



SPECIAL AND REGULAR MEETING MINUTES

Date: 7/11/2023
Time: 5:30 p.m.
Locations: Teleconference and
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

Special Session

A. Call To Order

Mayor Wolosin called the meeting to order at 5:31 p.m.

B. Roll Call

Present: Combs, Doerr, Nash, Taylor, Wolosin
Absent:
Staff: City Manager Justin I. C. Murphy, Assistant City Manager Stephen Stolte, City Attorney Nira F. Doherty, Assistant to the City Manager/City Clerk Judi A. Herren

C. Closed Session

C1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code § 54956.9)
Foster v. City of Menlo Park (Case No. 3:22-cv-09109-AGT)
Claimant: Genifer Foster

The City Council reordered the agenda bringing item Q1. after item C1.

Q. Closed Session

Q1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Paragraph (1) of subdivision (d) of Section 54956.9)
Name of case: Tobias Kunze and Liliana Kunze Briseno v. City of Menlo Park (Case No. 3-CIV-00590)

Regular Session

D. Call To Order

Mayor Wolosin re-called the meeting to order at 6:22 p.m.

E. Roll Call

Present: Combs, Doerr, Nash, Taylor, Wolosin
Absent:
Staff: City Manager Justin I. C. Murphy, Assistant City Manager Stephen Stolte, City Attorney Nira F. Doherty, Assistant to the City Manager/City Clerk Judi A. Herren

F. Report from Closed Session

No reportable actions.

G. Agenda Review

The City Council pulled items K1., K5. and K7.

H. Public Comment

None.

I. Presentations and Proclamations

I1. Proclamation: July as Parks and Recreation Month (Attachment)

Mayor Wolosin read the proclamation (Attachment).

Library and Community Services Supervisor Tricia Mullan accepted the proclamation.

J. Study Session

J1. Provide feedback on an update to the preferred concept for the Middle Avenue Caltrain crossing design (Staff Report #23-160-CC)

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

- Adina Levin spoke in support of the project and design and requested clarification on Caltrain preserving the right-of-way and electrification construction timeline.
- Jerry L. Jones spoke in support of the project and on concerns related to the total cost.

The City Council received clarification on total cost, construction timeline, and Palo Alto shoofly tracks location impacts.

The City Council discussed transportation grants.

The City Council directed staff to move forward with the new design, seek to leave a section of the tunnel uncovered until needed by Caltrain for tracks, release renderings for public review when ready and to seek grant funding.

J2. Provide direction on potential revenue-generating ballot measures (Staff Report #23-170-CC)

Assistant City Manager Stephen Stolte made the presentation (Attachment).

- Adina Levin spoke in support of revenue generating and thoughtful analysis of the needs of the community.
- Lynne Bramlett requested clarification on services impacted by the budget gap and suggested San Mateo County surplus sharing and spoke in support of the business license tax increase for

larger businesses, revenue generators outside of residential taxes, grant funding, and directing the Finance and Audit Commission (FAC) to assist with research.

- Jenny Michel spoke in support of researching business license tax for larger companies and parcel tax for larger properties.
- Virginia Portillo spoke in support of keeping the Belle Haven neighborhood in mind when considering residential taxes and in support of researching business license tax on larger business and parcel tax for larger properties.
- James Pistorino commented on the structural deficit and spoke on concerns related to the budget deficit and potential tax measures.
- Pam D Jones spoke in support of adjusting to the budget opposed to seeking revenue generators.
- Katie Behroozi spoke in support of polling the community for ballot measures.

The City Council received clarification on media reports of surplus, five-year forecast assumptions, staffing increase compared to population level, User Utility Tax (UUT) exemption for low-income and UUT findings and requirements.

The City Council discussed researching other revenue generators outside of residential tax.

The City Council directed exploring UUT and Transient Occupancy Tax as revenue generators and researching cost saving measures.

