



**REGULAR MEETING MINUTES**

**Date:** 1/11/2022  
**Time:** 6:00 p.m.  
**Location:** Zoom

**Regular Session**

**A. Call To Order**

Mayor Nash called the meeting to order at 6:11 p.m.

**B. Roll Call**

Present: Combs, Nash, Taylor, Wolosin  
Absent: Mueller  
Staff: City Manager Starla Jerome-Robinson, City Attorney Nira Doherty, City Clerk Judi A. Herren

**C. Agenda Review**

The City Council pulled items F3. and F4. for discussion.

**D. Report from Closed Session**

No reportable actions.

**E. Public Comment**

- James Pistorino spoke on concerns about the posting of this meeting's agenda in accordance with the Brown Act.
- Angela Evans spoke on an Environmental Quality Commission (EQC) project for three potential retrofit and electrification pilots in partnership with BlocPower.

The City Council received clarification on the public noticing of this meeting's agenda.

**F. Consent Calendar**

- F1. Accept the City Council meeting minutes for October 13, November 9, 16, December 7, 8, and 14, 2021 (Attachment)
- F2. Adopt a resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public and to authorize the use of hybrid meetings (Staff Report #22-006-CC)
- F3. Transmittal of the annual report on the status of the transportation impact, storm drainage, recreation in-lieu, below market rate housing in-lieu, and construction impact fees collected as of June 30, 2021 (Staff Report #22-001-CC)

The City Council requested that this item return to the City Council for a follow-up discussion on guidelines, regulations and restrictions on impact fees.

- F4. Authorize the city manager to execute a cost sharing agreement with the County of San Mateo for the Coleman and Ringwood Avenues transportation study and appropriate funding to the capital improvement plan for the study (Staff Report #22-007-CC)

The City Council directed staff to explore incorporating additional services (e.g., outreach and pilots) into the agreement.

**ACTION:** Motion and second (Wolosin/ Taylor), to approve the consent calendar, passed 4-0 (Mueller absent).

## G. Public Hearing

- G1. ~~Public hearing regarding the adoption of a resolution adopting required findings and authorizing city to execute an energy services contract pursuant to Government Code Section 4217 and authorizing the city manager to execute an agreement with ENGIE Services US Inc. to design, construct, operate, and maintain clean energy infrastructure for the Menlo Park Community Campus project in an amount not to exceed \$5.72 million to design and construct the clean energy infrastructure; and appropriate \$5.72 million from the unassigned funds in the general fund for the project; and finding the project exempt from the California Environmental Quality Act Guidelines~~  
Public hearing regarding the adoption of Resolution No. 6693 adopting required findings and authorizing city to execute an energy services contract pursuant to Government Code section 4217 and authorizing the city manager to execute an agreement with ENGIE Services US Inc. to design, construct, operate, and maintain clean energy infrastructure for the Menlo Park Community Campus project in an amount not to exceed \$5.72 million to design and construct the clean energy infrastructure; and appropriate \$5.72 million from the assigned and unassigned funds in the general fund for the project; and finding the project exempt from the California Environmental Quality Act Guidelines (Staff Report #22-008-CC)

Sustainability Manager Rebecca Lucky made the presentation (Attachment).

- James Pistorino spoke on concerns about the posting of this meeting's agenda and the adoption of a resolution in accordance with the Brown Act and the requesting of documents related to the calculations of the cost savings.
- Frengiz Surty spoke in support of the adoption of the resolution.
- Rebecca Eliscu spoke in support of the adoption of the resolution.
- Angela Evans spoke in support of the adoption of the resolution.

The City Council received clarification on the public noticing of this item, electric vehicle (EV) charging stations, guaranteed cost savings, community outreach, and the request for proposals process.

**ACTION:** Motion and second (Wolosin/ Combs), to adopt Resolution No. 6693 1) adopting required findings and authorizing the city manager to execute an agreement with ENGIE Services US Inc. to design, construct, operate, and maintain clean energy infrastructure consisting of a solar plus battery storage microgrid, a solar photovoltaic thermal pool heating system, and 27 EV charging capable spaces for the Menlo Park Community Campus project in an amount not to exceed \$5.72 million (inclusive of nine percent contingency of \$470,178) for the design and construction aspects of the clean energy infrastructure; and 2) appropriate \$3.22 million from the unassigned fund balance and \$2.5 million from the economic stabilization assigned fund balance in the general fund for the design and construction aspects of this project; and 3) find the project exempt from the California Environmental Quality Act (CEQA) Guidelines, passed 4-0 (Mueller absent).

