



REGULAR MEETING MINUTES

Date: 4/27/2021

Time: 5:00 p.m.

Location: Zoom

Closed Session

A. Call To Order

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

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Nira F. Doherty, City Clerk Judi A. Herren (exited the meeting at 5:08 p.m.)
Legal Counsel Charles Sakai

C. Closed Session

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

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

No reportable actions.

D. Adjournment

Mayor Combs adjourned the meeting at 6:23 p.m.

Regular Session

E. Call To Order

Mayor Combs called the meeting to order at 6:37 p.m.

F. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

G. Report from Closed Session

None.

H. Presentations and Proclamations

H1. Midpeninsula Regional Open Space District-activities update (Presentation)

Midpeninsula Regional Open Space District Board Member Zoe Kersteen-Tucker made the presentation (Attachment).

The City Council discussed what Menlo Park can do to assist with Midpeninsula Regional Open Space District projects.

I. Public Comment

Web form public comment received on item I. (Attachment).

- Jay Siegle spoke in opposition of the proposed multi-family home water rates.
- Anders Frisk spoke in opposition of the proposed multi-family home water rates.
- Ethan Berry spoke on the need for transparency and community input on the use of the American Rescue Act funds.

J. Consent Calendar

The City Council pulled items J3., J4., and J7.

- J1. Accept the City Council meeting minutes for April 6 and April 13, 2021 (Attachment)
- J2. Receive and file the investment portfolio review as of March 31, 2021 (Staff Report #21-087-CC)
- J3. Authorize the city manager to enter into a five-year contract with OpenCities for an amount not to exceed \$150,000 for website design and hosting services (Staff Report #21-092-CC)

The City Council received clarification on the current website information transferring to a new website and public input on the front user interface.

- J4. Award a construction contract to Gruendl Inc. DBA Ray's Electric, for the Ravenswood Avenue-Laurel Street intersection improvement project (Staff Report #21-088-CC)

The City Council discussed modifications to the project for increased safety related to the width of travel lanes, bicycle box layout, and National Association of City Transportation Officials (NACTO) striping guidelines for the Laurel Street approaches.

The City Council received clarification on impacts to the design cost if narrowing the lanes.

The City Council directed staff to narrow the travel lanes as much as feasible and to review the striping of the bike boxes and lane lines on Laurel Street.

- J5. Authorize the city manager to enter into agreements with Chrisp Company and Quality Striping Inc. for the annual citywide street signage and striping program and authorize the city manager the option to extend the agreements for up to two additional years (Staff Report #21-089-CC)

- J6. Adopt Resolution No. 6622 approving the Menlo Park advisory bodies real property reporting form and requiring certain advisory bodies of the City of Menlo Park to submit said form on an annual basis (Staff Report #21-093-CC)
- J7. Authorize the formation of the Community Engagement and Outreach Committee for the housing element update project (Staff Report #21-094-CC)
- Karen Grove requested clarification on Attachment A to the staff report and the role of the Race, Equity, and Leadership (REAL) program in the housing element process (Attachment).
 - Pamela Jones requested that an even number of renters and home owners are selected to serve on the CEOC.

The City Council received clarification on City staff's efforts on racial equity both the role of the REAL program, Dr. Givens proposed baseline project, and staff's vision as discussed in Attachment A. City Council expressed concerns regarding Attachment A, specifically on accountability measures in the process, how the REAL program interfaces with policy considerations on the housing element, selection process, and transparency of the groups work if conducted outside of public meetings.

The City Council showed consensus in overlaying racial equity efforts with the housing element process and seeking greater clarity over Attachment A at a future meeting date. The City Council agreed with the recommendation to form a Community Engagement and Outreach Committee for the housing element update project.

ACTION: Motion and second (Wolosin/ Taylor) to approve the consent calendar items except J3., J4., and J7., passed unanimously.

