, the existing community amenities provisions of the three applicable zoning districts provide the following:

“Enter into a development agreement. An applicant may propose amenities from the list adopted by city council resolution to be included in a development agreement. The value of the amenities included in the development agreement shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) this section. Timing of the provision of the community amenities shall be agreed upon in the development agreement.”

This provision allows applicants to propose amenities from the adopted list of community amenities and implement these amenities through a development agreement. This provision does not provide a substantially different option for applicants than the provisions of the zoning ordinance allowing applicants to propose amenities on the list as a part of their development project application.² With the exception of the Willow Village project, no applicants have invoked the existing development agreement option; instead, existing applicants for bonus level development projects have proposed community amenities as a part of their development project application through either a use permit, subject to review and approval by the Planning Commission or a conditional development permit, subject to review and approval of the City Council.

¹ See MPMC §§ 16.43.070(4)(B), 16.44.070(4)(B), 16.45.070(4)(B)

² See MPMC §§ 16.43.070(4)(A), 16.44.070(4)(A), 16.45.070(4)(A)

The proposed ordinance would allow applicants to propose community amenities *not* on the list of community amenities by entering into a development agreement for the project and the community amenities. The ordinance thus provides an option for developers and the City to negotiate the provision of community amenities which are not on the adopted list. Negotiation of the development agreement would be subject to Resolution No. 4159 (as it may be amended and included as Attachment F) establishing the procedures and requirements for development agreements. When a development agreement is requested, the City Council has typically established an ad hoc subcommittee to assist with the negotiations, although it is not required in the procedures. The development agreement would be subject to public hearings and publicly noticed, where the Planning Commission is a recommending body and the City Council is the final decision-making body. No modifications are proposed to the development agreement process.

Planning Commission recommendation

On May 10, 2021, the Planning Commission reviewed and made a recommendation that the City Council adopt the proposed zoning ordinance amendments related to community amenities in the O, LS and R-MU districts as recommended by staff. The resolution with the Planning Commission's recommendation and the draft excerpt meeting minutes are included as Attachments G and H, respectively. One member of the public provided comments and expressed appreciation for this topic coming forward because the current community amenity process was seen as broken. The speaker also noted that payment of in-lieu fees are not as preferable, but if approved, the funds should be set aside and be used for Belle Haven. The speaker also commented on the need to provide more information about the amenities, such as the cost and process for selecting amenities. In addition, there should be consideration for reviewing the public benefit process outside of the Bayfront Area.

Members of the Planning Commission also shared comments and clarifying questions, including whether the City has the discretion to have a higher fee than the value of the amenity, the process for determining where the amenities will be located, interest in how future improvements could benefit areas beyond Belle Haven, and concerns about the in-lieu fees potentially being included in the general fund. The proposed ordinance does not modify where amenities are required to be located (generally between Highway 101 and the Bay) nor change the intent to address identified community needs that result from the effect of the increased development intensity on the surrounding community. The collected fees would be in a separate fund to be used for the purpose of implementing community amenities.

Potential additional revisions related to community amenities

In addition to the proposed zoning ordinance amendments, the City Council Community Amenities Subcommittee (comprised of Vice Mayor Nash and City Councilmember Taylor) recommended on April 20, 2021, that the City Council consider 1) revising the adopted community amenities list (Resolution No. 6360), and 2) adopting procedures to guide the review, approval and/or denial of proposed community amenities, including establishing a "gatekeeper" approval process for certain development projects. Should the City Council wish to proceed with either or both of these actions, the City Council could provide staff direction on the scope of actions that should be brought back to the City Council for consideration.

Revisions to adopted community amenities list

The community amenities provisions of the Menlo Park Municipal Code provide the City Council discretion to revise the community amenities list, which is included as Attachment E for reference. The City Council may add or eliminate certain amenities from the list at any time by adopting a resolution establishing a revised community amenities list. The City Council may also clarify or narrow the scope of existing amenities on the list. In revising the community amenities list, the City Council may wish to consider future expenditures of community amenities in-lieu payments. Should the City Council approve the proposed

ordinance establishing an in-lieu payment option, the in-lieu fund established by the proposed ordinance discussed above would need to be expended on the construction and establishment of community amenities on the adopted community amenities list.

Adoption of community amenities review procedures

To date, the City has not adopted any regulations governing the review, approval and/or denial of proposed community amenities. As previously discussed on April 20, 2021, the City Council may wish to establish regulations governing the process for applying, processing, reviewing, approving and/or denying community amenities. Such regulations could include the following features:

- Established timelines for submission of community amenity proposals. Applicants could be required to submit community amenity proposals concurrently with or within a certain period of time following submission of a completed development application.
- Proposal submission requirements. Community amenity proposals could be required to include specified information such as community amenities proposal, improvement plans, proposed operational standards, performance metrics, and information identifying the value of the proposed amenity.
- Establishment of a “gatekeeper” approval process. This process would require approval of a community amenity prior to a developer proceeding with a development application. The gatekeeper procedures could require review and approval or denial by the Planning Commission before the applicant is permitted to proceed to a hearing on a development application.
- Procedures for review of community amenity proposals. Procedures could include standards for reviewing whether proposals are consistent with the community amenities list, time limits within which the Planning Commission must consider a community amenities application following submission or a proposal, limits on the number of hearings for review of community amenity proposals and/or other related procedures.

Conclusion and next steps

The proposed amendments to the community amenities provisions in the O, LS and R-MU zoning districts provide additional options and greater flexibility for meeting the community amenities requirement while still providing community amenities that directly benefit the Belle Haven neighborhood and the area between Highway 101 and the Bay. The proposed ordinance is consistent with the direction provided by the City Council to amend the community amenity provisions to allow the payment of an in-lieu fee and to allow negotiated community amenities through the development agreement process. As an ordinance amendment, the proposed modifications require two meetings. If the City Council introduces the proposed ordinance at its meeting on June 8, the adoption is tentatively scheduled for June 22. The ordinance would become effective 30 days thereafter.

If the City Council provides direction to staff to pursue modifications to the community amenities list and/or prepare formal review procedures, staff would return to a future City Council meeting with the items for review and action.

Impact on City Resources

Work on updating provisions of community amenities is a City Council work plan project. City attorney and staff time spent on this work is not cost recoverable. However, a 10 percent administrative fee is included in the in-lieu fee payment option for community amenities to support implementation of the community amenities program.

Environmental Review

The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning.)

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting. Public notification also consisted of publishing a notice in the local newspaper.

Attachments

- A. Draft Ordinance No. 1077 amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code
- B. Hyperlink – Chapter 16.43.070 Community amenities required for bonus level development: codepublishing.com/CA/MenloPark/#!/MenloPark16/MenloPark1643.html#16.43.070
- C. Hyperlink – Chapter 16.44.070 Community amenities required for bonus level development: codepublishing.com/CA/MenloPark/#!/MenloPark16/MenloPark1644.html#16.44.070
- D. Hyperlink – Chapter 16.45.070 Community amenities required for bonus level development: codepublishing.com/CA/MenloPark/#!/MenloPark16/MenloPark1645.html#16.45.070
- E. Hyperlink - City Council Resolution No. 6360 (Community Amenities List as adopted in 2016): menlopark.org/DocumentCenter/View/15009/6360---Community-Amenities?bidId=
- F. Hyperlink – Resolution No. 4159 Establishing procedures and requirements for development agreements: menlopark.org/DocumentCenter/View/3132/Resolution-No-4159-Regulations-Establishing-Procedures-and-Requirements-for-Development-Agreements
- G. Planning Commission Resolution 2021-02 recommending that the City Council adopt an ordinance amending Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code
- H. Planning Commission May 10, 2021 draft excerpt minutes

Report prepared by:

Deanna Chow, Assistant Community Development Director

Nira F. Doherty, City Attorney

Report reviewed by:

Justin Murphy, Deputy City Manager

ORDINANCE NO. 1077

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AMENDING SECTIONS 16.43.070, 16.44.070, AND 16.45.070 OF TITLE 16 OF
THE MENLO PARK MUNICIPAL CODE**

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

Section 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. Sections 16.43.060, 16.44.060, and 16.45.060 of Title 16 of the Menlo Park Municipal Code permit applicants for a development project to seek an increase in the floor area ratio, density, and/or height (“bonus level development”) subject to obtaining a use permit or conditional development permit and providing certain community amenities.
- B. Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code set forth the community amenities required for bonus level development.
- C. An applicant that applies for bonus level development may choose the form in which they provide the community amenity.
- D. The City desires to amend sections 16.43.070, 16.44.070, and 16.45.070 in order to specify that an applicant may elect to make an in-lieu payment to satisfy the community amenity requirement for bonus level development.
- E. The City further desires to amend sections 16.43.070, 16.44.070, and 16.45.070 in order to specify that an applicant may propose community amenities not on the list of community amenities by entering into a development agreement for the development project and the community amenities.
- F. The Planning Commission held a duly noticed public hearing on May 10, 2021 to review and consider the proposed amendment to sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code and adopted Planning Commission resolution 2021-02 recommending that the City Council adopt the Zoning Ordinance amendment, whereat all interested person had the opportunity to appear and comment.

Section 2: Amendment of Subsection (4)(B) of Section 16.43.070 of Title 16 of the Municipal Code

Subsection (4) of section 16.43.070 of Title 16 of the City of Menlo Park Municipal Code is hereby repealed and replaced by the following:

Form of Amenity. A community amenity shall be provided utilizing any combination of the following mechanisms:

- (A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by city council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one (1) of the community amenities on the list adopted by city council resolution has been provided, with the exception of affordable

housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section.

(B) In-Lieu Payment. An applicant for bonus development may elect to pay one hundred and ten percent (110%) of the value of the community amenity, as calculated pursuant to subsection (3) of this section. If the payment is made in combination with a community amenity being included as part of the project, the applicant must pay one hundred and ten percent (110%) of the value of the community amenity, as required by subsection (3) of this section, minus the value of the community amenity provided pursuant to subsection (4)(A). The applicant shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section. The payment shall be made prior to building permit issuance for the project. The city shall place all in-lieu payments in a restricted community amenities fund to be used to implement community amenities identified in the list adopted by city council resolution.

(C) Enter into a development agreement. An applicant may implement community amenities that are not on the list of community amenities adopted by City Council resolution, by entering into a development agreement for the bonus level project and the community amenities, pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7 (section 65864 et seq.) of the California Government Code and any City ordinances, resolutions, and procedures governing development agreements.

Section 3: Amendment of Subsection (4)(B) of Section 16.44.070 of Title 16 of the Municipal Code

Subsection (4) of section 16.44.070 of Title 16 of the City of Menlo Park Municipal Code is hereby repealed and replaced by the following:

Form of Amenity. A community amenity shall be provided utilizing any combination of the following mechanisms:

(A) Include the community amenity as part of the project. The community amenity designed and constructed as part of the project shall be from the list of community amenities adopted by city council resolution. The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one (1) of the community amenities on the list adopted by city council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section.

(B) In-Lieu Payment. An applicant for bonus development may elect to pay one hundred and ten percent (110%) of the value of the community amenity, as calculated pursuant to subsection (3) of this section. If the payment is made in combination with a community amenity being included as part of the project, the applicant must pay one hundred and ten percent (110%) of the value of the community amenity, as required by

subsection (3) of this section, minus the value of the community amenity provided pursuant to subsection (4)(A). The applicant shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section. The payment shall be made prior to building permit issuance for the project. The city shall place all in-lieu payments in a restricted community amenities fund to be used to implement community amenities identified in the list adopted by city council resolution.

(C) Enter into a development agreement. An applicant may implement community amenities that are not on the list of community amenities adopted by City Council resolution, by entering into a development agreement for the bonus level project and the community amenities, pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7 (section 65864 et seq.) of the California Government Code and any City ordinances, resolutions, and procedures governing development agreements.

Section 4: Amendment of Subsection (4)(B) of Section 16.45.070 of Title 16 of the Municipal Code

Subsection (4) of section 16.45.070 of Title 16 of the City of Menlo Park Municipal Code is hereby repealed and replaced by the following:

Form of Amenity. A community amenity shall be provided utilizing any combination of the following mechanisms:

(A) Include the community amenity as part of the project. As a threshold for utilizing bonus level development, any affordable housing required pursuant to Chapter 16.96 shall be designed and constructed on-site as part of the project; the applicant shall not be allowed to utilize an alternative means of compliance, unless otherwise approved by the city council. These affordable housing units shall be sold or rented with a preference for current or recently displaced Belle Haven residents, followed by the preferences provided in the City's below market rate housing guidelines. The community amenity provided as part of the project shall be from the list of community amenities adopted by city council resolution, with a preference for including additional affordable housing units; for example, additional housing such that twenty percent (20%) of the development is affordable (fifteen percent (15%) inclusionary plus five percent (5%) additional affordable units). The value of the community amenity provided shall be at least equivalent to the value calculated pursuant to the formula identified in subsection (3) of this section. Once any one (1) of the community amenities on the list adopted by city council resolution has been provided, with the exception of affordable housing, it will no longer be an option available to other applicants. Prior to approval of final inspection for the building permit for any portion of the project, the applicant shall complete (or bond for) the construction and installation of the community amenities included in the project and shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section.

(B) In-Lieu Payment. An applicant for bonus development may elect to pay one hundred and ten percent (110%) of the value of the community amenity, as calculated pursuant to subsection (3) of this section. If the payment is made in combination with a community amenity being included as part of the project, the applicant must pay one hundred and ten percent (110%) of the value of the community amenity, as required by subsection (3) of this section, minus the value of the community amenity provided

pursuant to subsection (4)(A). The applicant shall provide documentation sufficient for the city manager or his/her designee to certify compliance with this section. The payment shall be made prior to building permit issuance for the project. The city shall place all in-lieu payments in a restricted community amenities fund to be used to implement community amenities identified in the list adopted by city council resolution.

(C) Enter into a development agreement. An applicant may implement community amenities that are not on the list of community amenities adopted by City Council resolution, by entering into a development agreement for the bonus level project and the community amenities, pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7 (section 65864 et seq.) of the California Government Code and any City ordinances, resolutions, and procedures governing development agreements.