## H. Regular Business

- H1. Appointment of interim city manager and approval of compensation for interim city manager services (Staff Report #22-009-CC)

Legal Counsel Genevieve Ng introduced the item.

- Katie Behroozi spoke in support of the appointment of Justin Murphy as Interim City Manager.

**ACTION:** Motion and second (Combs/ Wolosin), to appoint Justin Murphy as interim city manager and approve a salary increase of 7.72% to \$245,000 for interim city manager services, passed 4-0 (Mueller absent).

- H2. Adopt a resolution approving and authorizing the Mayor to execute the second amendment to and restatement of the joint powers agreement establishing the Peninsula Traffic Congestion Relief Alliance and appoint representatives to the Peninsula Traffic Congestion Relief Alliance board of directors (Staff Report #22-004-CC)

Assistant Public Works Director Hugh Louch and Transportation Demand Management Coordinator Nicholas Yee made the presentation.

- Adina Levin spoke in support of the resolution, agreement, and membership on the Commute.org board.

**ACTION:** Motion and second (Combs/ Nash), to adopt a resolution approving and authorizing the Mayor to execute the second amendment to and restatement of the joint powers agreement establishing the Peninsula Traffic Congestion Relief Alliance (Alliance), which will formalize the City of Menlo Park's membership in the Alliance, and to appoint Vice Mayor Wolosin as the representative and City Councilmember Combs as the alternate to the Alliance board of directors, passed 4-0 (Mueller absent).

- H3. Adopt a resolution to approve changes to the transportation impact analysis guidelines related to vehicle miles traveled thresholds and other minor corrections (Staff Report #22-005-CC)

Assistant Public Works Director Hugh Louch and Senior Transportation Engineer Kristiann Choy made the presentation (Attachment).

- Adina Levin reported on the activities of the Complete Streets Commission.

The City Council discussed expediting measurements to capture safety and other road users consistent with City vision zero, complete streets, and safe routes to school goals and programs.

The City Council directed staff to return to the City Council with multimodal metrics.

**ACTION:** Motion and second (Combs/ Nash), to adopt a resolution to approve a set of technical updates to the City's transportation impact analysis (TIA) guidelines and repeal all prior versions of the TIA guidelines to address calculation of the vehicle miles traveled thresholds and other minor changes, passed 4-0 (Mueller absent).

- H4. Adopt Resolution No. 6690 authorizing the city manager to execute a purchase and sale agreement for a portion of 700-800 El Camino Real to support implementation of the Middle Avenue pedestrian

and bicycle rail undercrossing project and making specified findings in association therewith consistent with the certified El Camino Real and Downtown specific plan environmental impact report and the certified addendum to the specific plan environmental impact report (Staff Report #22-003-CC)

Assistant Public Works Director Hugh Louch made the presentation (Attachment).

- Adina Levin spoke in support of the project.

The City Council discussed the costs and timeline associated with the project.

**ACTION:** Motion and second (Nash/ Wolosin), to adopt Resolution No. 6690 authorizing the city manager to execute a purchase agreement in substantially the same form as Exhibit A of Attachment A of Staff Report #22-003-CC with Menlo Station Development, LLC, for a portion of 700-800 El Camino Real (APN 071-333-200) to support implementation of the Middle Avenue pedestrian and bicycle rail crossing project and make specified findings in association therewith consistent with the certified El Camino Real and Downtown specific plan environmental impact report and the certified addendum to the specific plan environmental impact report, passed 4-0 (Mueller absent).

- H5. Consideration and direction on 1) the composition and charge of the Housing Element Community Engagement and Outreach Committee and 2) amendments to the consultant's scope of work (Staff Report #22-010-CC)

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

- Brittani Baxter spoke in support of additional investments aimed at community engagement.
- Pam Jones provided options on the housing element in collaboration with the Housing Element Community Engagement and Outreach Committee (CEOC).
- Michal Bortnik spoke in support of including extra funding for community outreach.
- Lesley Fleischman expressed the experience of serving on the CEOC and in support of restarting the CEOC.

The City Council received clarification on the environmental justice component in relationship to the housing element, reviewing a summary of the previous housing element, and the annual review.