ACTION: Motion and second (Combs/ Taylor) to approve consent calendar items J3., J4. with direction to narrow traffic lanes as much as feasible and to review the striping of the bike boxes and lane lines on Laurel Street, and J7., passed unanimously.

Recess

The City Council took a recess at 8:10 p.m.

The City Council reconvened at 8:33 p.m.

K. Regular Business

- K1. Proposed phase-in sequence for safely and sustainably expanding public access to facilities and services (Staff Report #21-090-CC) (Presentation)

Web form public comment received on item K1. (Attachment).

Library and Community Services Director Sean Reinhart made the presentation (Attachment).

- Ethan Berry spoke on the need for transparency and community input on the use of the American Rescue Act funds.
- Adina Levin spoke in support of the phased plan and opening meeting space as soon as safe.
- Pamela Jones spoke in support of a solution for more services in Belle Haven, condensing the

reopening timeline, and having the re-staffing plan and budget requirements in one document.

The City Council discussed online building and planning department plan review and neighboring jurisdiction reopening plans.

The City Council received clarification on the percentage of staff working remotely, on-site registration for services, impact of employee vaccinations, ongoing surveillance of employees and sites related to increased interaction with the public, and senior feedback related to the current senior center site.

- K2. Approve the creation of a new fund for one-time revenue, amend the fiscal year 2020-21 budget, and approve direction for development of the fiscal year 2021-22 budget (Staff Report #21-091-CC)

Assistant Administrative Services Director Dan Jacobson made the presentation (Attachment).

The City Council discussed public safety funding and separating all funds into individual accounts and those impacts to staff.

The City Council received clarification on funds going into the one-time revenue fund and simplifying how the funds are recorded and presented.

The City Council directed staff to return at the next City Council meeting.

L. Informational Items

- L1. City Council agenda topics: May 2021 (Staff Report #21-086-CC)

- L2. Rate assistance program update (Staff Report #21-095-CC)

The City Council received clarification on administrative fees for the program – what has been spent and future costs.

The City Council directed staff to report out to the City Council in September 2021 and automatically return to City Council if staff time exceeds 2-hours per week.

M. City Manager's Report

None.

N. City Councilmember Reports

City Councilmember Mueller reported out on meeting with City Manager Starla Jerome-Robinson, San Mateo County representative, and Menlo Park Fire Protection District Fire Chief.

Vice Mayor Nash reported out on Stanford Community Resources Group and the Chambers Business Alliance meetings.

City Councilmember Wolosin requested the raising of a lesbian, gay, bisexual, transgender and queer or questioning (LGBTQ) flag and a proclamation and direct the Community Grant Funding Subcommittee to consider grants from the American Rescue Plan Act fund.

Mayor Combs was recused and exited the meeting at 10:34 p.m.

Vice Mayor Nash and City Councilmember Taylor made a presentation.

ACTION: Motion and second (Nash/ Taylor) to provide direction to the city attorney on returning with an ordinance to amend the existing zoning code to allow developers to propose amenities not on the current community amenities list through negotiation of a development agreement. And that these revisions would be done at the same time as the in-lieu fee revisions. For staff to determine whether the proposed ordinance goes to Planning Commission on May 10 or May 24, 2021 passed 4-1 (Combs recused).

O. Adjournment

Vice Mayor Nash adjourned the meeting at 10:44 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of May 11, 2021.

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 **regular meeting**
 - Submit a written comment online up to 1-hour before the meeting start time:
menlopark.org/publiccommentApril27 *
 - Access the meeting real-time online at:
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

- How to participate in the **closed session**
 - Submit a written comment online up to 1-hour before the meeting start time:
menlopark.org/publiccommentApril27 *
 - Access the session real-time online at:
Zoom.us/join – Meeting ID 943 7057 8772
 - Access the session real-time via telephone at:
(669) 900-6833
Meeting ID 943 7057 8772
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.



MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

District Introduction and Update

Karen Holman, Board Member, Ward 5
Zoe Kersteen-Tucker, Board Member, Ward 7

April 27, 2021



Midpen Mission(s)



“To acquire a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.”