K. Consent Calendar

- K1. Authorize the city manager to execute an agreement with Housing Group LLC, DBA HousingINC to provide below market rate housing program administration services (Staff Report #23-156-CC)

The City Council discussed bringing back and updating the below market rate (BMR) policy.

- K2. Authorize the city manager to execute an amendment to the professional services agreement with Team Sheeper, Inc. for continued operation of Burgess Pool through Sept. 30 (Staff Report #23-157-CC)
- K3. Award a construction contract to Suarez & Munoz Construction, Inc., for the Willow Oaks and Burgess Parks Improvement projects (Staff Report #23-164-CC)
- K4. Waive second reading and adopt an ordinance adding Menlo Park Municipal Code Chapter 8.05 to require zero emission landscaping equipment (ZELE) (Staff Report #23-158-CC)
- K5. Adopt a resolution to approve an electric gardening equipment rebate program (Staff Report #23-169-CC)

The City Council received clarification on eligibility of the program and requested staff to report back if needed (e.g., low funds), provide public outreach for state incentive funds, and implement program as soon as possible.

- K6. Authorize the city manager to enter into a contract with David J. Powers & Associates, Inc. to

prepare an environmental impact report, traffic impact analysis and housing needs assessment for the proposed 99-unit multi-family residential development project at 3705 Haven Ave. for the amount of \$228,995 and future augments as may be necessary to complete the environmental review, traffic impact analysis, and housing needs assessment for the proposed project (Staff Report #23-165-CC)

- K7. Adopt a resolution authorizing the city manager to sign an agreement with the California Energy Commission to accept \$4.5 million in state funds for a citywide electrification project (Staff Report #23-159-CC)

The City Council spoke in support of the work done by MenloSpark in relation to the funding.

- K8. Authorize the city manager to execute a public improvement and reimbursement agreement for waterline construction related to the 1350 Adams Ct. project (Staff Report #23-166-CC)

ACTION: Motion and second (Nash/ Taylor), to approve the consent calendar with the update to item K5., passed unanimously.

The City Council took a recess at 8:16 p.m.

The City Council reconvened at 8:25 p.m.

L. Public Hearing

- L1. Introduce and waive the first reading of an ordinance amending Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code to clarify the process for determining the appraised value of bonus level developments and the required community amenities value for bonus level development projects in the O (Office), L-S (Life Sciences), and R-MU (Residential Mixed-Use) zoning districts, and adopt a resolution updating the previously adopted community amenities list for bonus level developments in the Bayfront Area (Staff Report #23-155-CC)

Planning Manager Kyle Perata made the presentation (Attachment).

Mayor Wolosin opened the public hearing.

Mayor Wolosin closed the public hearing.

The City Council received clarification on community amenities list, Bayfront Taskforce, implementation from the Environmental Justice Element, and integration with City Council work plan/priorities and budgeting.

The City Council discussed “lessons learned” from community outreach.

The City Council directed allowing multiple similar amenities (e.g., restaurants) taking into account proximity of similar community amenities.

ACTION: Motion and second (Taylor/ Nash), to introduce and waive the first reading of an ordinance

amending Sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code to clarify the process for determining the appraised value of bonus level developments and the required community amenities value for bonus level development projects in the O (Office), L-S (Life Sciences), and R-MU (Residential Mixed-Use) zoning districts, passed unanimously.

ACTION: Motion and second (Taylor/ Nash), to adopt a resolution approving the updated community amenities list for applicants to utilize in providing community amenities for bonus level development projects in the Bayfront Area, passed unanimously.

M. Regular Business

- M1. Waive the first reading and introduce an ordinance requiring safe storage of firearms in residences (Staff Report #23-167-CC)

Police Commander TJ Moffett made the presentation (Attachment).

The City Council received clarification on educating the public, criminal versus civil penalties, and commercial safe storage regulations.