The City Council discussed the efforts made by the CEOC and staff, the setback from the discarded surveys, legal requirements of the housing element, polling existing CEOC members to continue the CEOC, the City Council and staff's role in working with current and former CEOC members, reduction in the number of CEOC members, and amendments to the consultant's scope of work to support changes directed by City Council.

The City Council directed Mayor Nash and City Councilmember Taylor to connect with current and former CEOC members on their interest in serving on the CEOC and to return to staff with an update and directed staff to identify a community based organization to provide additional outreach in District 1 in preparation of the environmental justice element.

## I. Informational Items

- I1. City Council agenda topics: January 25 – February 8, 2022 (Staff Report #22-011-CC)

I2. Update – Re-Imagining Public Safety Subcommittee (Staff Report #22-002-CC)

**J. City Manager's Report**

None.

**K. City Councilmember Reports**

Vice Mayor Wolosin reported out on the city manager recruitment and a climate event on January 14, 2022.

Mayor Nash reported out on a meeting with BlocPower founder Donnel Baird, EQC Vice Chair Angela Evans, Menlo Spark Director Diane Bailey, and local investors and sponsors.

**L. Adjournment**

Mayor Nash adjourned the meeting at 9:36 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of March 1, 2022.

## NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, the meeting will not be physically open to the public and all members will be teleconferencing into the meeting via a virtual platform. To maximize public safety while still maintaining transparency and public access, members of the public can listen to the meeting and participate using the following methods.

- How to participate in the meeting
  - Submit a written comment online up to 1-hour before the meeting start time:  
city.council@menlopark.org \*  
Please include the agenda item number you are commenting on.
  - Access the meeting real-time online at:  
Zoom.us/join – Meeting ID 831 3316 9409
  - Access the meeting real-time via telephone at:  
(669) 900-6833  
Meeting ID 831 3316 9409  
Press \*9 to raise hand to speak

\*Written public comments are accepted up to 1-hour before the meeting start time.

- 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](http://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](http://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.





**PURCHASE OF CLEAN ENERGY INFRASTRUCTURE FOR  
THE MENLO PARK COMMUNITY CAMPUS (MPCC)  
PROJECT**  
Rebecca Lucky, Sustainability Manager



## BACKGROUND



- What does the clean energy infrastructure include:
  - Solar plus battery storage microgrid
  - Solar thermal pool heating
  - 27 electric vehicle (EV) charging spaces
  
- What is a microgrid?
  - Generates power locally, has islanding capability from the grid, and is smart
  
- Implementing this project is consistent with implementing 2030 Climate Action Plan
  - Goal No.3
    - Increase EV charging access at or near multifamily tenants properties and commercial developments
    - Follows and exceeds the city's adopted green sustainability rules for new commercial development in the Bayfront area demonstrating leadership
  - Goal No.5 eliminate fossil fuels from city operations
    - No stationary back up diesel generator needed-however mobile one can be brought on-site if needed
  
- Provides operational savings over the long term
  - Reduces overall energy costs particularly time of use costs
  - Pool heat pumps for additional savings





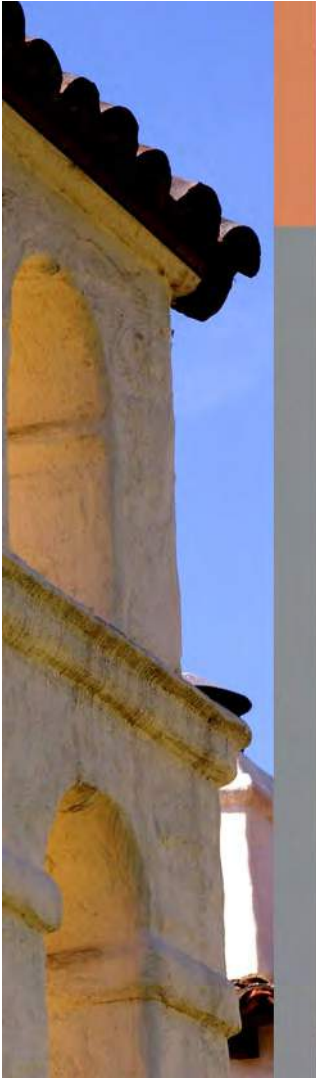
## BACKGROUND CONTINUED

- Project has been discussed by the city council over the last few years
- December 7 public hearing held to consider awarding an agreement to ENGIE to construct, design, operate and maintain the clean energy infrastructure for the MPCC project
- Return to city council once final agreement is completed
- Staff, city attorney, and the Optony team were able negotiate the final terms of the agreement including savings guarantees over the next 20 years, and have made updates to the anticipated savings as a result requiring another public hearing to be held