Section 5. Severability. If any section, subsection, phrase or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

Section 6. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning).

Section 7. Publication; Effective Date. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of the Councilmembers voting for or against same, in _____, a newspaper of general circulation published and circulated in the City of Menlo Park, County of San Mateo, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for and against the Ordinance.

INTRODUCED on the eighth day of June, 2021.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-second day of June, 2021 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Drew Combs, Mayor

ATTEST:

Judi A. Herren, City Clerk

RESOLUTION 2021-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MENLO PARK RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPT AN ORDINANCE AMENDING SECTIONS 16.43.070, 16.44.070, AND 16.45.070 OF TITLE 16 OF THE MENLO PARK MUNICIPAL CODE, AND FINDING THE TEXT AMENDMENTS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code permit applicants for a development project to seek an increase in the floor area ratio, density, and/or height (“bonus level development”) subject to obtaining a use permit or conditional development permit and providing certain community amenities.

WHEREAS, Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code set forth the community amenities required for bonus level development.

WHEREAS, An applicant that applies for bonus level development may choose the form in which they provide the community amenity.

WHEREAS, The City desires to amend sections 16.43.070, 16.44.070, and 16.45.070 in order to specify that an applicant may elect to make an in-lieu payment to satisfy the community amenity requirement for bonus level development.

WHEREAS, The City further desires to amend sections 16.43.070, 16.44.070, and 16.45.070 in order to specify that an applicant may propose community amenities not on the list of community amenities by entering into a development agreement for the development project and the community amenities.

WHEREAS, The proposed amendments to the Municipal Code reflect the City Council direction provided on April 20, 2021 and April 27, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Menlo Park as follows:

1. The above recitals are true and correct and material to this Resolution.
2. In making its finding, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff report, and other related materials.

3. The proposed amendments recommended by the Planning Commission are consistent with the City's General Plan to implement community amenities for bonus level development.

4. The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning). Approval of the Resolution is not a "project" under CEQA because it has no potential for resulting in a physical change in the environment (15378).

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Menlo Park does hereby recommend that the City Council of the City of Menlo Park adopt the ordinance included as Exhibit A to this resolution, amending Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code.

On motion of Commissioner _____ and seconded by Commissioner _____, the above Resolution is introduced and passed by the Planning Commission of the City of Menlo Park at a regular meeting of the Commission held on the 10th day of May 2021 and adopted by the following vote:

Ayes: Commissioners

Noes: Commissioners

Absent: Commissioners

Abstain:

Henry Riggs, Chair

Date



REGULAR MEETING DRAFT MINUTES - EXCERPT

Date: 05/10/2021
Time: 7:00 p.m.
Meeting Location: [Zoom.us/join](https://zoom.us/join) – ID# 997 7358 9076

A. Call To Order

Vice Chair Michael Doran called the meeting to order at 7:01 p.m. and reported that Chair Henry Riggs would be in attendance later in the meeting.

B. Roll Call

Present: Andrew Barnes, Chris DeCardy, Michael Doran (Vice Chair), Henry Riggs (Chair) (arrived 7:21 p.m.), Larry Kahle, Camille Kennedy

Absent: Michele Tate

Staff: Fahteen Khan, Assistant Planner; Corinna Sandmeier, Senior Planner; Leo Tapia, Planning Technician; Chris Turner, Assistant Planner

F. Public Hearing

- F3. Ordinance Amending Sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code:
Review and consider adoption of a resolution recommending that the City Council of the City of Menlo Park adopt an ordinance amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code to establish an in-lieu payment. The ordinance would allow an applicant for bonus level development to elect to pay the value of a required community amenity in lieu of constructing, operating, and/or maintaining the community amenity itself. ([Staff Report #21-025-PC](#))

Staff Comment: Assistant Community Development Director Deanna Chow provided a visual presentation on the proposed ordinance to establish an in-lieu payment for community amenity and a provision to allow a process for negotiated community amenities through a development agreement. She said she had one change to the proposed resolution and that was under compliance with CEQA to include: *Approval of the Resolution is not a “project” under CEQA because it has no potential for resulting in a physical change in the environment (15378)*. She said City Attorney Nira Doherty was also present.

Commissioner Barnes referred to page 3 under the in-lieu payment options: *Staff is recommending that the in-lieu is inclusive of an administrative fee to administer the Community Amenities Program and implement projects as directed*. Ms. Doherty said the administrative fee that would be part of the in-lieu payment was to offset costs to the City in implementing the City’s Community Amenities Program. She said in this case the in-lieu payments would be collected and the City would

presumably implement the community amenities. She said the City would charge a 10% fee that would be reduced if it cost the City less than that to administer.

Replying further to Commissioner Barnes, Ms. Chow said the community amenity in-lieu fee would be collected at the time of building permit issuance similar to other fees such as transportation impact fee and if applicable a below market rate housing fee.

Replying to Commissioner Kennedy, Ms. Chow said a provision existed already that a community amenity from the community amenities list would be provided just once. She said some flexibility existed for things such as street improvements as those could be multiple.

Chair Riggs opened the public hearing.

Public Comment:

- Lynne Bramlett, Menlo Park resident, District 3, said she was pleased with movement on the community amenity process, which she considered broken to date. She said she did not like in-lieu fees. She said the community amenity in-lieu fee should be set aside in a fund for Belle Haven as the amenities should benefit the community being impacted. She said the community amenity should be established before a bonus level development started. She said outside of the M2 area there should be a public benefit process for bonus level development.

Chair Riggs closed the public hearing.

Commission Comment: Commissioner DeCardy referred to City Attorney Doherty's response earlier to Commissioner Barnes that the levying of 110% was to fully recover City costs for administering community amenity. He said if those costs were less than that the remaining funds would go to the project amenity. He asked if discretion existed to set the amenity level higher than 1:1 ratio; for instance, community amenity at 120% plus the 10% administration fee. Ms. Doherty replied in the affirmative. She said in-lieu fee programs often required a fee that was a slightly different value than the underlying improvements or amenities required to be established. Replying further to Commissioner DeCardy, Ms. Doherty said the current ordinance stated that construction of the amenity itself was preferred to payment of an in-lieu (impact) fee. She said presumably because of that policy preference the amount of the fee was directed to be established at 120% of the value of the community amenity. She said the proposed revision would remove the directive for a 120% fee and replace it with a 110% fee.

Commissioner DeCardy said he agreed with the public commenter that the current system was not optimal for anybody. He said he was supportive of efforts for a different solution. He said having multiple options was important. He said the Planning Commission had wrestled with whether proposed community amenities were truly a community amenity, with the placement in the community of the proposed community amenity, and with the valuation of the amenity and exchange between the developer and the City. He said they had seen developers who cared about the City struggle to find the right solution for a community amenity. He said it would actually be better to give the City the option to broker with organizations really good at delivering the types of community amenities needed rather than through developers, especially one-off developers. He said however that developers spent a lot of time trying to put the community amenity in place in their projects. He

said he thought it was fine for the developers to pay more than 1 to 1 if they could solve an actual community amenity in their projects.

Chair Riggs said his concern was similar to the public commentors and that he would not like the fee placed in a general fund that might be steered by Council majority at any given time. He asked under the current proposal if there was a project Council wanted to do for instance at the intersection of Middlefield and Willow Roads could the community benefit in-lieu fee for a Constitution Drive project be used.

Ms. Doherty said the details surrounding the expenditure of in-lieu fees were not set forth in the ordinance. She said those would be set forth by implementing regulations adopted by resolutions of the City Council. She said as to the discretion to implement the actual community amenity projects through utilization of in-lieu fees that would be at Council or staff's discretion and that would be memorialized in implementing regulations. She said to Chair Riggs' question about whether the Council could choose that was not yet decided. She said related to the location of a project the utilization of an in-lieu fee must be for the same purposes that the underlying community amenities program was established. She said the fees needed to be used to offset impacts to the Belle Haven neighborhood as stated in the current ordinance, and which was not proposed to be revised.

Replying further to Chair Riggs, Ms. Doherty said the details had not been worked out yet as to what portion of the funds needed to be spent on what kinds of projects or whether staff or the Council had discretion to expend the funds. She said the detail remaining constant in the ordinance and not proposed to change was that the fees needed to be utilized to offset impacts of development in the Belle Haven neighborhood.

Ms. Chow said the language in the code for physical improvements stated that they needed to be located between Highway 101 and the San Francisco Bay and that language was not proposed for revision.

Commissioner Barnes referred to the development of the existing community amenities list and the ConnectMenlo process. He said the challenge was doing broad enough outreach to find out what the community needed. He said that the community amenities list if imperfect was the result of arduous efforts to hear from the community. He said the in-lieu fee process if adopted when used would include the development agreement coming to the Planning Commission for review and then to City Council and those hearings would allow for a broader set of voices. He said giving the Planning Commission a view into the development agreement allowed for a perspective other than an elected perspective. He said that was important to the process for the in-lieu fee. He said the in-lieu fee process also would allow going outside the existing community amenities list and that flexibility was important to the community amenity process. He said he supported the 110% or 1 to 1 valuation with a 10% administration fee as he did not want the in-lieu fee de-incentivized. He said that the Willows neighborhood also bore circulation and traffic impacts from development in M2, and he thought that should be addressed. He moved to adopt the resolution recommending that the City Council adopt an ordinance as stated in the staff report.

Ms. Chow said two different modifications to the ordinance were being proposed. She said one was the in-lieu fee option which was not subject to a development agreement and would be payment of 110% of the community amenity value. She said the second option was the development agreement to negotiate community amenities not on the community amenity list.

Replying to Chair Riggs, Ms. Doherty said the in-lieu fee was an option developers would have available to them without any subsequent or further approvals.

Chair Riggs noted language that indicated developments provide community amenities to affected neighborhoods such as Belle Haven and suggested language that would clarify similar provision for neighborhoods such as the Willows and those off Marsh Road subject to at least traffic impacts from development in the Bayfront area.

Commissioner Barnes said he could offer an amendment to his motion to include a review and clarification of the language for corporate contributions. He referred to page 1 of the staff report: "Corporate Contribution. In exchange for added development potential, construction projects provide physical benefits in the adjacent neighborhood (such as Belle Haven for growth north of US 101, *Willows or other such impacted neighborhoods*), including jobs, housing, schools, libraries, neighborhood retail, childcare, public open space, high speed internet access, and transportation choices." Chair Riggs said he would like the emphasis on Belle Haven and not to dilute the amenities proposal. Commissioner Barnes referred to (such as *primarily for Belle Haven for growth north of US 101, and secondarily for Willows and other impacted neighborhoods*).

Ms. Doherty said the proposed language revision was in the General Plan and that was not for consideration this evening. She said what she heard was to amend the community amenities ordinance to change the current language in 16.43-, 44-, 45.070 with respect to the community amenities being provided within the area between US 101 and San Francisco Bay.

Ms. Chow referred to the General Plan language and said that other areas of the City had bonus development and potential for public benefit similar to community amenity.

Chair Riggs said if the Willows Village project was developed the impact on Willow Road and thus on the Willows would be significant. He said the intent was to add a recommendation to consider those impacts too. Chair Barnes said they wanted to convey that areas other than Belle Haven were impacted by Bayfront construction and should receive some of the community amenity proceeds.

Ms. Doherty said in response to Commissioners Barnes and Riggs that the Commission might recommend a further revision to the ordinance by resolution to include the clarification desired. She said the Council could choose to accept or reject the recommended revision.

Commissioner DeCardy said that the ordinance revision would provide alternatives and where the funds were used would be determined by the City Council. He said the in-lieu fee would allow the City Council to do more than what a developer putting a community amenity in place could do. He said his deepest concern was the long history of redlining and racist zoning policies in the Bayfront area and that was the core of what should be addressed through community amenities. He said he would support the staff's recommendation for approval.

Replying to Chair Riggs, Commissioner Barnes said he would remove the suggested revision and would move to adopt a resolution as stated in the staff report. Chair Riggs seconded the motion.

Ms. Chow asked if the motion included the update to the resolution regarding CEQA. Chair Riggs confirmed that was correct.

ACTION: M/S (Barnes/Riggs) to adopt a resolution recommending that the City Council adopt an ordinance amending sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 of the Menlo Park Municipal Code per staff's recommendation with the following addition to the resolution; passes 6-0-1 with Commissioner Tate absent.

Modify Section 4 of the Resolution as follows:

4. The project is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to the Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment and pursuant to CEQA Guidelines section 15183 (consistent with the general plan and zoning). *Approval of the Resolution is not a "project" under CEQA because it has no potential for resulting in a physical change in the environment (15378).*

H. Adjournment

Chair Riggs adjourned the meeting at 9:33 p.m.


Staff Liaison: Corinna Sandmeier, Senior Planner

Recording Secretary: Brenda Bennett



CONNECTMENLO COMMUNITY AMENITIES MODIFICATIONS

City Council– June 8, 2021





RECOMMENDATION

- City Council to introduce and waive first reading of proposed Zoning Ordinance No. 1077 to amend the community amenities provision associated with bonus level development in the Office, Life Sciences and Residential Mixed Use zoning districts
- City Council to provide direction on preparing revised community amenities list and community amenity review procedures and regulations



BACKGROUND

- General Plan Update adopted – November 2016
- City Council Ad Hoc Subcommittee – October 2020
- City Council study session – April 2021
- Planning Commission recommendation – May 2021



PROPOSED COMMUNITY AMENITIES MODIFICATIONS



- Replace subsections (B) and (C) of sections 16.43.070, 16.44.070 and 16.45.070 of Title 16 (Zoning Ordinance)
 - In-Lieu Fee Payment Option
 - Development Agreement Option
- No changes to other Community Amenities provisions
- Introduce Ordinance No. 1077 amending the Zoning Ordinance associated with community amenities and bonus level development in the Office, Life Sciences and Residential Mixed Use zoning districts.