ACTION: Motion and second (Combs/ Doerr), to accept waive the first reading and introduce an ordinance adding Chapter 8.33 [Storage of Firearms] to Title 8 [Peace, Safety and Morals], of the Menlo Park Municipal Code to require the safe storage of firearms in a residence and amending Chapter 1.12 to make Chapter 8.33 violations an infraction, passed unanimously.

- M2. Adopt a resolution to ratify the successor agreement between the City of Menlo Park and the Service Employees International Union Local 521 expiring June 30, 2026 (Staff Report #23-154-CC)

Administrative Services Director Brittany Mello made the presentation.

The City Council discussed that the market has established a low wage for employees working with our most valuable residents, children and seniors.

ACTION: Motion and second (Wolosin/ Doerr), to adopt a resolution to ratify the successor agreement between the City of Menlo Park and the Service Employees International Union Local 521 (SEIU) expiring June 30, 2026, and appropriate the additional funds in the fiscal year 2023-24 budget, passed unanimously.

- M3. Adopt a resolution to amend the salary schedule effective July 16, 2023 (Staff Report #23-168-CC)

Administrative Services Director Brittany Mello made the presentation.

The City Council discussed teacher and senior care employee wages compared to livable wages.

ACTION: Motion and second (Combs/ Nash), to adopt a resolution to amend the salary schedule effective July 16, 2023, passed unanimously.

N. Informational Items

N1. City Council agenda topics: August 15 – August 29 (Staff Report #23-171-CC)

N2. Update on the next steps to reduce speed limits on residential streets (Staff Report #23-161-CC)

The City Council discussed emails received about other opportunities to reduce speed limits on safe routes to school.

N3. Transmittal of city attorney billing (Staff Report #23-162-CC)

N4. Summary of Environmental Justice and Safety Elements feedback from June 20 joint Planning Commission/City Council study session and next steps (Staff Report #23-163-CC)

- Adina Levin spoke on the community survey feedback related to improved safety for bicycles and walking.
- Virginia Portillo spoke in support of involving young adults in future public engagement and outreach for the Environmental Justice Element.

O. City Manager Report's

City Manager Justin Murphy reported on the 4th of July celebration, summer concert series in the parks, National Night Out on Aug. 1, and the next regular City Council meeting on Aug. 15.

P. City Councilmember Reports

City Councilmember Doerr reported out on a meeting with Bay Area Water Supply & Conservation Agency (BAWSCA) board members and Senior Director of Water Resources & Civil Infrastructure at Stanford Tom Zigterman and provided an update to office hours.

~~Q. Closed Session~~

~~Q1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION~~

~~Paragraph (1) of subdivision (d) of Section 54956.9)~~

~~Name of case: Tobias Kunze and Lilitiana Kunze Briseno v. City of Menlo Park (Case No. 3-CIV-00590)~~

R. Adjournment

Mayor Wolosin adjourned the meeting at 9:53 p.m.

Assistant to the City Manager/ City Clerk Judi A. Herren

These minutes were approved at the City Council meeting of August 15, 2023.

Proclamation

PARKS AND RECREATION MONTH JULY 2023

WHEREAS, parks and recreation are an integral part of communities throughout this country, including the City of Menlo Park; and

WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promote time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS, parks and recreation encourage physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS, parks and recreation increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and recreation are fundamental to the environmental well-being of our community; and

WHEREAS, parks and recreation are essential and adaptable infrastructure that help our communities be resilient in the face of natural disasters and climate change; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS, the City of Menlo Park recognizes the benefits derived from parks and recreation resources; and

NOW, THEREFORE, BE IT PROCLAIMED I, Jen Wolosin, Mayor of the City of Menlo Park, recognize July as Parks and Recreation Month in the City of Menlo Park.