## GOVERNMENT CODE 4217.10 ET SEQ.

- Authorizes a public agency to utilize any procurement process to contract for energy services if its government body determines at a regularly scheduled public hearing that anticipated cost for energy services from the project will be less than the anticipated costs of energy in the absence of the energy contract
- Provides flexibility to find the most qualified vendors, expedite the ability to find a vendor, etc.



## COMPETITIVE BID PROCESS

- Selected Optony to manage the procurement process and RFP development
  - Working with staff, Meta, and the MPCC electrical engineering team to issue the RFP, hold a pre-bid webinar, and respond to bidder questions
  - Assisted with negotiating key terms in the agreement and provide third party analysis on costs and anticipated savings
  
- Received four qualified bids in May and held interviews
  
- Bids were scored and shortlisted
  
- ENGIE was identified as the preferred vendor to begin negotiations
  - Most qualified and comprehensive team to work with
  - They have continued to work with the city to find ways to lower costs while keeping aligned with quality and project design



## COSTS FOR THE PROJECT



Clean Energy Infrastructure	Cost (millions)
Solar plus battery storage microgrid	\$3.69M
Solar thermal pool heating	\$1.16M
EV Charging	\$0.35M
Total	\$5.2M
Contingency	9 percent
Total budget	\$5.72M

- Since October, the costs were reduced for solar thermal pool heating by 10% and over \$20% for EV charging stations
- Contingency funds may be used for remaining carport design elements and unforeseen circumstances that are approved by the city

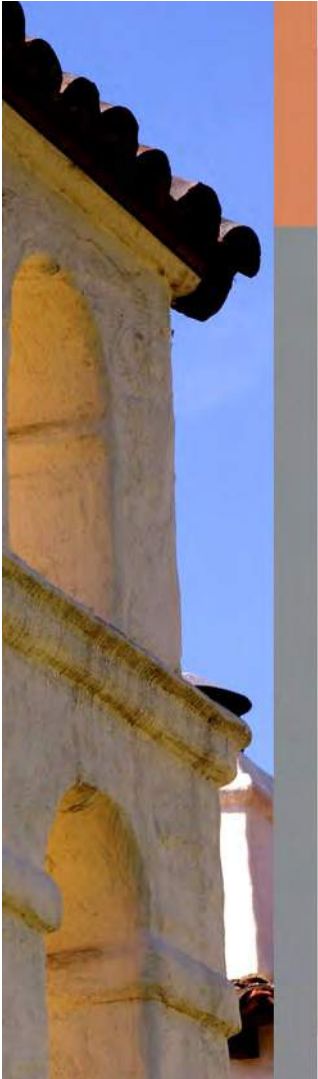


## ANTICIPATED SAVINGS FINDING



Year Savings	Using Contingency	No Contingency
20 year	\$1.61M	\$1.10M
25 year	\$3.38M	\$2.87M
30 year	\$5.78M	\$5.27M

- Includes operation and maintenance costs with payback achieved between 17 and 18 years.
- Worst-case scenario using 90 percent savings guarantee at 20 years is between \$0.65M and \$0.14M.
- Costs did increase due to more frequent measurement and verification for annual true-up of guaranteed savings.
- Clarification on staff report: Electric vehicle charging stations were included as part of the anticipated savings calculations that includes both maintenance costs and revenue available from the state incentives based on usage, but are not required to make the savings finding