REQUESTED DIRECTION

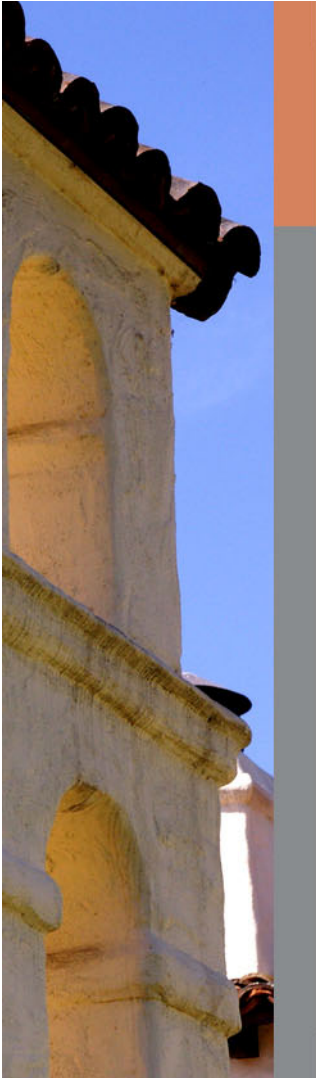
- Additional items related to community amenities:
 - Preparation of revised community amenities list
 - Preparation of community amenity review procedures and regulations

- Staff would return to the City Council at a future meeting for action



NEXT STEPS

- City Council introduces ordinance – June 8
- City Council adopts ordinance – June 22 (tentative)
- Ordinance would become effective 30 days thereafter
- Staff would return to the Council at a future meeting date following direction on additional community amenity modifications



RECOMMENDATION

- City Council to introduce and waive first reading of proposed Zoning Ordinance No. 1077 to amend the community amenities provision associated with bonus level development in the Office, Life Sciences and Residential Mixed Use zoning districts
- City Council to provide direction on preparing revised community amenities list and community amenity review procedures and regulations



THANK YOU



STAFF REPORT

City Council

Meeting Date:

6/9/2021

Staff Report Number:

21-121-CC

Regular Business:

Authorize the city manager to execute an agreement with GEOinovo Solutions Inc. for demographic analysis and census mapping services for the City Council 2020 census redistricting process

Recommendation

Staff recommends that City Council authorize the city manager to execute an agreement (Attachment A) with GEOinovo Solutions Inc. (GEOinovo) for demographic analysis and census mapping services for the City Council 2020 census redistricting process in an amount not to exceed \$63,000.

Policy Issues

On October 4, 2017, the City Council adopted Resolution No. 6404 with the intent of 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, if necessary, to ensure compliance with federal and state law.

This agreement is within the city manager's signing authority, Award Authority and Bid Requirements Policy City Council Procedure #CC-19-001, however to increase transparency and visibility and to give the community an opportunity to provide input, this item is being brought to the City Council.

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 took place, completing the full transition to district-based elections. This transition was prompted by a letter dated August 21, 2017 legal challenge from a plaintiff's lawyer asserting that the City's at large elections violated the California Voting Rights Act (CVRA.)

Once a City has transitioned to district elections, the City must examine and confirm the district boundaries and if necessary, adjust the City Council district boundaries every 10-years after the U.S. Census. To assist the City Council with this process, a professional demographer is necessary to review and analyze the 2020 Census data for the redistricting process.

To that end, staff released the request for proposals (RFP) for demographic analysis and census mapping services for the City of Menlo Park's 2020 Census City Council District redistricting process May 3, 2021, and received five responses by the May 21, 2021, deadline:

- Bear Demographics Research LLC
- GEOinovo
- Green Infrastructure Design

- National Demographics Corporation (NDC)
- Redistricting Partners and FLO Analytics (RDP)

Analysis

After reviewing the proposals, three companies were selected to interview with City Clerk Judi A. Herren and Public Engagement Manager Clay Curtin; GEOinovo, NDC, and RDP. The companies provided a brief presentation and staff followed-up with questions.

Staff recommends GEOinovo to provide demographic analysis and census mapping services for the City of Menlo Park’s 2020 Census City Council District redistricting process based on the proposal (Attachment B) and interview.

GEOinovo proposes a fixed fee of \$57,075 for the following scope of services as defined by the RFP:

- Project planning with draft demographic and statistical analysis
- Community meetings/hearings/input
- District map iterations of potential boundaries
- Presentation support of potential maps to the city
- Adoption of final map

Additional services outside of the items summarized above will be charged using the labor categories and hourly rates detailed in Table 1:

Labor category	Hourly rate
Demographer	\$280
Senior consultant	\$240
Communications specialist	\$240
Project manager	\$150
Technical writer	\$130
Analyst	\$75
Clerical	\$50

GEOinovo established pricing based on the following project assumptions:

1. Perform up to five community meetings/hearings to meet California State Regulations, online/web conference meetings are included on the fix fee price.
2. All meetings will be performed online through web conferencing software and are included in the fixed fee price.
3. If the City requires in-person meetings, GEOinovo will charge an additional \$6,000 per meeting as stated in the “Scope of Services – Optional In-Person Meetings”.
4. GEOinovo will use Esri, Inc. for Geographic Information Systems (GIS) analysis and mapping, SAS for statistical analysis and Districtr.org for community input maps.

GEOinovo will work closely with the City to ensure the legal requirements related to redistricting are met.

For this project, the GEOinovo team will consist of GEOinovo and their subcontractor La Cresta Demographics (La Cresta.) By teaming with La Cresta, the GEOinovo team will provide the City with expertise across the multiple dimensions of the project and provide the City with leading professionals in the demographics, statistical analysis and GIS/map production. Mr. Jesus Garcia, a seasoned U.S. Census data demographer, voter redistricting researcher, and GIS analyst, founded La Cresta in 2020 to provide demographics analysis, community outreach, and redistricting services to government agencies throughout the U.S. The La Cresta team leverages over 30 years of experience and expertise in voting rights, data analysis and community engagement. La Cresta staff has supported over 20 California Voting Rights Act cases, providing subject-matter expertise in demography, voting rights and redistricting regulations

As a GIS company, GEOinovo supports their clients with geospatial analysis, reports, dashboards and mapping services. Their experience is augmented by participating in the Esri, Inc. Partner Program allowing greater access to Esri's GIS technology. The City of Menlo Park already uses Esri, Inc. software for GIS mapping to support City operations. The City's capital improvement program and development project maps are built using Esri's mapping services.

GEOinovo has extensive experience with local government mapping and providing GIS services. In addition, GEOinovo has created demographic mapping for redistricting projects and is experienced with the process of working with attorneys, demographers and the community.

GEOinovo has experience and familiarity with Section II of the Federal Voter Rights Act of 1965, the California Voting Rights Act of 2001, and the California Fair Maps Act of 2019 and will use federal, state, and county data to complete demographic and voter participation analysis and draft district maps. It is critical to maintain compliance with federal and state regulations and ensure community cohesiveness and inclusion.

Community level engagements are critical to meeting the California Fair Maps Act best practices. GEOinovo has worked with community organizations to reach out to underrepresented populations throughout California through events and small meetings. This work involves creating maps and infographics to share critical information within the community.

Impact on City Resources

Although the proposal provides a fixed fee of \$57,075 for a specific scope of services, the census data and the redistricting process the City Council selects, whether it is the City Council, an independent or advisory committee, or hybrid of both independent and advisory committees to assist in the redistricting process, may cause the City's costs to be lower or higher than that amount. Staff recommends proceeding with a not to exceed amount of \$63,000 for demographer services and additional redistricting support.

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

Staff Report #: 21-121-CC

hours prior to the meeting.

Attachments

- A. Draft agreement
- B. GEOinovo proposal

Report prepared by:
City Clerk Judi A. Herren, City Clerk

PROFESSIONAL SERVICES AGREEMENT

City Manager's Office
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620



Agreement #:
AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND GEOINOVE SOLUTIONS INC.
THIS AGREEMENT made and entered into at Menlo Park, California, this _____, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and GEOINOVO SOLUTIONS INC., hereinafter referred to as "FIRST PARTY."
<p>WITNESSETH:</p> <p>WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: Demographic analysis and Census mapping services</p> <p>WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.</p> <p>NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:</p>
1. SCOPE OF WORK
In consideration of the payment by CITY to FIRST PARTY, as hereinafter provided, FIRST PARTY agrees to perform all the services as set forth in Exhibit "A," Scope of Services.
2. SCHEDULE FOR WORK
<p>FIRST PARTY's proposed schedule for the various services required pursuant to this agreement will be as set forth in Exhibit "A," Scope of Services. CITY will be kept informed as to the progress of work by written reports, to be submitted monthly or as otherwise required in Exhibit "A." Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other, or the other's employees and agents.</p> <p>FIRST PARTY shall commence work immediately upon receipt of a "Notice to Proceed" from CITY. The "Notice to Proceed" date shall be considered the "effective date" of the agreement, as used herein, except as otherwise specifically defined. FIRST PARTY shall complete all the work and deliver to CITY all project related files, records, and materials within one month after completion of all of FIRST PARTY's activities required under this agreement.</p>
3. PROSECUTION OF WORK
FIRST PARTY will employ a sufficient staff to prosecute the work diligently and continuously and will complete the work in accordance with the schedule of work approved by the CITY. (See Exhibit "A," Scope of Services).

4. COMPENSATION AND PAYMENT

- A. CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$enter amount as described in Exhibit "A," Scope of Services. All payments shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the City determines that the quantity or quality of the work performed is unacceptable.
- B. FIRST PARTY's fee for the services as set forth herein shall be considered as full compensation for all indirect and direct personnel, materials, supplies and equipment, and services incurred by FIRST PARTY and used in carrying out or completing the work.
- C. Payments shall be monthly for the invoice amount or such other amount as approved by CITY. As each payment is due, the FIRST PARTY shall submit a statement describing the services performed to CITY. This statement shall include, at a minimum, the project title, agreement number, the title(s) of personnel performing work, hours spent, payment rate, and a listing of all reimbursable costs. CITY shall have the discretion to approve the invoice and the work completed statement. Payment shall be for the invoice amount or such other amount as approved by CITY.
- D. Payments are due upon receipt of written invoices. CITY shall have the right to receive, upon request, documentation substantiating charges billed to CITY. CITY shall have the right to perform an audit of the FIRST PARTY's relevant records pertaining to the charges.

5. EQUAL EMPLOYMENT OPPORTUNITY

- A. FIRST PARTY, with regard to the work performed by it under this agreement shall not discriminate on the grounds of race, religion, color, national origin, sex, handicap, marital status or age in the retention of sub-consultants, including procurement of materials and leases of equipment.
- B. FIRST PARTY shall take affirmative action to insure that employees and applicants for employment are treated without regard to their race, color, religion, sex, national origin, marital status or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training including apprenticeship.
- C. FIRST PARTY shall post in prominent places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.
- D. FIRST PARTY shall state that all qualified applications will receive consideration for employment without regard to race, color, religion, sex, national origin, marital status or handicap.
- E. FIRST PARTY shall comply with Title VI of the Civil Rights Act of 1964 and shall provide such reports as may be required to carry out the intent of this section.
- F. FIRST PARTY shall incorporate the foregoing requirements of this section in FIRST PARTY's agreement with all sub-consultants.

6. ASSIGNMENT OF AGREEMENT AND TRANSFER OF INTEREST

- A. FIRST PARTY shall not assign this agreement, and shall not transfer any interest in the same (whether by assignment or novation), without prior written consent of the CITY thereto, provided, however, that claims for money due or to become due to the FIRST PARTY from the CITY under this agreement may be assigned to a bank, trust company, or other financial institution without such approval. Notice of an intended assignment or transfer shall be furnished promptly to the CITY.
- B. In the event there is a change of more than 30 percent of the stock ownership or ownership in FIRST PARTY from the date of this agreement is executed, then CITY shall be notified before the date of said change of stock ownership or interest and CITY shall have the right, in event of such change in stock ownership or interest, to terminate this agreement upon notice to FIRST PARTY. In the event CITY is not notified of any such change in stock ownership or interest, then upon knowledge of same, it shall be deemed that CITY has terminated this agreement.

7. INDEPENDENT WORK CONTROL

It is expressly agreed that in the performance of the service necessary for compliance with this agreement, FIRST PARTY shall be and is an independent contractor and is not an agent or employee of CITY. FIRST PARTY has and shall retain the right to exercise full control and supervision of the services and full control over the employment, direction, compensation and discharge of all persons assisting FIRST PARTY in the performance of FIRST PARTY's services hereunder. FIRST PARTY shall be solely responsible for its own acts and those of its subordinates and employees.

8. CONSULTANT QUALIFICATIONS

It is expressly understood that FIRST PARTY is licensed and skilled in the professional calling necessary to perform the work agreed to be done by it under this agreement and CITY relies upon the skill of FIRST PARTY to do and perform said work in a skillful manner usual to the profession. The acceptance of FIRST PARTY's work by CITY does not operate as a release of FIRST PARTY from said understanding.

9. NOTICES

All notices hereby required under this agreement shall be in writing and delivered in person or sent by certified mail, postage prepaid or by overnight courier service. Notices required to be given to CITY shall be addressed as follows:

Department Head
Department
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-xxxx
Email

Notices required to be given to FIRST PARTY shall be addressed as follows:

Name
Company
Address
City, State Zip
Phone
Email

Provided that any party may change such address by notice, in writing, to the other party and thereafter notices shall be addressed and transmitted to the new address.

10. HOLD HARMLESS

The FIRST PARTY shall defend, indemnify and hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants from all claims, suits or actions that arise out of, pertain to, or relate to the negligence, recklessness, or willful misconduct of the FIRST PARTY brought for, or on account of, injuries to or death of any person or damage to property resulting from the performance of any work required by this agreement by FIRST PARTY, its officers, agents, employees and servants. Nothing herein shall be construed to require the FIRST PARTY to defend, indemnify or hold harmless the CITY, its subsidiary agencies, their officers, agents, employees and servants against any responsibility to liability in contravention of Section 2782.8 of the California Civil Code.