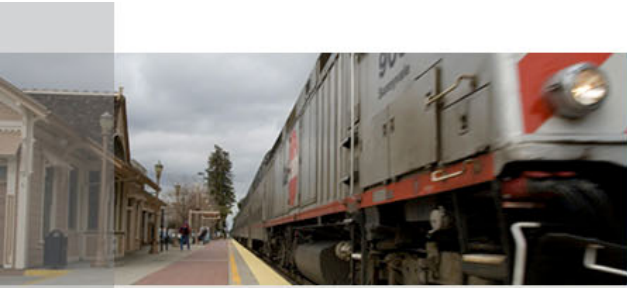

Jen Wolosin, Mayor
July 11, 2023



MIDDLE AVENUE CALTRAIN CROSSING

City Council Meeting

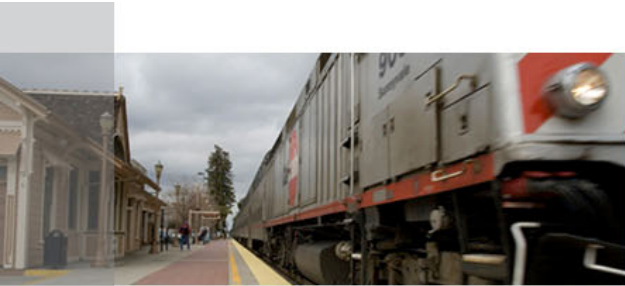
July 11, 2023



AGENDA



- Project background
- Council adopted design
- Design updates
- Cost and funding
- Next steps



PROJECT BACKGROUND



- July 2016 – City received San Mateo Measure A funding for design
 - Conducted outreach and technical analysis to develop design options

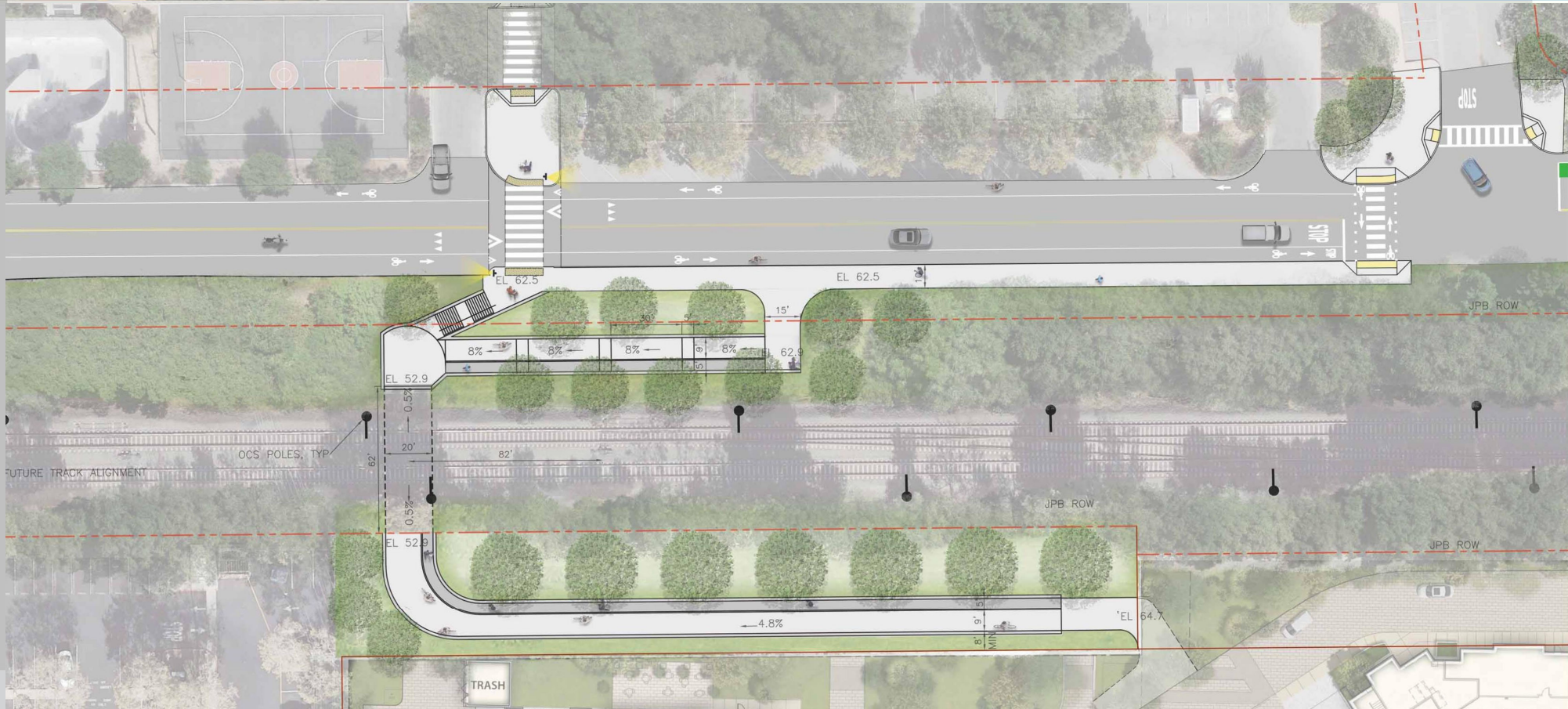
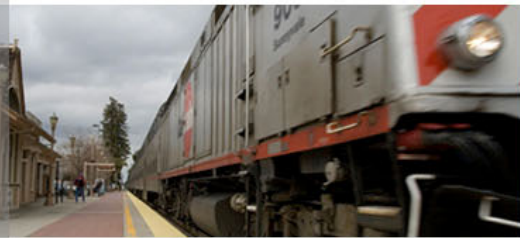
- August 2019 – Council selected a preferred concept
 - Directed staff to make offer to purchase portion of 700-800 El Camino Real