## CEQA FINDING

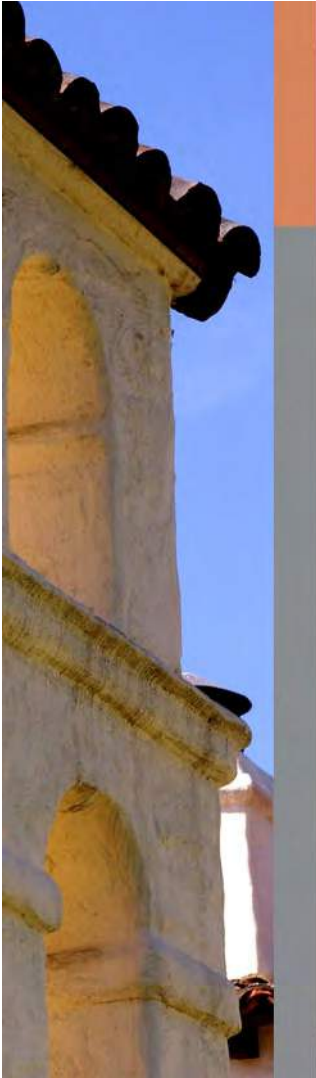
- On January 12, the City Council found demolition and building of the MPCC project categorically exempt pursuant to the CEQA Guidelines Section 15302 Replacement of Existing Facilities.
- This includes any related elements to the project such as the renewable microgrid, solar thermal pool heating system, and EV charging





## APPROPRIATION OF \$5.72M

- For the design and construction of the microgrid
- Operating costs will be included as part of the annual operating budget approval
- Annual savings would be allocated to the General Fund



## RECOMMENDATION TO ADOPT RESOLUTION AND APPROPRIATE FUNDS



- Authorize the city manager execute agreement with ENGIE Services Us. Inc. to design, construct, operate and maintain:
  - A solar photovoltaic plus battery storage microgrid
  - Solar thermal pool heating system
  - 27 electric vehicle (EV) charging spaces
  
- Cost is \$5.2 million as projected in October and December with 9 percent contingency for total of \$5.72 million
  
- Find the project exempt from California Environmental Quality Act Guidelines (CEQA)
  
- Appropriate \$3.22 million from the general fund and \$2.5 million from economic stabilization fund



## TEAM LIAISONS FOR THE PROJECT

- Byron Pakter from Optony
- John Paul Jewell from ENGIE
- Joan Deirdre Cox supporting city attorney from BWS Law
- Justin Murphy, Deputy City Manager



**THANK YOU**

A photograph of a train crossing a street at night. The train is white with red accents and has the number "119" on its front. Its headlights are on, and it is moving towards the camera. In the foreground, a person is standing on the sidewalk, looking towards the train. The scene is illuminated by streetlights and the train's headlights. A "KEEP LEFT" sign is visible on the left side of the street.

# TRANSPORTATION IMPACT ANALYSIS GUIDELINES UPDATE

City Council  
January 11, 2022





## AGENDA

- Background
- Current VMT Thresholds
- Recent Updates
- Recommendations
- Council Action





## BACKGROUND

- SB 743 no longer allows use of LOS to determine transportation impacts for CEQA
- June 2020 – City Council added VMT thresholds to TIA Guidelines based on City’s travel demand model developed for the General Plan update in 2015-16
- Fall 2020 – City’s travel demand model is calibrated based on Spring 2019 counts



## CURRENT VMT THRESHOLDS

- Residential projects use VMT per capita at 15 percent below the regional average, currently 13.7 VMT/capita
- For office projects use VMT per employee at 15 percent below the citywide average, currently 12.7 VMT/employee
- Used in four residential developments EIRs (111 Independence, Menlo Uptown, Menlo Portal and Menlo Flats)
- Currently being used for two other non-residential EIRs that are nearing completion (1350 Adams Court and Commonwealth Building 3)



## RECENT UPDATES

- Travel demand models are typically updated every 5 to 7 years
- City's model recently updated to evaluate the proposed Willow Village development
- Model update produced updated averages



## RECOMMENDATIONS

- Approve using regional averages for both VMT per capita and VMT per employee
- Revise the language in the TIA guidelines to set thresholds at 15 percent below the regional averages provided by the version of the City's travel demand model that is current at the time of evaluation of transportation impacts
- Make other minor language clarifications and corrections that do not materially impact the TIA guidelines



## COUNCIL ACTION

- Adopt a resolution to approve the recommended changes to the Transportation Impact Analysis Guidelines and repeal any prior version of the guidelines



**THANK YOU**



A photograph of a train crossing a bridge at dusk. The train is white with red accents and has the number "119" on its front. The bridge has a metal railing. In the foreground, a person is walking across a paved area. The scene is illuminated by the warm lights of the setting sun and the train's headlights.