11. INSURANCE

- A. FIRST PARTY shall not commence work under this agreement until all insurance required under this Section has been obtained and such insurance has been approved by the City, with certificates of insurance evidencing the required coverage.
- B. There shall be a contractual liability endorsement extending the FIRST PARTY's coverage to include the contractual liability assumed by the FIRST PARTY pursuant to this agreement. These certificates shall specify or be endorsed to provide that thirty (30) days' notice must be given, in writing, to the CITY, at the address shown in Section 9, of any pending cancellation of the policy. FIRST PARTY shall notify CITY of any pending change to the policy. All certificates shall be filed with the City.
1. Workers' compensation and employer's liability insurance:
The FIRST PARTY shall have in effect during the entire life of this agreement workers' compensation and Employer's Liability Insurance providing full statutory coverage. In signing this agreement, the FIRST PARTY makes the following certification, required by Section 18161 of the California Labor Code: "I am aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Code, and I will comply with such provisions before commencing the performance of the work of this agreement" (not required if the FIRST PARTY is a Sole Proprietor).
 2. Liability insurance:
The FIRST PARTY shall take out and maintain during the life of this agreement such Bodily Injury Liability and Property Damage Liability Insurance (Commercial General Liability Insurance) on an occurrence basis as shall protect it while performing work covered by this agreement from any and all claims for damages for bodily injury, including accidental death, as well as claims for property damage which may arise from the FIRST PARTY's operations under this agreement, whether such operations be by FIRST PARTY or by any sub-consultant or by anyone directly or indirectly employed by either of them. The amounts of such insurance shall be not less than one million dollars (\$1,000,000) per occurrence and one million dollars (\$1,000,000) in aggregate, or one million dollars (\$1,000,000) combined single limit bodily injury and property damage for each occurrence. FIRST PARTY shall provide the CITY with acceptable evidence of coverage, including a copy of all declarations of coverage exclusions. FIRST PARTY shall maintain Automobile Liability Insurance pursuant to this agreement in an amount of not less than one million dollars (\$1,000,000) for each accident combined single limit or not less than one million dollars (\$1,000,000) for any one (1) person, and one million dollars (\$1,000,000) for any one (1) accident, and Three Hundred Thousand Dollars, (\$300,000) property damage.
 3. Professional liability insurance:
FIRST PARTY shall maintain a policy of professional liability insurance, protecting it against claims arising out of the negligent acts, errors, or omissions of FIRST PARTY pursuant to this agreement, in the amount of not less than one million dollars (\$1,000,000) per claim and in the aggregate. Said professional liability insurance is to be kept in force for not less than one (1) year after completion of services described herein.
- C. CITY and its subsidiary agencies, and their officers, agents, employees and servants shall be named as additional insured on any such policies of Commercial General Liability and Automobile Liability Insurance, (but not for the Professional Liability and workers' compensation), which shall also contain a provision that the insurance afforded thereby to the CITY, its subsidiary agencies, and their officers, agents, employees, and servants shall be primary insurance to the full limits of liability of the policy, and that if the CITY, its subsidiary agencies and their officers and employees have other insurance against a loss covered by a policy, such other insurance shall be excess insurance only.
- D. In the event of the breach of any provision of this Section, or in the event any notice is received which indicates any required insurance coverage will be diminished or canceled, CITY, at its option, may, notwithstanding any other provision of this agreement to the contrary, immediately declare a material breach of this agreement and suspend all further work pursuant to this agreement.
- E. Before the execution of this agreement, any deductibles or self-insured retentions must be declared to and approved by CITY.

12. PAYMENT OF PERMITS/LICENSES

Contractor shall obtain any license, permit, or approval if necessary from any agency whatsoever for the work/services to be performed, at his/her own expense, before commencement of said work/services or forfeit any right to compensation under this agreement.

13. RESPONSIBILITY AND LIABILITY FOR SUB-CONSULTANTS AND/OR SUBCONTRACTORS

Approval of or by CITY shall not constitute nor be deemed a release of responsibility and liability of FIRST PARTY or its sub-consultants and/or subcontractors for the accuracy and competency of the designs, working drawings, specifications or other documents and work, nor shall its approval be deemed to be an assumption of such responsibility by CITY for any defect in the designs, working drawings, specifications or other documents prepared by FIRST PARTY or its sub-consultants and/or subcontractors.

14. OWNERSHIP OF WORK PRODUCT

Work products of FIRST PARTY for this project, which are delivered under this agreement or which are developed, produced and paid for under this agreement, shall become the property of CITY. The reuse of FIRST PARTY's work products by City for purposes other than intended by this agreement shall be at no risk to FIRST PARTY.

15. REPRESENTATION OF WORK

Any and all representations of FIRST PARTY, in connection with the work performed or the information supplied, shall not apply to any other project or site, except the project described in Exhibit "A" or as otherwise specified in Exhibit "A."

16. TERMINATION OF AGREEMENT

- A. CITY may give thirty (30) days written notice to FIRST PARTY, terminating this agreement in whole or in part at any time, either for CITY's convenience or because of the failure of FIRST PARTY to fulfill its contractual obligations or because of FIRST PARTY's change of its assigned personnel on the project without prior CITY approval. Upon receipt of such notice, FIRST PARTY shall:
1. Immediately discontinue all services affected (unless the notice directs otherwise); and
 2. Deliver to the CITY all data, drawings, specifications, reports, estimates, summaries, and such other information and materials as may have been accumulated or produced by FIRST PARTY in performing work under this agreement, whether completed or in process.
- B. If termination is for the convenience of CITY, an equitable adjustment in the contract price shall be made, but no amount shall be allowed for anticipated profit on unperformed services.
- C. If the termination is due to the failure of FIRST PARTY to fulfill its agreement, CITY may take over the work and prosecute the same to completion by agreement or otherwise. In such case, FIRST PARTY shall be liable to CITY for any reasonable additional cost occasioned to the CITY thereby.
- D. If, after notice of termination for failure to fulfill agreement obligations, it is determined that FIRST PARTY had not so failed, the termination shall be deemed to have been effected for the convenience of the CITY. In such event, adjustment in the contract price shall be made as provided in Paragraph B of this Section.
- E. The rights and remedies of the CITY provided in this Section are in addition to any other rights and remedies provided by law or under this agreement.
- F. Subject to the foregoing provisions, the CITY shall pay FIRST PARTY for services performed and expenses incurred through the termination date.

17. INSPECTION OF WORK

It is FIRST PARTY's obligation to make the work product available for CITY's inspections and periodic reviews upon request by CITY.

18. COMPLIANCE WITH LAWS

It shall be the responsibility of FIRST PARTY to comply with all State and Federal Laws applicable to the work and services provided pursuant to this agreement, including but not limited to compliance with prevailing wage laws, if applicable.

19. BREACH OF AGREEMENT

- A. This agreement is governed by applicable federal and state statutes and regulations. Any material deviation by FIRST PARTY for any reason from the requirements thereof, or from any other provision of this agreement, shall constitute a breach of this agreement and may be cause for termination at the election of the CITY.
- B. The CITY reserves the right to waive any and all breaches of this agreement, and any such waiver shall not be deemed a waiver of any previous or subsequent breaches. In the event the CITY chooses to waive a particular breach of this agreement, it may condition same on payment by FIRST PARTY of actual damages occasioned by such breach of agreement.

20. SEVERABILITY

The provisions of this agreement are severable. If any portion of this agreement is held invalid by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect unless amended or modified by the mutual consent of the parties.

21. CAPTIONS

The captions of this agreement are for convenience and reference only and shall not define, explain, modify, limit, exemplify, or aid in the interpretation, construction, or meaning of any provisions of this agreement.

22. LITIGATION OR ARBITRATION

In the event that suit or arbitration is brought to enforce the terms of this agreement, the prevailing party shall be entitled to litigation costs and reasonable attorneys' fees. The Dispute Resolution provisions are set forth on Exhibit "B," 'Dispute Resolution' attached hereto and by this reference incorporated herein.

23. RETENTION OF RECORDS

Contractor shall maintain all required records for three years after the City makes final payment and all other pending matters are closed, and shall be subject to the examination and /or audit of the City, a federal agency, and the state of California.

24. TERM OF AGREEMENT

This agreement shall remain in effect for the period of Select start date through Select end date unless extended, amended, or terminated in writing by CITY.

25. ENTIRE AGREEMENT

This document constitutes the sole agreement of the parties hereto relating to said project and states the rights, duties, and obligations of each party as of the document's date. Any prior agreement, promises, negotiations, or representations between parties not expressly stated in this document are not binding. All modifications, amendments, or waivers of the terms of this agreement must be in writing and signed by the appropriate representatives of the parties to this agreement.

26. STATEMENT OF ECONOMIC INTEREST

Consultants, as defined by Section 18701 of the Regulations of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations, are required to file a Statement of Economic Interests with 30 days of approval of a contract services agreement with the City of its subdivisions, on an annual basis thereafter during the term of the contract, and within 30 days of completion of the contract.

Based upon review of the Consultant's Scope of Work and determination by the City Manager, it is determined that Consultant IS/IS NOT required to file a Statement of Economic Interest. A statement of Economic Interest shall be filed with the City Clerk's office no later than 30 days after the execution of the agreement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first above written.

FOR FIRST PARTY:

Signature

Date

Printed name

Title

Tax ID#

APPROVED AS TO FORM:

Nira F. Doughty, City Attorney

Date

FOR CITY OF MENLO PARK:

Signature Authority, Title

Date

ATTEST:

Judi A. Herren, City Clerk

Date

EXHIBIT "A" – SCOPE OF SERVICES

A1. SCOPE OF WORK

FIRST PARTY agrees to provide consultant services for CITY's Department. In the event of any discrepancy between any of the terms of the FIRST PARTY's proposal and those of this agreement, the version most favorable to the CITY shall prevail. FIRST PARTY shall provide the following services:

Provide general consultant services for projects as determined by the CITY. The detailed scope of work for each task the CITY assigns the consultant shall be referred to as Exhibit A -1, which will become part of this agreement. A notice to proceed will be issued separately for each separate scope of work agreed to between the CITY and FIRST PARTY.

FIRST PARTY agrees to perform these services as directed by the CITY in accordance with the standards of its profession and CITY's satisfaction.

A2. COMPENSATION

CITY hereby agrees to pay FIRST PARTY at the rates to be negotiated between FIRST PARTY and CITY as detailed in Exhibit A-1. The actual charges shall be based upon (a) FIRST PARTY's standard hourly rate for various classifications of personnel; (b) all fees, salaries and expenses to be paid to engineers, consultants, independent contractors, or agents employed by FIRST PARTY; and shall (c) include reimbursement for mileage, courier and plan reproduction. The total fee for each separate Scope of Work agreed to between the CITY and FIRST PARTY shall not exceed the amount shown in Exhibit A-1.

FIRST PARTY shall be paid within thirty (30) days after approval of billing for work completed and approved by the CITY. Invoices shall be submitted containing all information contained in Section A5 below. In no event shall FIRST PARTY be entitled to compensation for extra work unless an approved change order, or other written authorization describing the extra work and payment terms, has been executed by CITY before the commencement of the work.

A3. SCHEDULE OF WORK

FIRST PARTY'S proposed schedule for the various services required will be set forth in Exhibit A-1.

A4. CHANGES IN WORK -- EXTRA WORK

In addition to services described in Section A1, the parties may from time to time agree in writing that FIRST PARTY, for additional compensation, shall perform additional services including but not limited to:

- Change in the services because of changes in scope of the work.
- Additional tasks not specified herein as required by the CITY.

The CITY and FIRST PARTY shall agree in writing to any changes in compensation and/or changes in FIRST PARTY's services before the commencement of any work. If FIRST PARTY deems work he/she has been directed to perform is beyond the scope of this agreement and constitutes extra work, FIRST PARTY shall immediately inform the CITY in writing of the fact. The CITY shall make a determination as to whether such work is in fact beyond the scope of this agreement and constitutes extra work. In the event that the CITY determines that such work does constitute extra work, it shall provide compensation to the FIRST PARTY in accordance with an agreed cost that is fair and equitable. This cost will be mutually agreed upon by the CITY and FIRST PARTY. A supplemental agreement providing for such compensation for extra work shall be negotiated between the CITY and the FIRST PARTY. Such supplemental agreement shall be executed by the FIRST PARTY and may be approved by the City Manager upon recommendation of the Project Manager's title.

A5. BILLINGS

FIRST PARTY's bills shall include the following information: A brief description of services performed, project title and the agreement number; the date the services were performed; the number of hours spent and by whom; the current contract amount; the current invoice amount; Except as specifically authorized by CITY, FIRST PARTY shall not bill CITY for duplicate services performed by more than one person. In no event shall FIRST PARTY submit any billing for an amount in excess of the maximum amount of compensation provided in Section A2.

The expenses of any office, including furniture and equipment rental, supplies, salaries of employees, telephone calls, postage, advertising, and all other expenses incurred by FIRST PARTY in the performances of this agreement shall be incurred at the FIRST PARTY's discretion. Such expenses shall be FIRST PARTY's sole financial responsibility.