San Mateo County Coastside Mission (2004):

“To acquire and preserve in perpetuity open space land and agricultural land of regional significance, protect and restore the natural environment, preserve rural character, encourage viable agricultural use of land resources, and provide opportunities for ecologically sensitive public enjoyment and education.”



About Midpen

- Public agency, created in 1972 by a grassroots voter initiative
- 770,000 constituents (2018)
- Elected board: seven directors
- Funded primarily through property tax
- 26 Preserves in Santa Clara, San Mateo and Santa Cruz counties
- Preserved more than 65,000 acres, 240+ miles of trails
- Preserves are free and open to the public
- Main office in Los Altos + field offices
- 180 employees, ~1000 volunteers
- \$300 million voter-approved general obligation bond passed in 2014 to support public priorities





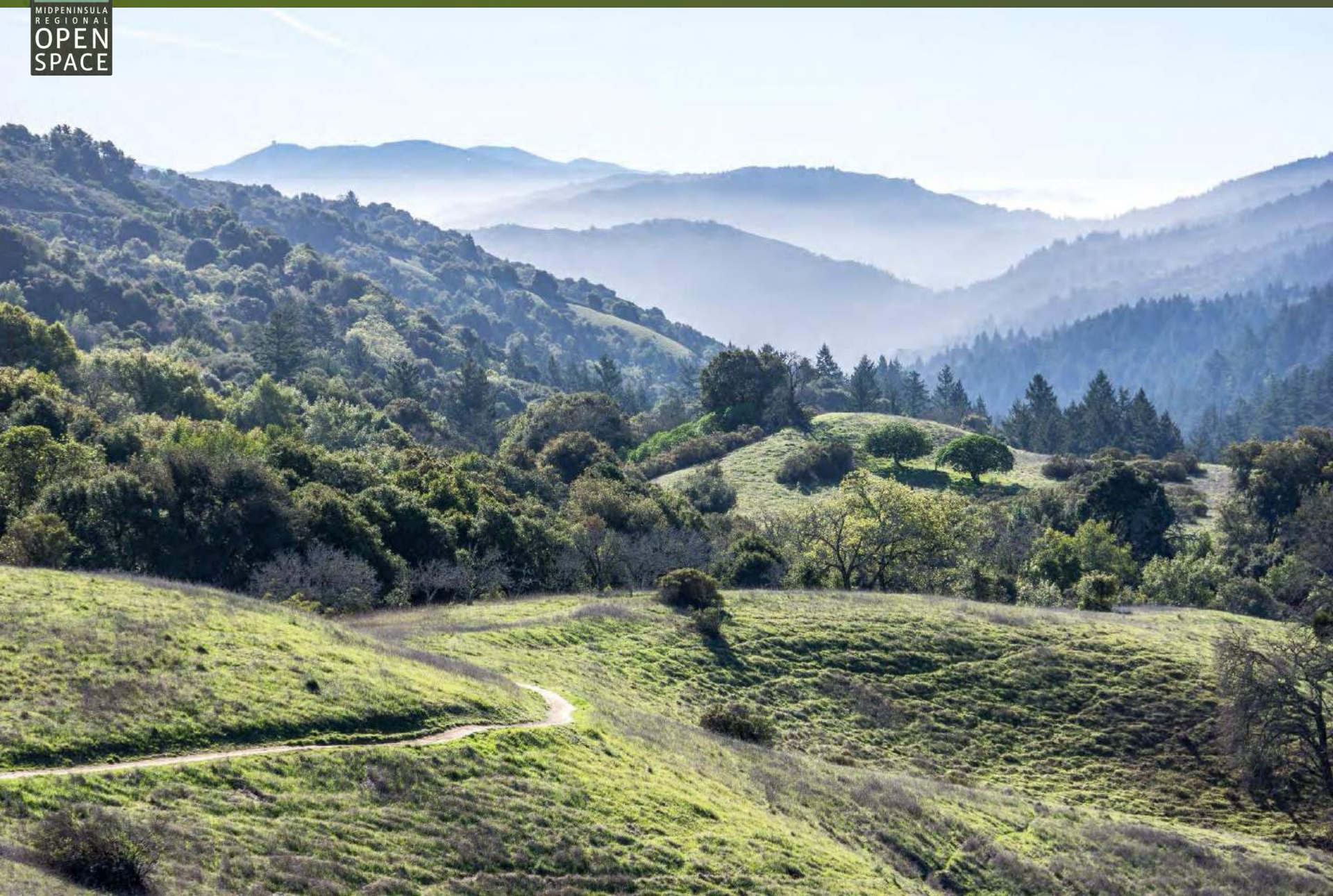
Midpen Jurisdiction and Open Space Preserves