# MIDDLE AVE BIKE & PED CROSSING

City Council Meeting

January 11, 2021



## MIDDLE BIKE & PED CROSSING



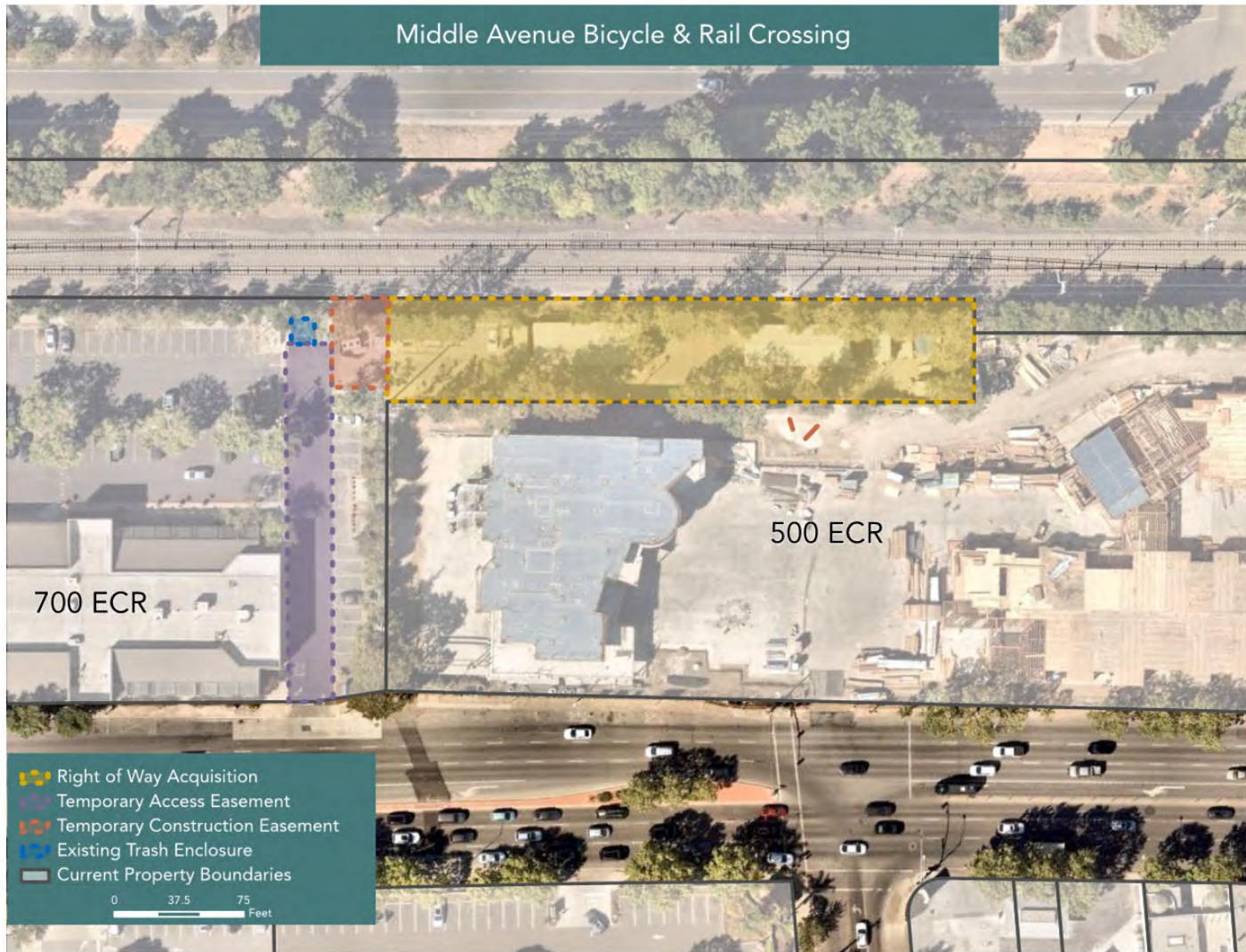




# 700-800 EL CAMINO REAL









## PROJECT HISTORY

- July 2016 – City received San Mateo Measure A funding for design
  
- August 2019 – Council selected preferred concept
  - Directed staff to make offer to purchase portion of 700-800 El Camino Real
  - September 2019 – Initial offer made to seller
  