EXHIBIT "B" - DISPUTE RESOLUTION

- B1.0** All claims, disputes and other matters in question between the FIRST PARTY and CITY arising out of, or relating to, the contract documents or the breach thereof, shall be resolved as follows:
- B2.0 Mediation**
- B2.1** The parties shall attempt in good faith first to mediate such dispute and use their best efforts to reach agreement on the matters in dispute. After a written demand for non-binding mediation, which shall specify in detail the facts of the dispute, and within ten (10) days from the date of delivery of the demand, the matter shall be submitted to a mutually agreeable mediator. The Mediator shall hear the matter and provide an informal opinion and advice, none of which shall be binding upon the parties, but is expected by the parties to help resolve the dispute. Said informal opinion and advice shall be submitted to the parties within twenty (20) days following written demand for mediation. The Mediator's fee shall be shared equally by the parties. If the dispute has not been resolved, the matter shall be submitted to arbitration in accordance with Paragraph B3.1.
- B3.0 Arbitration**
- B3.1** Any dispute between the parties that is to be resolved by arbitration as provided in Paragraph B2.1 shall be settled and decided by arbitration conducted by the American Arbitration Association in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association, as then in effect, except as provided below. Any such arbitration shall be held before three arbitrators who shall be selected by mutual agreement of the parties; if agreement is not reached on the selection of the arbitrators within fifteen (15) days, then such arbitrator(s) shall be appointed by the presiding Judge of the court of jurisdiction of the agreement.
- B3.2** The provisions of the Construction Industry Arbitration Rules of the American Arbitration Association shall apply and govern such arbitration, subject, however to the following:
- B3.3** Any demand for arbitration shall be writing and must be made within a reasonable time after the claim, dispute or other matter in question as arisen. In no event shall the demand for arbitration be made after the date that institution of legal or equitable proceedings based on such claim, dispute or other matter would be barred by the applicable statute of limitations.
- B3.4** The arbitrator or arbitrators appointed must be former or retired judges, or attorneys at law with last ten (10) years' experience in construction litigation.
- B3.5** All proceedings involving the parties shall be reported by a certified shorthand court reporter, and written transcripts of the proceedings shall be prepared and made available to the parties.
- B3.6** The arbitrator or arbitrators must be made within and provide to the parties factual findings and the reasons on which the decisions of the arbitrator or arbitrators is based.
- B3.7** Final decision by the arbitrator or arbitrators must be made within ninety (90) days from the date of the arbitration proceedings are initiated.
- B3.8** The prevailing party shall be awarded reasonable attorneys' fees, expert and non-expert witness costs and expenses, and other costs and expenses incurred in connection with the arbitration, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.9** Costs and fees of the arbitrator or arbitrators shall be borne by the non-prevailing party, unless the arbitrator or arbitrators for good cause determine otherwise.
- B3.10** The award or decision of the arbitrator or arbitrators, which may include equitable relief, shall be final, and judgment may be entered on it in accordance with applicable law in any court having jurisdiction over the matter.

Proposal for Demographic Analysis and Census Mapping Services



GEOinovo Solutions Inc.

City of Menlo Park

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Executive Summary

Redistricting is crucial and necessary for representative and functional governance. The City of Menlo Park (City) is seeking demographic analysis and census mapping services to assist with your redistricting process. As part of the redistricting process GEOinovo Solutions Inc. (GEOinovo) will work closely with the City to ensure the legal requirements related to redistricting are met. For this project, the GEOinovo Team will consist of GEOinovo and our subcontractor La Cresta Demographics (La Cresta).

As a GIS company, GEOinovo supports our clients with geospatial analysis, reports, dashboards, and mapping services. We have a simple goal, to solve complex problems through the innovative use of Geographic Information Systems (GIS). Our comprehensive solutions and extensive staff experience will provide the City with first-class demographic services and demographic mapping. Our experience is augmented by our participation in the Esri, Inc. Partner Program allowing us greater access to Esri's GIS technology.

Our staff has extensive experience with local government mapping and providing GIS services. We have created demographic mapping for redistricting and are familiar with the process of working with lawyers, demographers, and the community. Our experience includes developing and presenting maps to local government officials using GIS and demographic data.

We believe our Team is the most suited to provide services to the City because of our experience and familiarity with Section II of the Federal Voter Rights Act of 1965, the California Voting Rights Act of 2001, and the California Fair Maps Act of 2019. We have reworked and eliminated poor redistricting efforts by leveraging our demographic experience and working closely with appropriate law firms to ensure legal compliance. We use federal, state, and county data to complete our demographic and voter participation analysis and draft district maps. Please note, our work is dependent on the release of the U.S. Census Bureau decennial data. If the data is released later than expected this will impact the schedule of the project. We understand that redistricting is both a necessity and an art. It is critical to maintain compliance with federal and state regulations and ensure community cohesiveness and inclusion.

Community level engagements are critical to meeting the California Fair Maps Act best practices. Our Team has worked with community organizations to reach out to underrepresented populations in throughout California through events and small meetings. This work involved creating maps and infographics to share critical information within the community. Using visuals helps everyone understand the importance of redistricting and helps rally the community.

We believe that our solid reputation, extensive experience in the field, and selected staff provide the necessary services that will meet the City's requirements. We look forward to working with you to meet your redistricting needs.

Please contact me, Luciane Musa, CEO/Founder, regarding this proposal at 951-852-5205 or Lmusa@geoinovo.com.

A handwritten signature in black ink that reads "Luciane Musa".

GEOinovo Company Profile

GEOinovo was founded in 2014 and incorporated January 2018. We are a woman-owned, minority-owned, and small business enterprise offering exceptional geospatial analysis, data analysis, GIS and software integration, and program design services to meet the unique needs of our clients. Our team brings over 80 years’ experience and success to each project and is guided by our passion for delivering unmatched quality and unsurpassed services.

As a team comprised of talented individuals from diverse backgrounds such as GIS professionals, demographers, anthropological professionals, and former military personnel, we offer unique insight into each project. GEOinovo provides our partners with well-rounded knowledgeable staff, unique technical and project expertise, strong partnership and leadership skills, and most importantly meticulous and dedicated support. Our experience includes:

- Cartography (Mapping and Visualization)
- Data/Database Management
- Redistricting
- U.S. Census Bureau Data Knowledge
- GIS Architecture Design & Implementation
- Public Hearings and Public Outreach
- Map Production and Publication
- ArcGIS Dashboard Configuration



California Small Business Designations:

- SB(Micro) #2009714
- WMBE #17001156
- DBE #45531
- SBE # 20159741

Subcontractor Information

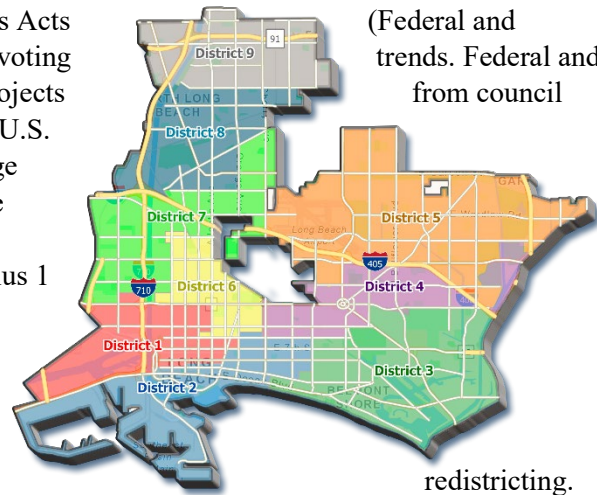
By teaming with La Cresta, the GEOinovo Team will provide the City with expertise across the multiple dimensions of the project and provide the City with leading professionals in the demographics, statistical analysis, and GIS/map production.

La Cresta Demographics Overview

Mr. Garcia founded La Cresta in 2020 to provide demographics analysis, community outreach, and redistricting services to government agencies throughout the United States. The La Cresta team leverages over 30 years of experience and expertise in voting rights, data analysis, community engagement, and much more. La Cresta staff has supported over 20 California Voting Rights Act cases, providing subject-matter expertise in demography, voting rights, and redistricting regulations. The exceptional professional experience of La Cresta enables us to effectively communicate with policymakers and citizens every step of the way to ensure fair and equitable outcomes for all community stakeholders.

Voting Rights

Ensuring compliance with both Federal and California regulations is critical for project success and avoiding litigation. The GEOinovo Team has supported projects to update school district boundaries to meet these requirements. This work includes a thorough demographic analysis of an area of interest, understanding of the requirements of the Voting Rights Acts (Federal and California), district geography, voter registration, and voting trends. Federal and California Voting Rights laws apply to redistricting projects districts to school districts. We have experience using U.S. Census Bureau data and conducting Citizen Voting Age Population (CVAP) analysis' with consideration of the Federal Voting Rights Act requiring that a district be created that encompasses a population of 50 percent plus 1 racial/ethnic protected majority.



(Federal and trends. Federal and from council

Federal Voting Rights

The GEOinovo Team has worked on many voting districts projects that required deep understanding of the Federal Voting Rights Act and its application in redistricting. The Federal Voting Rights Act established, under law, the prohibition of discrimination on the basis of race, color, or membership in one of the language minority groups. Discrimination can include redistricting that create unusually large election districts. Violation of the Voting Rights Act can lead to legal issues. To avoid these negative consequences, the GEOinovo Team relies on our experienced staff and collaboration with legal teams, as necessary.

State of California Redistricting Requirements

Redistricting in California requires compliance with the California Fair Maps Act and the California Voting Rights Act. We comply with the industry best practices of creating geographically contiguous districts, districts providing racial/ethnic protected populations with an equal opportunity to participate in the political process, without being diluted, and minimizing the division of communities of interest to the extent practicable. Community engagement is critical to complying with the Fair Maps Act. The GEOinovo Team is familiar with online tools such as Districtr.org that allow people in the community to submit their own community of interest (COI) areas as shapefiles.

Anticipated Project Schedule

Throughout the project we will:

- Be receptive to feedback and work effectively with the City Council, city attorney's office, and city staff.
- Guiding and assisting the City through the redistricting process.
- Actively participate and present in all meetings.

Task 1: Project Planning with Draft Demographic & Statistical Analysis – June – July 2021: Project Planning, Draft Demographic Maps, Public Hearings/Meetings. RFP tasks:

- Training the City on the redistricting process including all applicable federal and state laws.
- Assist with the preparation of staff reports and presentation materials for public hearings.

Task 2: Community Meetings/Hearings/Input – August – October 2021: Identification of communities of interest (COI), Public Hearings/Meetings. RFP tasks:

- Create a user-friendly digital interface that allows the City and the public to draw their own district boundaries and guide users in complying with all laws and requirements.
- Provide the trainings and digital interface.
- Assist with the preparation of staff reports and presentation materials for public hearings.
- Use existing City Council district boundaries from the city’s open data portal to create new boundaries.

Task 3: District Map Iterations of Potential Boundaries – October – November 2021: Receipt of U.S. Census Data from PL94-171 Redistricting Data post September 30, 2021 anticipated release. Process additional community drawn maps. RFP tasks:

- Evaluate draft maps for population balance and compliance with state and federal laws.
- Assist with the preparation of staff reports and presentation materials for public hearings.
- Upon receipt of the 2020 United States census data, provide data summary files, updating any digital interface previously used for demonstration and informational purposes.
- Analyze whether the 2020 census data requires modifications to the city’s City Council districts.
- If so, help draft new district boundaries using community feedback and criteria set by the City Council that are population balanced and satisfy the requirements of the Voting Rights Acts.
- Make modifications to draft district boundary maps based on input from the City and community.
- New district boundaries shall not split or cross parcel boundaries, must maintain topology to parcels, street centerlines and city boundary.

Task 4: Presentation Support of Potential Maps to the City - November – December 2021: Presenting the draft map options to the City. RFP tasks:

- Assist with the preparation of staff reports and presentation materials for public hearings.

Task 5: Adoption of Final Map – December 2021: Final map presentation and adoption of the final plan approved and implemented. RFP tasks:

- Assist with the preparation of staff reports and presentation materials for public hearings.
- All updated GIS data shall be provided to the city in ESRI shapefile format and be in NAD 1983 StatePlane California FIPS 0403 (US FEET) coordinate system.
- Assist the City Council, city attorney’s office and city staff as may be required in all facets of developing and implementing the final district boundary map, including submittal of maps to the county registrar of voters.

Additional Tasks: The following will be charged according to the rates proposed in the cost proposal, table “Labor Categories”:

- Other tasks requested by the City Council or city staff that relate to the redistricting process, such as facilitating requests for additional demographic data or advising on the Voting Rights Acts.

References

Whittier Union High School District

REDISTRICTING: WHITTIER UNION HIGH SCHOOL DISTRICT

Reference Contact

Name	George Prather, PhD	Title	Project Manager
Group/Division	Whittier Voters Coalition	Phone	323-696-5091

Email georgemprather@gmail.com

Project Summary

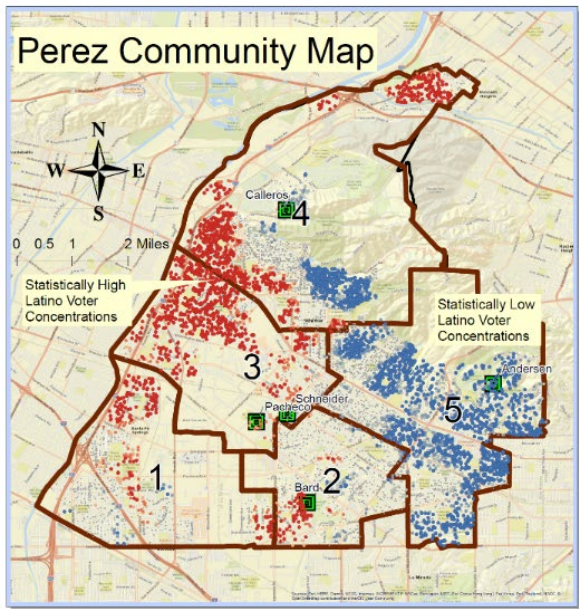
The Whittier Voters Coalition is a community based organization that was responsible for coordinating community engagements with regard to the redistricting of the Whittier Union High School District.

The GEOinovo Team provided Demographer/Statistician services on behalf of the community of the Whittier Union High School District. This work included demographic analysis, community engagement, participation in public hearings, producing district maps using input from the community, using the best practices of the California Fair Maps Act prior to the when they became official law.

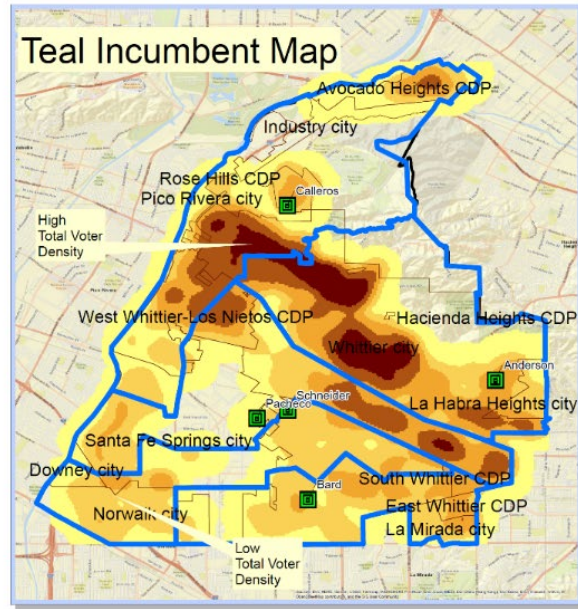
The District was under threat of lawsuit under the State of California Voting Rights Act (CVRA) to eliminate at large voting for board members. Legal changes in redistricting required the District to redraw their council districts to improve protected minority representation. To engage with both the board and the community, the GEOinovo Team provided statistical and demographic analysis of the proposed council districts and produced maps to help the board and the community better understand issues with the district boundaries.