#	Preserves
1	Bear Creek Redwoods Opening in 2019
2	Coal Creek
3	El Corte de Madera Creek
4	El Sereno
5	Foothills
6	Fremont Older
7	La Honda Creek
8	Long Ridge
9	Los Trancos
10	Miramontes Ridge
11	Monte Bello
12	Picchetti Ranch
13	Pulgas Ridge
14	Purissima Creek Redwoods
15	Rancho San Antonio
16	Ravenswood
17	Russian Ridge
18	Saratoga Gap
19	Sierra Azul
20	Skyline Ridge
21	St. Joseph's Hill
22	Stevens Creek Shoreline Nature Study Area
23	Teague Hill
24	Thornewood
25	Tunitas Creek
26	Windy Hill



Monte Bello Open Space Preserve





Russian Ridge Open Space Preserve

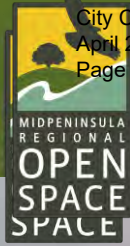


Photo: Chris Toomey



Windy Hill Open Space Preserve





What's New(t)? – Project Updates



Ravenswood Bay Trail



Ravenswood Bay Trail

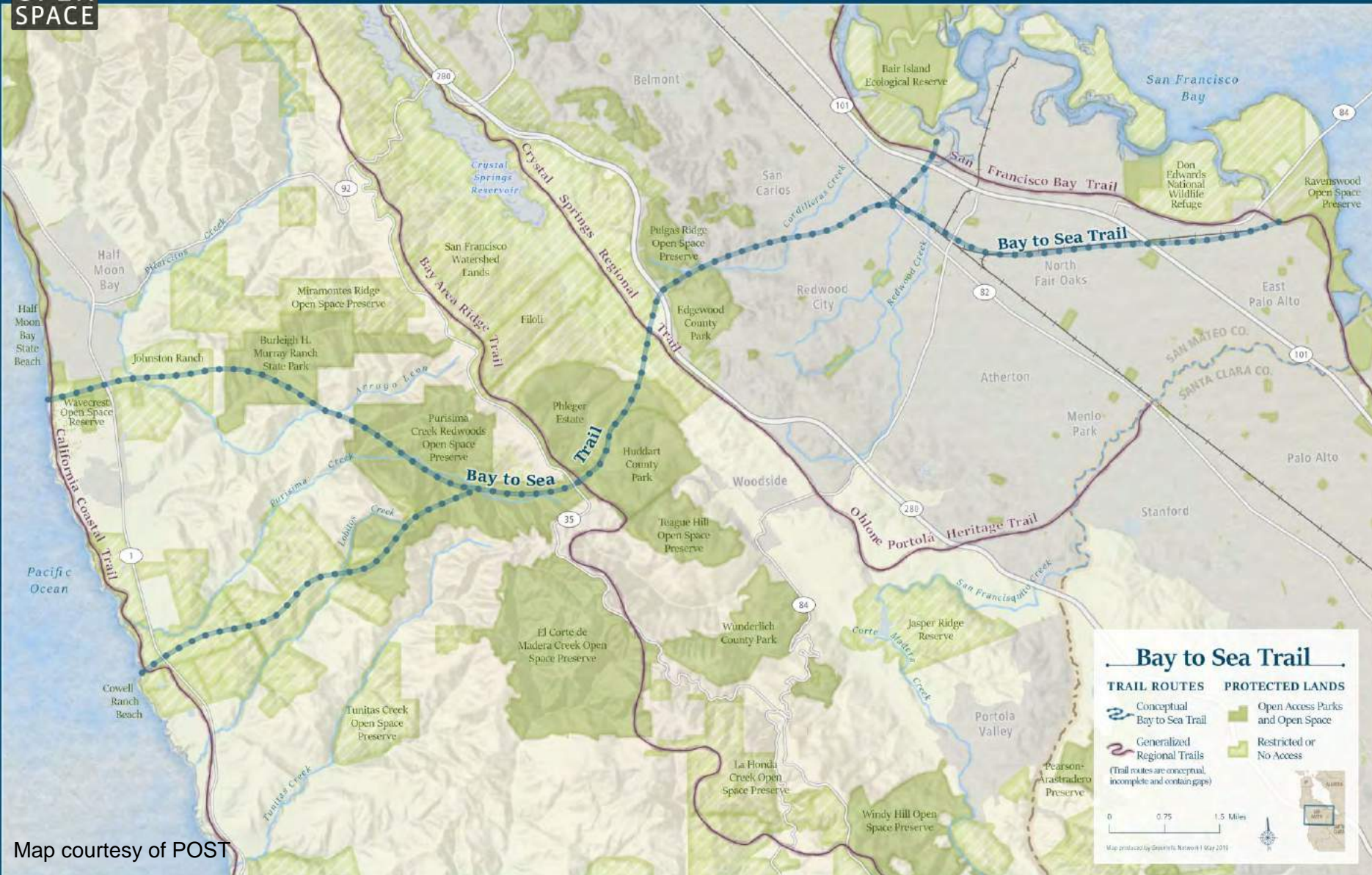


Ravenswood Bay Trail





Bay to Sea Trail Conceptual Route



Bay to Sea Trail

TRAIL ROUTES	PROTECTED LANDS
Conceptual Bay to Sea Trail	Open Access Parks and Open Space
Generalized Regional Trails (Trail routes are conceptual, incomplete and contain gaps)	Restricted or No Access

0 0.75 1.5 Miles

Map produced by Geopoints Network 1 Mar 2018

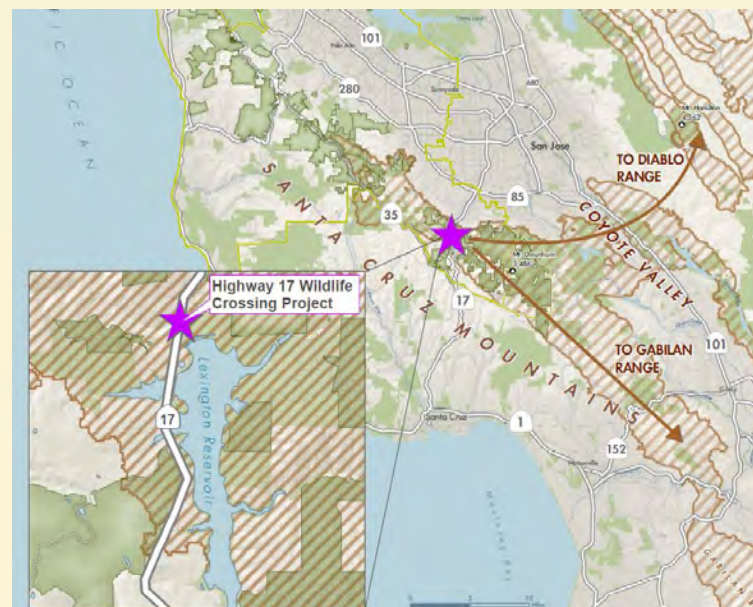


Highway 17 Crossings Project



Goals:

- Link over 30,000 acres of habitat and protected public lands
 - Identified state critical habitat linkage
- Improve motorist safety. Maintain healthy wildlife populations.
 - Improve Santa Cruz Mountains mountain lion genetic diversity
- Provide for safe movement of wildlife and recreational trail users across Highway 17.
- Connect over 50 miles of existing regional trails (Bay Area Ridge Trail)





Wildland Fire Resiliency Program



CZU Lightning Complex Fire, 2020

Photo: Brad Pennington





Thank You! Questions?



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Agenda item I Jay Siegel, Resident

My name is Jay Siegel and I'm a resident of Menlo Park and I'm commenting on the proposed 3-tier water rates you will be voting on in two weeks. The rates are based on three tiers of household water consumption. Unfortunately, there is a serious flaw in the rates' development for multi-family residences – they are based on meters, not family usage. The analysis treats the single meters as if they served just one family and thus puts those meter's water consumption in tier 3, the highest priced tier, regardless of the actual multi-families' water tier consumption behind those single meters.

Interestingly, the consultants delivering the Final Study seem to anticipate issues like this, I quote from the study, "Practical considerations sometimes modify rate adjustments by considering additional factors such as bill impacts, existing contracts, and historical local policies and practices."

The historical policies and practices are very relevant here. A large number of the current apartments and condominiums were built in the 50's, 60's and early 70's with only a single meter, when water was much more plentiful and less expensive. It is this historical legacy that is distorting today's tier analysis of water rates. It seems to me that if the multi-family residences' water rate was adjusted, in recognition of their historical legacy, to be the rate for tier 2 (in essence, charged a flat, single rate which happens to be the overall rate), while not perfect, would achieve a better balance of fairness for all families in the water district.

It has been said that the higher rate charged to multi-family residences balances their lower fixed costs. There are two issues with this view. First, the fixed costs actually paid by multi-family residences is significant as they need to put in place and maintain the physical distribution of water from the single meter to each family in the complex. The water district benefits from this by having to supply water to just the single meter and not all the families behind it. Secondly, this statement admits that we are being over charged for our variable consumption of water which violates Prop 218.

In the event of a serious drought, under the proposed rates, multi-family residences would face a crippling and almost inhuman required reduction in consumption. In a stage 3 drought, we would be required to reduce consumption by 40.3% while single families would be required to reduce consumption by only up to 5.5%. Do the council members really think this is equitable and fair?

Agenda item 1

Anders Frisk, Resident

Discrimination of multi-family housing residents

April 26, 2021
Anders Frisk

I have learned that the city staff argue that the proposed water rates and policies are fair. I strongly disagree and argue that Menlo Park's proposed water rates are discriminatory and unfair to residents in multi-family housing.

The city staff stated arguments are:

“Multi-family customers are not penalized since the total costs take into account both the variable consumption and the fixed costs, and multi-family has lower fixed costs, which balance the impacts.”

“The drought figures from Table 3-12 are for the city to understand the lost revenue during a drought, but that actual costs will not impact multi-family in an unfair manner.??”

First of all. To justify that multi-family housing families should be satisfied with paying 70% more for a gallon of water because their water meter fee per family is lower is a very contrived argument. The per family water meter fee is lower because the cost for providing service through one meter is much lower. Quote from the rate study: “The monthly meter charge recovers costs associated with meter maintenance and services, meter reading, customer billing, and maintenance and capacity costs associated with public fire protection regardless of the level of water consumed.”

There are many other costs that are also lower when you live in a multi-family housing and none of them justify that families there should be charged higher water rates. It is generally expected that stores don't adjust prices based on the customer's gender or skin color, nor should it be accepted that prices are based on what kind of house they live in.

Regarding water use and drought mitigation.