- January 2020 – Council certified environmental review
  
- Fall 2021 – completed negotiations with seller



## FINAL TERMS

- Purchase Price: \$3,894,500 (final price based on exact square footage)
- Deposit: Initial Deposit = \$10,000. Additional \$90,000 if City approves PSA within a 90-day contingency period. Non-refundable after contingency period unless:
  - Seller defaults,
  - Certain property damage, or
  - Condemnation.
- Parking Reduction Approval: City and Seller (at no cost to Seller) will cooperate in applying to amend the planned development permit to reduce parking. Nothing obligates the City to approve the parking reduction.
- Pre-Approval of Testing: Seller has pre-approved soil testing necessary for final design and construction



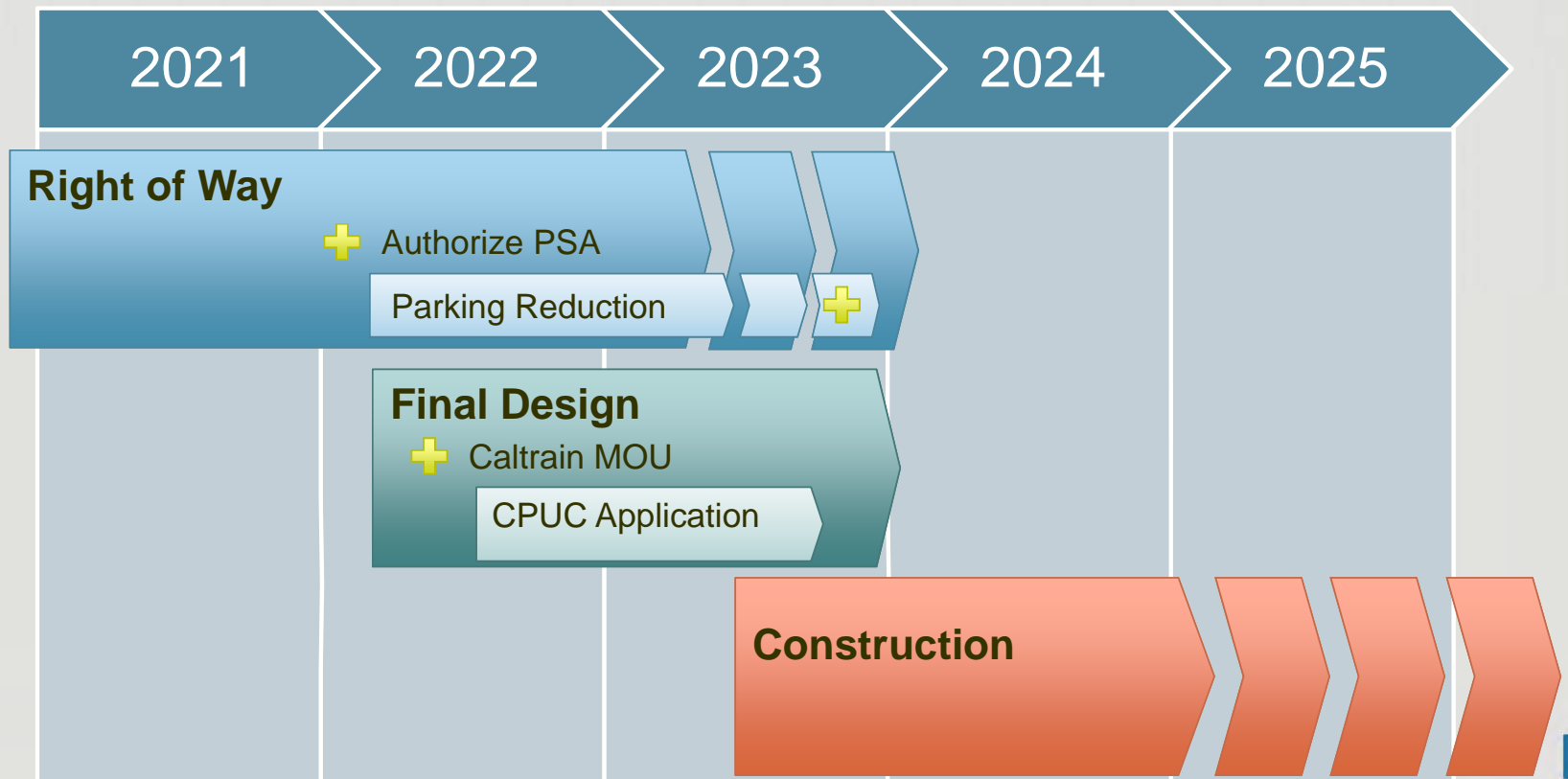


## FINAL TERMS

- Closing Conditions: Standard plus City shall have obtained:
  - Parking reduction approval, after expiration of appeal periods
  - Caltrain and CPUC approvals, to ensure project can proceed
  
- Closing Date: 30 days following the parking reduction and Caltrain/CPUC approvals, but not later than 24 months from date of PSA.
  