The redistricting process followed the following progression: (1) demographical and statistical analysis of the population in the District, (2) mapping communities of interest (COI), (3) community meetings/hearings/input, (4) creating two map iterations of the potential district boundaries, and (5) presenting potential maps to the board of education.

Our methods for community engagements are similar to the processes now required by the California Fair Maps Act. Each stage in the process is critical for meeting the California Fair Maps and Section II of the Federal Voting Rights Acts best practices and regulations. The GEOinovo Team has experience supporting these best practices.



**Hot Spot Analysis
Latino vs Non Latino Voters
November 2017**



**Density Analysis
All Voters
November 2017**

Legend
Trustees Home Locations

Figure 1 The above maps show the work the GEOinovo Team completed to re-do the voting districts produced by a different firm (the Teal map on the right). The redistricting map to the left – by the GEOinovo Team – accounts for voter location data as a core component for preserving communities of interest. Both maps represent the spatial concentration of geocoded individual registered Latino voters by competing proposed districts in Whittier Union High School District. As a result of the updated map, the community of Los Nietos Santa Fe Springs has achieved fair representation for the first time.

Team

This project was supported by Jesus Garcia (Demographer/Statistician).

Hacienda La Puente Unified School District

REDISTRICTING: HACIENDA LA PUENTE UNIFIED SCHOOL DISTRICT

Reference Contact

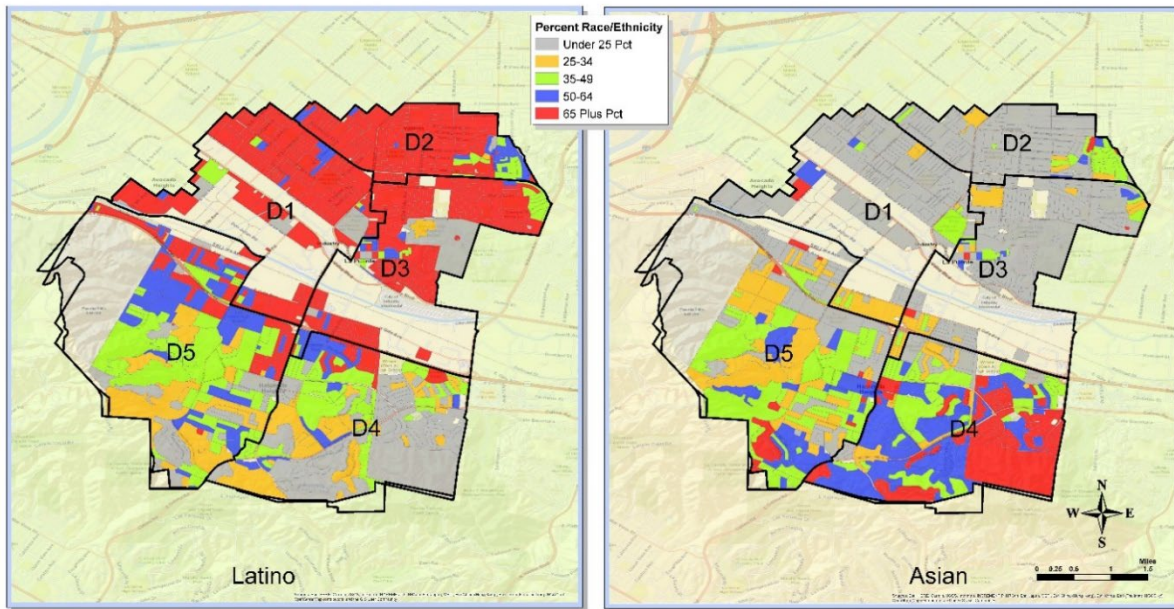
Name	Gilda Ochoa	Title	Chair
Group/Division	Juntos Podemos	Phone	626-646-6826
Email	Gochoa@pomona.edu		

Project Summary

Juntos Podemos is a community based organization that was responsible for coordinating the community engagement with regard to the redistricting of the Hacienda La Puente Unified School District.

The GEOinovo Team provided Demographer/Statistician services on behalf of the community of the Hacienda La Puente High School District. This work included demographic analysis, community engagement, participation in public hearings, producing district maps using input from the community, using the best practices of the California Fair Maps Act prior to the when they became official law.

The District was under threat of lawsuit under the State of California Voting Rights Act (CVRA) to eliminate at large voting for board members. Legal changes in redistricting required the District to redraw their council districts to improve protected minority representation. To engage with both the board and the community, the GEOinovo Team provided statistical and demographic analysis of the proposed council districts and produced maps to help the board and the community better understand issues with the district boundaries.



Map 2: Hacienda La Puente Unified School District Race/Ethnicity by Proposed Board of Education District Areas 2020

Figure 2 The above demographic maps show the percentage of the population that is Latino and Asian in the Hacienda La Puente Unified School District. Mapping demographic data provides an excellent visual tool to presents data to the board of supervisors and the community. In this example, the district boundaries accounted for the percentage of a specific area that is made up of a majority racial/ethnic project population.

The redistricting process followed the following progression: (1) demographical and statistical analysis of the population in the District, (2) mapping mapping communities of interest (COI), (3) community meetings/hearings/input, (4) creating three map iterations of the potential district boundaries, and (5) presenting potential maps to the board of education.

Our methods for community engagements are similar to the processes now required by the California Fair Maps Act. Each stage in the process is critical for meeting the California Fair Maps and Section II of the Federal Voting Rights Acts best practices and regulations. The GEOinovo Team has experience supporting these best practices.

Team

This project was supported by Jesus Garcia (Demographer/Statistician).

San Diego Regional Public Safety GIS Program

SAN DIEGO REGIONAL PUBLIC SAFETY GIS PROGRAM

Reference Contact

Name	Jennifer Libby-Jones	Title	Communications Manager
Group/Division	North County Dispatch JPA	Phone	(858) 400-2803
Email	Jlibby-jones@sdrecc.org		

Project Summary

GEOinovo provided staff for the RPSG project both for regular staff augmentation as well as additional project support. We staffed the project with three remote positions. The Regional Public Safety Geodatabase Program aims to create standardized data, products, and geospatial services for fire, medical, and law enforcement personnel within San Diego County. The talented team at GEOinovo provided services in modeling, designing, documenting, programming, maintaining, and testing Geographic Information Systems (GIS) applications, models, procedures, and software routines to automate geographic analysis and data processing. Our responsibilities include budget oversight duties, geodatabase design, administration, and automated processing tools, including GIS programming, managing the successful deployment and maintenance of many GIS deliverables.

While this project directly benefits the public safety agencies, the contributions and work performed by GEOinovo expanded and touched multiple aspects of the County, including transportation planning, traffic, construction, utility management, impact forecasting, community relations, and more. This project included significant effort and work across multiple sub-projects. For clarity we have provided a summary of the demographic services we performed.

Demography and Analysis

The role of demographics in Fire Safety is a crucial aspect of serving our communities better. In support of public safety, GEOinovo performed a demographic, geospatial analysis of the communities supported by RPSG. We obtained demographic data from the U.S. Census Bureau for the area each dispatch center supported. This data included population count, language spoken, race, age, and gender. Using the Census data, we determined which dispatch centers would need to improve their services to meet the needs of the predominate language spoken in that area.

With new developments throughout the county, a population growth study was needed to analyze what areas may need additional support. More than two thousand preplan fire maps were created to identify buildings, types of occupancies, and assist firefighters with emergency route planning. U.S. Census Bureau statistics data were used to quantify the number of homes without smoke alarms. This data was used by the California Fire Prevention Organization to install free smoke alarms. Fire statistics were collected after wildland fires. These data included the number of burned acres of land, structures destroyed, the number of casualties, people evacuated, and evacuation shelters used. GEOinovo developed an incident dashboard that provided fire incident statistics such as structure, vehicle, vegetation, trash, property, and unclassified fires. GEOinovo created and updated various maps such as the Fire Protection District Boundaries, fire responsibilities areas, and Fire Station Locations.

Team

This project was supported by Luciane Musa (Project Manager/GIS Consultant), Alex Sainz (GIS Consultant), and Ming Hsueh (GIS Analyst/Programmer).

Heartland Communications

SAN DIEGO REGIONAL PUBLIC SAFETY GIS PROGRAM

Reference Contact

Name	Carlos Castillo	Title	Director
Group/Division	Heartland Fire	Phone	(619) 441-1975
Email	ccastillo@heartlandfire.net		

Project Summary

GEOinovo was responsible for planning, organizing, coordinating, and participating in developing and implementing the agency's geographic information systems and maintaining the GIS databases used in the Computer-Aided Dispatch (CAD) and Mobile Data Computers (MDC). The complex GIS data supports multiple agencies who use the Heartland Communications Center. We created and supported routable street networks and response areas to allow the fastest possible response time for first responders, saving time when it matters most. GEOinovo developed and implemented python scripts to automate the process to update the mobile computers used in every apparatus with imperative and new GIS data. These innovative solutions improved the Heartland Communications' quality of service, reduced costs and response times, and provided a foundation for the future deployment of NextGen 9-1-1 (NG911). We managed GIS updates for 13 agencies to complete multi-year map book updates within a very tight grant schedule. Map books were deployed to 100+ vehicles as a reference and back-up to existing digital systems.

Demography

GEOinovo used U.S. Census Bureau data to perform demographic analysis' of the area each Fire Station supported. By using population data, eligible parcels, and service/coverage area analysis with Network Analyst, GEOinovo was able to identify where a new Fire Station would be needed to support the growing community.

Redistricting

GEOinovo participated in the redistricting of fire protection districts in San Diego County. We performed a boundary comparison utilizing local agency and Local Agency Formation Commission (LAFCO) boundaries data to identify discrepancies and gaps between the districts, especially in unincorporated fire protection districts and Native American reservations. This analysis identified areas where up to two miles were unaccounted for within the previous fire protection districts. By performing this analysis, San Diego County was better equipped to allocate resources and coordinate between local and tribal jurisdictions. GEOinovo created and updated various maps such as the Fire Protection District Boundaries, fire responsibilities areas, and Fire Station Locations.

Team

This project was supported by Luciane Musa (Project Manager/GIS Consultant), Alex Sainz (GIS Consultant), and Ming Hsueh (GIS Analyst/Programmer).

Staff Overview

The GEOinovo Team has assembled a team of experienced staff to provide full Demographer, GIS, and Mapping services for this project. Combined, our Team has more than 100 years of experience with demographic analysis and GIS. Our demographic services include experience with the Redistricting Database for the State of California and experience communicating data summary results to public policy decision makers. We provide GIS services from GIS data cleanup to advanced GIS analysis and modeling. As a technologically forward-thinking Team we strive for process improvement and

automation of GIS, database, and data management functions through software development, widget creation, and scripting. Our Team supports demographic projects with statistical analysis, reports, and understanding of voter requirements for both the U.S. Federal Government and the California State Government. We work collaboratively to bring these technical components together for products that are easy for policy makers to understand and share with the public.

Staff Biographies

LUCIANE MUSA

Years of Experience

20 years

Education

- B.A. Geography / Geographic Information Systems University of Alabama, Tuscaloosa, AL

Certifications

- Geographic Information System Professional (GISP) Certified
- Project Management Professional Academy Certification
- Occupational Safety and Health Administration (OSHA-30) Certified

Summary

Ms. Musa is the CEO and Founder of GEOinovo, where she oversees strategic direction, company operations, and strategic relationships. Going beyond her duties as CEO, Ms. Musa is a certified GISP and acts as a Project Manager and Senior GIS Analyst on company projects. A pioneer in her field, Ms. Musa helped mold the Spatial Data Standards for Facilities, Infrastructure, and Environment (SDSFIE) requirements that govern the data standards per Department of Defense (DoD) policy. She established geospatial standards, implemented and maintained GIS system architectures, and created workflow processes. She heads projects across various fields, including environmental, public works, utilities, engineering, transportation, military training initiatives, real estate, and public safety.

JESUS GARCIA

Years of Experience

34 years

Education

- Bachelor of Arts in Political Science, University of California Santa Barbara (UCSB), Santa Barbara, CA
- Master of Arts in Urban Planning University of California Los Angeles (UCLA), Los Angeles, CA
- Certificate of Geographic Information Systems, California State University, Bakersfield, CA

Languages

- Conversational Spanish

Summary

Mr. Garcia is a seasoned U.S. Census data demographer, voter redistricting researcher, and GIS analyst. His background and experience includes PL94-171 U.S. Census data, American Community Survey (ACS), the Redistricting Database for the State of California, K-12 education data, and SAS programming on large databases. Mr. Garcia's ability to communicate data summary results to policymakers and the public make him a valuable collaborator in strategic planning and community engagement efforts. He has demonstrated his abilities as a leader throughout his career, managing staff with diverse backgrounds and abilities.

Accomplishments

- Demographer and GIS Analyst in over twenty California Voter Rights Act Lawsuits

Skills Highlights

- U.S. Census Data Analysis
- Boundary Redistricting
- California Voting Rights Act establishment of board member districts areas
- Outreach Representative

ALEX SAINZ

Years of Experience

12 years

Education

- B.A. Geography – Urban and Regional Analysis San Diego State University, San Diego, CA

Summary

Mr. Sainz is a seasoned GIS professional who serves as a GIS Administrator and Senior GIS Analyst for GEOinovo. His skills and abilities include ArcGIS Enterprise services and applications, database management, on-premise and cloud-based solutions, web services, data integration, and much more. He has first hand experience working with local governments in California. Mr. Sainz possesses the ability to communicate technical concepts to stakeholders at all organization levels, from the executive team to field staff. Beyond the creation and modernization of the GIS infrastructure, Mr. Sainz is an expert data manager, able to create compelling, relevant reports to ensure project adherence, as well as driving decision making through actionable data.