The water rate study states that the intention of the tier system is to reduce water consumption. “The advantage of an inclining tier structure is that it sends a water conservation signal that inefficient water consumption is discouraged.” Most readers will understand this to mean that tier 3 water consumption is “inefficient”. This is quite offensive to a multi-family housing resident.

The fact is that families in multi-family housing are already consuming far less water than a typical family in a single-family house. In the complex where I live, each family was using on average 6.1 ccf per month during 2020. 95% of this volume would be charged at tier 3. Compare this with the average single-family home family, who consumes 12 ccf per month with 50% charged at tier 1 and 50% charged at tier 2.

Does anyone really believe that the single-family home family would use MORE water if they were charged the same, higher, rate as the family in the multi-family housing are charged?!

I believe that most people DON'T think about the cost before flushing the toilet (proposed rates: \$0.0114 in a single-family house or \$0.0175 in an apartment). However I believe there are some people that think about the impact on society and environment and flush less often.

Water consumption is much more a matter of social mindset. Are you prepared to conserve water so that everyone has water for tomorrow or do you use it without considering the environmental and social impacts?

In my opinion, the entire water rate study is written with a focus on single-family house residential use and multi-family residential use is almost ignored. The study reflects an “Us and Them” thinking that is very damaging for society.

The study specifies how much water consumption is expected to be reduced in a drought situation. Tier 1 consumption is barely expected to be reduced regardless of drought stage (0.5% to 5% reduction), while tier 3 consumption is expected to be reduced by 13% to 80%. To paraphrase “We will be OK. They should stop wasting”.

There is no plan for how much water each person or family will be entitled to in a severe shortage. Nor is there any specific plan for how the reduction will be accomplished. The only plan is to raise the water rate, however families in single-family homes will still pay less for the first 6 ccf.

No matter how you read it, there is no mention of whether all residents have a right to some baseline of water regardless of drought or not. On the contrary, there are plenty of indications that tier 3 water is viewed as excessive and inefficient use of water.

The current water rate proposal is both incomplete and very unfair.

I request that the city council adopt interim water rates for next year and begin the process of developing a completely new rate and drought plan that treats all residents equally starting in 2023. Again, it is imperative that the city of Menlo Park will respect the equal access to water for all residents at all times (drought or not).

Respectfully Anders Frisk

Agenda item K1
Julie Shanson, Resident

Esteemed council and senior Staff. I urge you to open the library for service. Our neighboring cities have already made this possible.

Even at limited capacity, it makes sense that the buildings like the library could be ready far sooner than July. In addition, I urge you to resume senior services in limited capacity, and as the weather warms, make city buildings available as respite from extreme heat. Please encourage staff to take the appropriate steps for a safe reopening as soon as possible.



**PROPOSED PHASE-IN SEQUENCE FOR SAFELY AND
SUSTAINABLY EXPANDING PUBLIC ACCESS**
City Council Meeting – April 27, 2021



RECOMMENDATION

- City Council provide direction regarding the proposed phase-in sequence for safely and sustainably expanding indoor public access to city facilities and services.



BACKGROUND

The City Council has received published reports on the topic of expanding services to further indoor public access:

- [March 9](#). Upcoming City Council consideration of objective criteria to guide facility reopening, service restoration, and reactivation of programs and events
- [April 6](#). Approve criteria to guide facility reopening, service restoration, and reactivation of programs and events
- [April 13](#). Library and community services facility, program and event reactivation



SERVICES CURRENTLY PROVIDED IN MODIFIED FORMATS

- Police department 24/7
- Water utility, streets, landscape, facility maintenance
- City-owned outdoor parklands
- Senior center nutrition by home delivery, wellness checks by telephone
- Childcare, afterschool care, aquatic centers, skate park, tennis courts, athletic fields, and the city hall permit counter since mid-2020
- Library curbside pickup since mid-2020
- Recreation classes, community events outdoor or virtual since fall 2020
- City-owned playgrounds since fall 2020
- Community development, city manager's office, and administrative services - remote work with some on-site operations like building inspections