- Seller's Remedies for City Default: Liquidated damages equal to deposit, i.e. \$10k or \$100k depending on timing.
  
- City's Remedies for Seller Default: Potential Condemnation Proceedings.



## NEXT STEPS



**+ Upcoming City Council Actions**



# QUESTIONS & THANK YOU!



A wide-angle landscape photograph showing a river or stream winding through a lush green valley. The sky is filled with large, dramatic clouds, some illuminated by a low sun, creating a mix of blue, white, and golden light. The foreground shows some reeds and grasses along the water's edge.

**CONSIDERATION AND DIRECTION ON HOUSING  
ELEMENT CEOC AND SCOPE OF WORK AMENDMENTS**  
January 11, 2022 City Council







## AGENDA

- Continue City Council's November 16, 2021 discussion on composition and role of Community Engagement and Outreach Committee (CEOC)
- Direction to staff on:
  - Composition and charge of the Housing Element CEOC
  - Amendments to the consultant's scope of work



## CEOC BACKGROUND - ROLE



- Established the CEOC in April 2021 to serve as an advisory group focused on community engagement and outreach for the Housing Element Update
- Roles and Responsibilities
  - Serve as an ambassador of the project
  - Help guide and provide feedback on the community engagement plan
  - Serve as a community resource
- Conducted five meetings between May and August 2021





## CEOC BACKGROUND - COMPOSITION



- Goal to have representation from each City Council district
- City Council appointed 13 members of a 14-member body in May/June 2021
  - One position remain unfilled in District 5
  - 8 members currently remain as of January 2022

City Council District	Members
1	0 of 2
2	2 of 3
3	2 of 2
4	3 of 5
5	1 of 2



## CEOC – FUTURE CHARGE



- Options to consider:
  1. Continue its current capacity
  2. Continue in a modified role
  3. Dissolve as a formal committee
  4. Other direction as provided by the City Council
- If Option #2 or similar is preferred, connect with current CEOC members to seek interest
- Additional resources (e.g. work with a Community-based organization) needed to enhance outreach in District 1
- Staff recommendation: Modify the current role to focus outreach and engagement on Environmental Justice and Safety and collaborate with a community-based organization to conduct outreach in District 1



## CEOC – SIZE AND COMPOSITION



- **Number and Composition of Committee Members Options:**
  - Maintain 14-member body
  - Reduce to existing 8-member body
  - Reduce to 10-member body (add to two District 1 representatives to the current 8 members)
  - Modify the number of representatives from each Council District
  - Other direction as provided by the City Council
- **Recruitment (District 1)**
  - Reach out to former members in District 1
  - Councilmember Taylor identify interested parties
  - Conduct formal recruitment process
- **Staff recommendation: Modify the composition of the CEOC to a maximum membership of 10 with representation from every Council District**



## AUGMENTATION TO THE SCOPE OF WORK



- Identify additional areas as directed by Council at tonight's meeting
- Augment scope of work for tasks that have occurred outside of the original scope and for projected work items needed to complete the work, anticipated to be \$250,000.
- Staff recommendation: Return with amendments to the consultant's scope of work for consideration by the City Council at a future meeting.



## STAFF RECOMMENDATIONS AND NEXT STEPS



- Staff recommends that the City Council:
  - Modify the composition of the CEOC to a maximum of 10 members
  - Update the CEOC charge to focus on engagement and outreach on the environmental justice and updated safety element
  - Direct staff to identify a community based organization or similar organization to provide additional outreach in District 1
  - Direct staff to return with amendments to the scope of work for consideration by City Council
- Recruitment of CEOC Members; due by January 20 (for meeting of January 25)
- Return to City Council to authorize changes as directed for the CEOC and augmentations to the scope of work



**THANK YOU**