CANDANCE PAULMAN

Years of Experience

15 years

Education

- M.S. Environmental Science, emphasis in Mapping Science – State University of New York
- B.A. Computer Information System – University of Dayton, OH

Certifications

- Geographic Information System Professional (GISP) Certified

Summary

Ms. Paulman, GISP is a skilled GIS professional with over 15 years of experience with all things GIS. From her direct engineering experience with Esri to her robust involvement with projects ranging from public safety and defense to environmental and transportation, Ms. Paulman brings immense critical skills to every project. Her ability to work with complex geodatabases as well as conduct spatial analysis makes her an invaluable analyst. As a former Esri product engineer, Ms. Paulman also brings a unique and intimate knowledge of creating ArcGIS extensions for the defense and intelligence communities. Ms. Paulman is an expert in crafting business intelligence dashboards and reports. She excels in constructing critical preplans for first responders using real-time GIS data to ensure our clients have the most accurate and up to date information to make informed and intelligent decisions.

MING HSUEH

Years of Experience

25 years

Education

- M.S. Mechanical Engineering / Control Systems, California State University, Fullerton, CA
- B.S. Mechanical Engineering / Control Systems, University of California, Los Angeles, CA

Certifications

- Certification Project Management Professional Academy

Summary

Mr. Hsueh is a talented and experienced Developer, Programmer, and DBA with an innate ability to understand all things within information technology, streamline and automate processes, and create and develop applications. His contributions to clients increase productivity by modernizing and automating manual processes to save time and reduce errors. His extensive professional history includes in-depth work with relational databases and program development focused on SQL Server, Microsoft Stack, and .Net Framework/.Net core.

Accomplishments

- Developed a process to update hundreds of GIS public safety mobile computers resulting in a 90%-time savings.
- Implemented an MS SQL system to create multiple backups and restore files reducing the backup and restore times by up to 40%.
- Tuned SQL queries to work with sets and improved processing times from 7-8 hours to process now take less than 10 minutes.

Cost Proposal

GEOinovo proposes a fixed fee of \$57,075 for the scope of services defined in the Request for Proposal. Additional services outside of the items summarized below will be charged using the Labor Categories and Hourly Rates detailed below. Our price remains the same for both Alternate A and Alternate B scenarios. In-person meetings are an additional cost of \$6,000 per meeting due to travel related expenses.

Scope of Services Tasks	Cost (USD)
Task 1: Project Planning with Draft Demographic & Statistical Analysis	Included in the Fix Fee
Task 2: Community Meetings/Hearings/Input	Included in the Fix Fee
Task 3: District Map Iterations of Potential Boundaries	Included in the Fix Fee
Task 4: Presentation Support of Potential Maps to the City	Included in the Fix Fee
Task 5: Adoption of Final Map	Included in the Fix Fee
Fix Fee	\$57,075

Scope of Services – Optional In-Person Meetings	Cost (USD)
In-Person Meeting Travel Expenses*	\$6,000 per meeting

*Includes in-person support of 2 (two) GEOinovo Team members. Online/Web conferences are included in the Fix Fee price above.

Labor Categories	Hourly Rate (USD)
Demographer	\$280
Senior Consultant	\$240
Communications Specialist	\$240
Project Manager	\$150
Technical Writer	\$130
Analyst	\$75
Clerical	\$50

GEOinovo established our pricing based on the following project assumptions:

1. Perform up to 5 community meetings/hearings to meet California State Regulations, online/web conference meetings are included on the Fix Fee Price.
2. All meetings will be performed online through web conferencing software and are included in the Fixed Fee price.
3. If the City requires in-person meetings, GEOinovo will charge an additional \$6,000 per meeting as stated in the “Scope of Services – Optional In-Person Meetings” table above.
4. GEOinovo will use Esri, Inc. for GIS analysis and mapping, SAS for statistical analysis, and Districtr.org for community input maps.



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-119-CC

Regular Business:

Adopt fireworks urgency Ordinance No. 1075 and introduce and waive first reading of fireworks Ordinance No. 1076

Recommendation

Staff recommends that the City Council take two actions:

1. Adopt urgency Ordinance No.1075 prohibiting fireworks and setting forth the facts constituting such urgency.
2. Introduce and waive first reading and read by title only, Ordinance No. 1076 amending Menlo Park Municipal Code by adding a new Chapter 8.57 (Fireworks) to Title 8, and amending section 5.28.050 of Chapter 5.28 of Title 5 to remove inconsistencies with the new Chapter 8.57.

Policy Issues

Previously in Menlo Park, there have been no local ordinances in place giving the City a controllable and useful tool to hold those detonating fireworks responsible in our City. Although State Codes exist that fit some circumstances, the introduction of a specific City authority to hold those people responsible who endanger our community will be a useful tool in the effort to address a perennial issue that disturbs the peace and endangers our public.

Background

Every year, beginning several weeks before the Fourth of July holiday weekend, Menlo Park residents are besieged by fireworks as a public nuisance. Detonation of fireworks in the City of Menlo Park has the potential at any time to create injury or property damage, and cause significant distress to both humans and pets who are sensitive to the noise and flashing light of these devices. Additionally, during a period where this region has experienced significant damage from fires of various causes, coupled with predicted low-moisture conditions and other environmental factors making fire risk very high now and in future years, the potential for damaging and dangerous fires caused by fireworks is very real and very predictable.

As what is predictable can often be preventable, the attached urgency Ordinance No. 1075 is designed to provide an immediate enforcement tool to Menlo Park authorities which can hold those endangering our public directly accountable, and the attached first reading of a regular fireworks Ordinance No. 1076 will provide for the City's ability to continue to enforce this accountability in the future.

Analysis

Historically, police and fire officials responding to and proactively encountering fireworks complaints have had limited authority for enforcement based on State Codes. However, the Health and Safety Code does allow for individual jurisdictions to create our own ordinances to streamline the accountability process. The urgency Ordinance No. 1075 and regular fireworks Ordinance No. 1076 provide the City of Menlo Park with a local

tool to protect our community and hold accountable those who may endanger it. Penalties pursuant to this new authority include nuisance abatement authority pursuant to existing Municipal Code Chapter 8.04, fine of \$1000, and misdemeanor criminal penalties of fine and imprisonment. The ordinance also allows civil collection to recover expenses from city resources utilized to respond to repeated violations.

There are two components to this measure – first, an urgency ordinance is needed to provide immediate enforcement tools in advance of this coming July Fourth holiday – an ability to cite violators of this ordinance for the sale or use (firing, discharging or burning) of fireworks, and to provide a civil remedy to reimburse costs for any response required for a second or subsequent violation of the ordinance. Second, adoption of a regular ordinance is needed to ensure an enduring ability to enforce against this potentially dangerous activity for subsequent fireworks seasons to come.

Impact on City Resources

Expenses for the training of personnel in new enforcement options, and any accompanying administrative needs to facilitate such enforcement can be absorbed by existing budget.

Environmental Review

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

Public Notice

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

Attachments

- A. Urgency Ordinance No. 1075 – Fireworks
- B. Regular fireworks Ordinance No. 1076

Report prepared by:
David Norris. Chief of Police

ORDINANCE NO. 1075

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK PROHIBITING FIREWORKS AND SETTING FORTH THE
FACTS CONSTITUTING SUCH URGENCY**

WHEREAS, dangerous and unregulated fireworks are a health and safety concern to all members of the Menlo Park community and their visitors; and

WHEREAS, thousands of injuries are caused by fireworks across this country every year; and

WHEREAS fireworks can cause significant anxiety in adults and children, especially veterans and others with post-traumatic stress, as well as pets; and

WHEREAS, fireworks also pose a serious risk of fire under conditions that continue to demonstrate extraordinary risk of damaging fire, in the wake of a year that saw significant damage from wildfire in the immediate region, with predicted continued weather and low moisture conditions in the future continuing that risk according to Cal Fire; and

WHEREAS, there is a demonstrated need for enforcement tools with which emergency responders can hold those posing a significant risk to public health and safety through the possession and detonation of fireworks in this city; and

WHEREAS, historically, Menlo Park has seen increased instances of use of fireworks in the summer months and specifically on and around the Fourth of July holiday; and

WHEREAS, recent data from the US Consumer Product Safety Commission showed that over 70% of the fireworks-related emergency room visits in 2019 occurred during the weeks immediately preceding the Fourth of July Holiday Weekend; and

WHEREAS, with the Fourth of July holiday approaching, the serious risk of fire conditions that are present in Menlo Park and surrounding communities, and the serious risk of fireworks-related injuries stemming from increased use of fireworks, there is an urgent and immediate need to prohibit all fireworks within the City in order to protect the threat to public health, safety and welfare; and

WHEREAS, this Ordinance is temporary and not a general ordinance in force required to be codified;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

SECTION 1. Declaration of Threat to Public Health, Safety, and Welfare Necessitating Urgency Ordinance

The City Council of the City of Menlo Park hereby finds and declares that there is a current and immediate threat to the public health, safety and welfare and a need for the immediate preservation of the public health and safety that warrants this urgency ordinance, which finding and declaration is based upon the facts, findings, and declarations stated in the recitals of this Ordinance, and all oral and written testimony presented at the June 8, 2021-Menlo Park City Council Meeting.

SECTION 2. Title

This Ordinance shall be known as the "Fireworks Ordinance."

SECTION 3. Term

This Ordinance shall become effective immediately on June 8, 2021 upon its adoption by a 4/5 vote of the City Council of the City of Menlo Park pursuant to section 36937(b) of the California Government Code and shall remain in effect until Ordinance No. 1075 entitled "Fireworks Ordinance," which Ordinance was approved upon first reading at the June 8, 2021 becomes effective. Once Ordinance No. 1076 becomes effective, this urgency ordinance shall have no further force and effect.

SECTION 4. Fireworks Prohibited

(a) Fireworks" means and includes:

(1) Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, whether manufactured, homemade or improvised;

(2) Fireworks classified by the State Fire Marshal as "dangerous fireworks" and as "safe and sane fireworks" pursuant to Health and Safety Code Sections 12561 and 12562;

(3) Any pyrotechnic devices for which the State Fire Marshal requires a license to manufacture, sell, transport or operate; and

(4) Firecrackers, torpedoes, skyrocketes, roman candles, cherry bombs, sparklers, chasers, snakes or other fireworks of like or similar construction and any fireworks containing any explosive or flammable compound or substance and any device containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "firework" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps.

(b) Sale and Use of Fireworks Prohibited

(1) It is unlawful to sell or offer for sale fireworks of any kind or nature in the city.

(2) It is unlawful to fire, discharge, burn or use fireworks of any kind or nature within the city.

(3) Should the provisions of this section conflict with the provisions of any other ordinance or city code section of the city, the provisions of this chapter shall prevail.

(c) Enforcement

- (1) The Chief of Police or his/her designee shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter.
- (2) Violation of this chapter shall be deemed a public nuisance and may be abated pursuant to Chapter 8.04 of this Code. Additionally, the City may bring a civil action against the violator of this Chapter to abate, enjoin, or otherwise compel the cessation of the violation of any provision of this Chapter.
- (3) Administrative Citation. Upon identification of a violation of this Chapter, any enforcement officer may issue an administrative citation or a notice of violation. The administrative fine shall be one thousand dollars (\$1,000) for each citation issued to any person who violates this Chapter.
- (4) Misdemeanor. In addition to the penalties described above, any person who violates this Chapter shall also be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, imprisonment in the County Jail for a period not exceeding six months, or both, if the violation:
 - (a) Is a substantial factor in causing harm to persons or property; and
 - (b) Causes serious bodily injury to persons, defined as the serious impairment of physical condition, and may include, without limitation, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and/or serious disfigurement; and/or
 - (c) Causes damage to real or physical property in excess of \$1,000.00.
- (5) Non-exclusivity of Penalties. The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance or regulation, including, without limitation, the California Health and Safety Code or California Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of fireworks.
- (6) Response costs. Any person who has been issued a second administrative citation and/or written notice of violation under this Chapter within any 12-month period may, in addition to the penalties provided for in this Chapter 5.28, also be held liable for response costs incurred in responding to a violation of this Chapter 5.28. All violators shall be jointly and severally liable for the response costs incurred.

(7) Payment of Fines and Costs.

- (a) All administrative fines and/or response costs shall be paid to the City within 30 days from the date of service of the citation, unless the person charged in the citation requests a hearing as set forth below in Section 5.28.070(i).
- (b) Payment of a fine and/or response costs under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

(8) Appeal/Hearing Request.

- (a) Any recipient of an administrative citation may contest that there was a violation of this Chapter 5.28 or that he or she is liable for the violation by requesting an appeal hearing within 30 days from the date of service of the citation. The contesting party shall identify the date and location of the alleged violation and indicate in the appeal that he or she is requesting a hearing. The appealing party shall attach a copy of the citation to the appeal.
- (b) The person requesting the appeal hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.
- (c) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of such report also shall be served on the person requesting the hearing at least five days before the date of the hearing.
- (d) The City Manager, or designee(s), shall designate the hearing officer for the administrative citation appeal hearing.

(9) Appeal/Hearing Procedure.

- (a) A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for appeal hearing is filed in accordance with the provisions of this Chapter.
- (b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.
- (c) The failure of any recipient of an administrative citation to appear at the appeal hearing shall constitute a failure to exhaust administrative remedies.
- (d) The administrative citation and any additional report submitted by the enforcement officer shall constitute *prima facie* evidence of the respective facts contained in those documents.