KEY CONSIDERATIONS FOR SAFE AND SUSTAINABLE SERVICE EXPANSION

- Non-congregate City services are operating in modified formats to protect health safety of customers and city staff
- City lacks the operational capacity to safely and sustainably expand indoor public access to all facilities and services at once
- Most customers and all city employees are now eligible for vaccination; vaccine access and vaccine hesitancy continue to pose challenges
- City budget has yet to be amended to provide for staffing, contract services, and capital improvements necessary to expand public access to facilities and services
- Public health guidance on variants and safety protocols



PRIORITIZATION AND PHASE-IN SEQUENCE

- Provides City Council, staff, and public clear and realistic expectations for when city services may be safely expanded
- Minimum lead time needed to expand public access to facilities and services is eight to 10 weeks
- Phasing-in and sequencing is recommended over several months, starting soon after the State lifts restrictions June 15
- Library Commission unanimously recommends expanding library access, considered a lower-risk activity, on or near July 1
- New fiscal year takes effect July 1
- Phase-in sequence can be adjusted to changing circumstances
- City Council can revise the phase-in sequence at any time.



EXPANSION PHASE 1

1. Interim services during MPCC construction
 - Senior center services (at Arrillaga Recreation Center)
 - Onetta Harris Community Center (at Belle Haven Branch Library)
 - Neighborhood Services Center. Possible option to provide community meeting space in phase one or phase two, depending on site modifications.
2. Lower-risk public services currently operating in modified format
 - Indoor public access to Main Library and Belle Haven Branch Library
 - Outdoor recreation programs
 - Virtual classes and events
3. Police lobby



EXPANSION PHASE 2

4. Moderate-risk indoor community services programs
 - Indoor recreation programs targeted to children and youth
 - Indoor recreation programs targeted to the general population.
5. City Council chambers for meetings of elected and appointed governmental bodies
 - Meetings of government bodies are open to the general public and can result in high-density gatherings lasting several hours, i.e., high-risk environments for viral spread. The Governor in March 2020 temporarily suspended certain provisions of the Brown Act to allow these meetings to take place virtually and decrease the risk to officials and their constituents when engaged in official government business. It is recommended that meetings continue to be all-virtual until this risk has been fully mitigated, or until the relevant Brown Act provisions are modified or reinstated by the Governor or Legislature.



EXPANSION PHASE 3

6. High-contact indoor programs, including gymnastics

- These programs, primarily gymnastics, involve close, physical person-to-person contact combined with high levels of physical exertion and respiration for extended periods of time in indoor environments. Additionally, the gymnastics program currently has no city resources allocated toward operations, and additional time is needed for City Council and staff to undertake the process needed to assess service delivery options, identify resources, and implement services for the program.

7. City Hall for general public access

- City Hall is a complex office facility that includes some public access areas, some employees-only areas, and some elevated-security areas. In some areas, public access hallways and conference rooms are embedded in employee work areas, and restrooms are shared by employees and the general public. The permit counter on the first floor is currently accessible to the public on a limited basis by appointment and is recommended for further expanded access in an earlier reactivation group.



EXPANSION PHASE 4

8. Facility rentals

- This facility use involves high-density indoor gatherings that last for extended periods of time and often include consumption of food and drink, loud talking, singing, and physical exertion such as dancing, and are high-risk environments for viral spread. For these reasons, this facility use is proposed to be among the last to reactivate.

9. Special events

- Large-scale special events, whether indoors or outdoors, result in large, high-density gatherings of people from numerous households that carry the greatest risk of viral spread and can take several months of advance planning and investment in financial and personnel resources to execute safely and effectively. For these reasons, large-scale events are proposed to be among the last to reactivate.

10. All other indoor programs



RECOMMENDATION

- City Council provide direction regarding the proposed phase-in sequence for safely and sustainably expanding indoor public access to city facilities and services.