- (e) The hearing officer may continue the appeal hearing and request additional information from the enforcement officer or the recipient of the administrative citation before issuing a written decision.
 - (f) After considering all of the testimony and evidence submitted at the appeal hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall set forth in the decision the reasons for that decision. The decision of the hearing officer shall be final. If the hearing officer determines that the administrative citation should be upheld, then the responsible person shall pay the fine amount within 30 days. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.
 - (g) The employment, performance evaluation, compensation, and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.
- (10) Late Payment Charges.
- (a) Unless otherwise provided in this Code, any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before the date that fine is due, shall also be liable for the payment of a late payment charge 10% of the amount of the delinquent fine.
 - (b) Any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before 30 days after its due date shall also pay a second 10% of the delinquent amount.
- (11) Recovery of Administrative Fines and Costs.
- (a) The City may collect any past due administrative citation fine or late payment charge by use of all available legal means, including filing a civil lawsuit.
 - (b) Any person who fails to pay any obligation shall be liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs, and attorneys' fees.
 - (c) Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.
 - (d) Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.
- (12) Right to Judicial Review. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative

decision by filing a petition for review with the Superior Court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(13) Notices.

- (a) The administrative citation required to be given by this Chapter shall be served on the violator in the same manner as summons in a civil action in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. All subsequent notices shall be served by personal delivery or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his or her last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.
- (b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

SECTION 5. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

SECTION 6. California Environmental Quality Act

The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

PASSED AND ADOPTED as an urgency ordinance of the City of Menlo Park at a regular meeting of said City Council on the eighth day of June, 2021 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Drew Combs, Mayor

ATTEST:

Judi A. Herren, City Clerk

ORDINANCE NO. 1076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AMENDING THE MENLO PARK MUNICIPAL CODE BY ADDING CHAPTER 8.57 (FIREWORKS) TO TITLE 8 (PEACE, SAFETY AND MORALS) AND AMENDING SECTION 5.28.050 (SALE OF CHRISTMAS TREES, PUMPKINS OR FIREWORKS) OF CHAPTER 5.28 (LICENSE FEES FOR VARIOUS MISCELLANEOUS BUSINESSES) OF TITLE 5 (BUSINESS LICENSES AND REGULATIONS) OF THE MENLO PARK MUNICIPAL CODE, AND FINDING ADOPTION OF THE ORDINANCE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, dangerous and unregulated fireworks are a health and safety concern to all members of the Menlo Park community and their visitors; and

WHEREAS, thousands of injuries are caused by fireworks across this country every year; and

WHEREAS fireworks can cause significant anxiety in adults and children, especially veterans and others with post-traumatic stress, as well as pets; and

WHEREAS, fireworks also pose a serious risk of fire under conditions that continue to demonstrate extraordinary risk of damaging fire, in the wake of a year that saw significant damage from wildfire in the immediate region, with predicted continued weather and low moisture conditions in the future continuing that risk according to Cal Fire; and

WHEREAS, there is a demonstrated need for enforcement tools with which emergency responders can hold those posing a significant risk to public health and safety through the possession and detonation of fireworks in this city; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MENLO PARK:

SECTION 1. Adoption of Chapter 8.57 (Fireworks) of Title 8 (Peace, Safety and Morals) of the Menlo Park Municipal Code

Chapter 8.57 Entitled "Fireworks" is Hereby Adopted and Added to Title 8 (Peace, Safety and Morals) of the Menlo Park Municipal Code to read as follows:

(a) "Fireworks" means and includes:

(1) Any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, whether manufactured, homemade or improvised;

(2) Fireworks classified by the State Fire Marshal as "dangerous fireworks" and as "safe and sane fireworks" pursuant to Health and Safety Code Sections 12561 and 12562;

(3) Any pyrotechnic devices for which the State Fire Marshal requires a license to manufacture, sell, transport or operate; and

(4) Firecrackers, torpedoes, skyrocketes, roman candles, cherry bombs, sparklers, chasers, snakes or other fireworks of like or similar construction and any fireworks containing any explosive or flammable compound or substance and any device containing any explosive or flammable compound, or any tablet or other device containing an explosive substance, except that the term "firework" shall not include any auto flares, paper caps containing not in excess of an average of twenty-five hundredths of a grain of explosive content per cap and toy pistols, toy canes, toy guns or other devices for use of such caps..

(b) Sale and Use of Fireworks Prohibited

(1) It is unlawful to sell or offer for sale fireworks of any kind or nature in the city.

(2) It is unlawful to fire, discharge, burn or use fireworks of any kind or nature within the city.

(3) Should the provisions of this section conflict with the provisions of any other ordinance or city code section of the city, the provisions of this chapter shall prevail.

(c) Enforcement

(1) The Chief of Police or his/her designee shall seize, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored, or held in violation of this chapter.

(2) Violation of this chapter shall be deemed a public nuisance and may be abated pursuant to Chapter 8.04 of this Code. Additionally, the City may bring a civil action against the violator of this Chapter to abate, enjoin, or otherwise compel the cessation of the violation of any provision of this Chapter.

(3) Administrative Citation. Upon identification of a violation of this Chapter, any enforcement officer may issue an administrative citation or a notice of violation. The administrative fine shall be one thousand dollars (\$1,000) for each citation issued to any person who violates this Chapter.

(4) Misdemeanor. In addition to the penalties described above, any person who violates this Chapter shall also be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00, imprisonment in the County Jail for a period not exceeding six months, or both, if the violation:

- (a) Is a substantial factor in causing harm to persons or property; and
- (b) Causes serious bodily injury to persons, defined as the serious impairment of physical condition, and may include, without limitation, loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any bodily member or organ, a wound requiring extensive suturing, and/or serious disfigurement; and/or
- (c) Causes damage to real or physical property in excess of \$1,000.00.

(5) Non-exclusivity of Penalties. The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance or regulation, including, without limitation, the California Health and Safety Code or California Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of fireworks.

(6) Response costs. Any person who has been issued a second administrative citation and/or written notice of violation under this Chapter within any 12-month period may, in addition to the penalties provided for in this Chapter 5.28, also be held liable for response costs incurred in responding to a violation of this Chapter 5.28. All violators shall be jointly and severally liable for the response costs incurred.

(7) Payment of Fines and Costs.

- (a) All administrative fines and/or response costs shall be paid to the City within 30 days from the date of service of the citation, unless the person charged in the citation requests a hearing as set forth below in Section 5.28.070(i).
- (b) Payment of a fine and/or response costs under this Chapter shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

(8) Appeal/Hearing Request.

- (a) Any recipient of an administrative citation may contest that there was a violation of this Chapter 5.28 or that he or she is liable for the violation by requesting an appeal hearing within 30 days from the date of service of the citation. The contesting party shall identify the date and location of the alleged violation and indicate in the appeal that he or she is requesting a hearing. The appealing party shall attach a copy of the citation to the appeal.
- (b) The person requesting the appeal hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.
- (c) If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, a copy of such report also shall be served on the person requesting the hearing at least five days before the date of the hearing.
- (d) The City Manager, or designee(s), shall designate the hearing officer for the administrative citation appeal hearing.

(9) Appeal/Hearing Procedure.

(a) A hearing before the hearing officer shall be set for a date that is not less than 15 days and not more than 60 days from the date that the request for appeal hearing is filed in accordance with the provisions of this Chapter.

(b) At the hearing, the party contesting the administrative citation shall be given the opportunity to testify and to present evidence concerning the administrative citation.

(c) The failure of any recipient of an administrative citation to appear at the appeal hearing shall constitute a failure to exhaust administrative remedies.

(d) The administrative citation and any additional report submitted by the enforcement officer shall constitute *prima facie* evidence of the respective facts contained in those documents.

(e) The hearing officer may continue the appeal hearing and request additional information from the enforcement officer or the recipient of the administrative citation before issuing a written decision.

(f) After considering all of the testimony and evidence submitted at the appeal hearing, the hearing officer shall issue a written decision to uphold or cancel the administrative citation and shall set forth in the decision the reasons for that decision. The decision of the hearing officer shall be final. If the hearing officer determines that the administrative citation should be upheld, then the responsible person shall pay the fine amount within 30 days. The recipient of the administrative citation shall be served with a copy of the hearing officer's written decision.

(g) The employment, performance evaluation, compensation, and benefits of the hearing officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the hearing officer.

(10) Late Payment Charges.

(a) Unless otherwise provided in this Code, any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before the date that fine is due, shall also be liable for the payment of a late payment charge 10% of the amount of the delinquent fine.

(b) Any person who fails to timely pay, in full, any fine imposed pursuant to the provisions of this Chapter 5.28, on or before 30 days after its due date shall also pay a second 10% of the delinquent amount.

(11) Recovery of Administrative Fines and Costs.

(a) The City may collect any past due administrative citation fine or late payment charge by use of all available legal means, including filing a civil lawsuit.

(b) Any person who fails to pay any obligation shall be liable in any action brought by the City for all costs incurred in securing payment of the delinquent amount, including, but not limited to, administrative costs, and attorneys' fees.

(c) Collection costs shall be in addition to any penalties, interest, and/or late charges imposed upon the delinquent obligation.

(d) Collection costs imposed under this provision shall be added to and become a part of the underlying obligation.

(12) Right to Judicial Review. Any person aggrieved by an administrative decision of a hearing officer on an administrative citation may obtain review of the administrative decision by filing a petition for review with the Superior Court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4.

(13) Notices.

(a) The administrative citation required to be given by this Chapter shall be served on the violator in the same manner as summons in a civil action in accordance with Article 3 (commencing with § 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. All subsequent notices shall be served by personal delivery or by deposit in the United States mail, in a sealed envelope postage prepaid, addressed to such person to be notified at his or her last-known business or residence address as the same appears in the public records or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

(b) Failure to receive any notice specified in this Chapter does not affect the validity of proceedings conducted hereunder.

SECTION 2. Amendment to Section 5.28.050 (Sale of Christmas trees, pumpkins or fireworks) of Chapter 5.28 (– License Fees for Various Miscellaneous Businesses) of Title 5 (Business Licenses and Regulations) of the Menlo Park Municipal Code

Section 5.28.050 (Sale of Christmas trees, pumpkins or fireworks) of Chapter 5.28 (License Fees for Various Miscellaneous Businesses) of Title 5 (Business Licenses and Regulations) of the Menlo Park Municipal Code is hereby amended to read as follows (deletions in ~~strikethrough~~, additions in underline):

- (a) Where Christmas trees, or pumpkins ~~or fireworks~~ are sold from a fixed place of business in the city, the license fee to carry on and maintain the business and use licensed at the location at which it is proposed to sell the above items shall be fifty dollars per year.
- (b) The licensee shall furnish a cash deposit or bond in the sum of one hundred dollars. The conditions of the deposit or bond shall be determined by the license collector when the license is issued.
- (c) The term "Christmas trees," as used in this section, means Christmas trees, garlands and wreaths only, and shall not include ornaments, toys, light bulbs, Christmas tree lights or strings of lights and shall not include candies, fruits, novelties or other merchandise.
- (d) Charity or eleemosynary organizations or institutions shall pay twenty-five dollars, and no bond will be required; provided, that a responsible person of the organization or institution guarantees compliance to conditions under which a bond would normally be required.

SECTION 3. Severability

If any provision or clause of this ordinance or the application thereof to any person or circumstance is held to be unconstitutional or to be otherwise invalid by a final judgment of any court or competent jurisdiction, such invalidity shall not affect other provisions or clauses or application, and to this end, the provisions and clauses of this ordinance are declared to be severable.

SECTION 4. California Environmental Quality Act

The City Council finds that the adoption and implementation of this Ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

Section 5. Publication. The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Menlo Park, California and cause the same to be published in accordance with State law.

Section 6. Effective Date. This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law.

INTRODUCED on the eighth day of June, 2021.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the twenty-second day of June, 2021 by the following vote:

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AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Drew Combs, Mayor

ATTEST:

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

6/8/2021

Staff Report Number:

21-116-CC

Informational Item:

City Council agenda topics: June – July 2021

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 July 13, 2021. 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: June – July 2021

Report prepared by:

Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	2021-22 SLESF/COPS spending plan	ASD	Regular	Adopt resolution
2	Adopt salary schedule amendments	ASD	Regular	Adopt resolution
3	Appropriations limit	ASD	Regular	Adopt resolution
4	Approve year-end budget amendments	ASD	Regular	Adopt resolution
5	Authorization for blanket purchase orders and multi-year agreements	ASD	Regular	Adopt resolution
6	Fiscal year 2021-22 budget	ASD	Regular	Adopt resolution
7	UUT temporary reduction	ASD	Regular	Adopt resolution
8	Authorize the City Manager to rescind Emergency Order No. 2	CA	Consent	Approve
9	710 Willow Road appeal of use permit denial for alcohol sales	CDD	Public Hearing	Decide
10	Community Amenity In Lieu Fee and DA ordinance	CDD	Consent	Adopt ordinance
11	Final action on Menlo Uptown project entitlements	CDD	Public Hearing	Adopt resolution
12	Presentation: SRI Master Plan	CDD	Presentation	No action
13	Proclamation: Pride Month Proclamation to declare June 2021 as Pride Month in Menlo Park	CMO	Presentation	No action
14	Proclamation: Juneteenth	CMO	Presentation	No action
15	2021 priorities and work plan quarterly report as of June 30	CMO	Consent	Receive and file
16	Extend rate assistance program pilot	CMO	Regular	Adopt resolution
17	Homelessness study session	CMO	Study Session	Direction to staff
18	Minutes	CMO	Consent	Approve
19	Proclamation: Menlo Park Historical Association 50th	CMO	Proclamation	No action
20	Recreation scholarship pilot program	LCS	Consent	Approve
21	Award Construction Contract - On call asphalt and concrete	PW	Consent	Approve
22	Award Construction Contract - Sharon Park Pathways	PW	Consent	Approve
23	Landscape Assessment District for 2021-22	PW	Public Hearing	Adopt resolution
24	Local Hazard Mitigation Plan	PW	Study Session	Direction to staff
25	Menlo Portal PUE Abandonment Resolution	PW	Consent	Adopt resolution
26	Stormwater Program fee collection	PW	Public Hearing	Adopt resolution
27	Transportation Management Association feasibility study approval	PW	Regular	Approve
28	West Bay Sanitary - MOU for Recycled Water	PW	Regular	Approve
29	Parks capital projects and use of Measure T funds	PW, ASD	Study Session	Direction to staff
30	Award MPCC Solar Microgrid PPA	PW, CMO	Regular	Contract award or amend