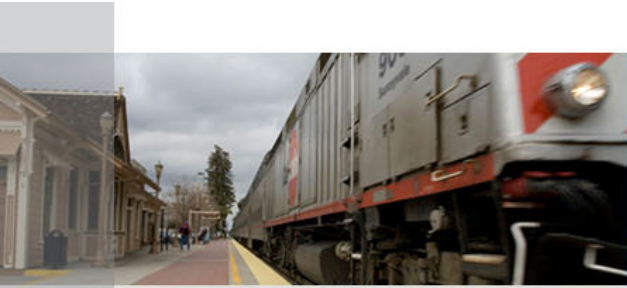
- January 2020 – Council certified environmental review

- January 2022 – Council authorized purchase of needed right-of-way
 - Required parking reductions for 700-800 El Camino Real approved in May 2023

- April 2023 – Council approved service agreement with Caltrain
 - Commence key tasks needed for final design

COUNCIL ADOPTED DESIGN AUGUST 2019





CALTRAIN DESIGN REQUIREMENTS

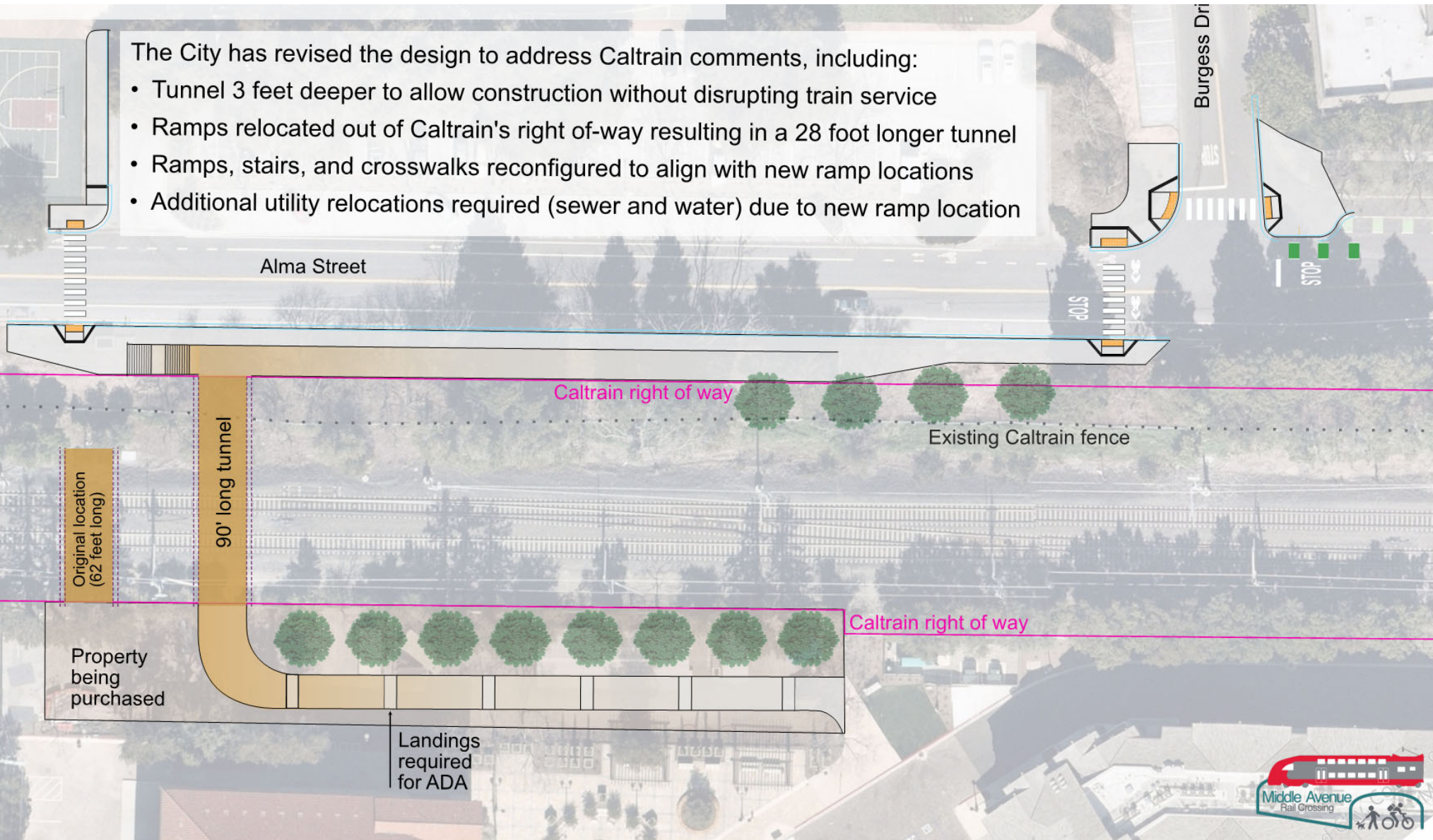


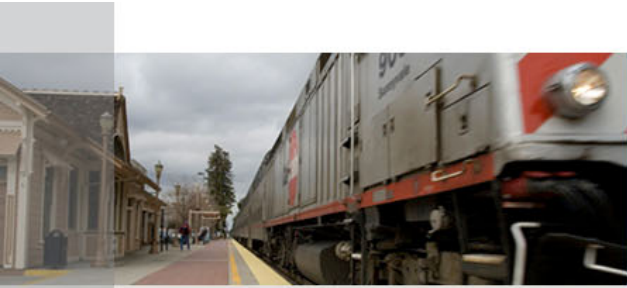
- Maintain rail operations during construction
 - No ‘cut and cover’ construction
 - Tunnel needs to be 3 feet deeper

- Preserve right-of-way for future use
 - No ramps or stairs in the Caltrain right-of-way
 - Tunnel needs to be 28 feet longer (90-foot wide Caltrain right-of-way)
 - Potential for an ‘uncovered’ segment of tunnel closer to Alma Street

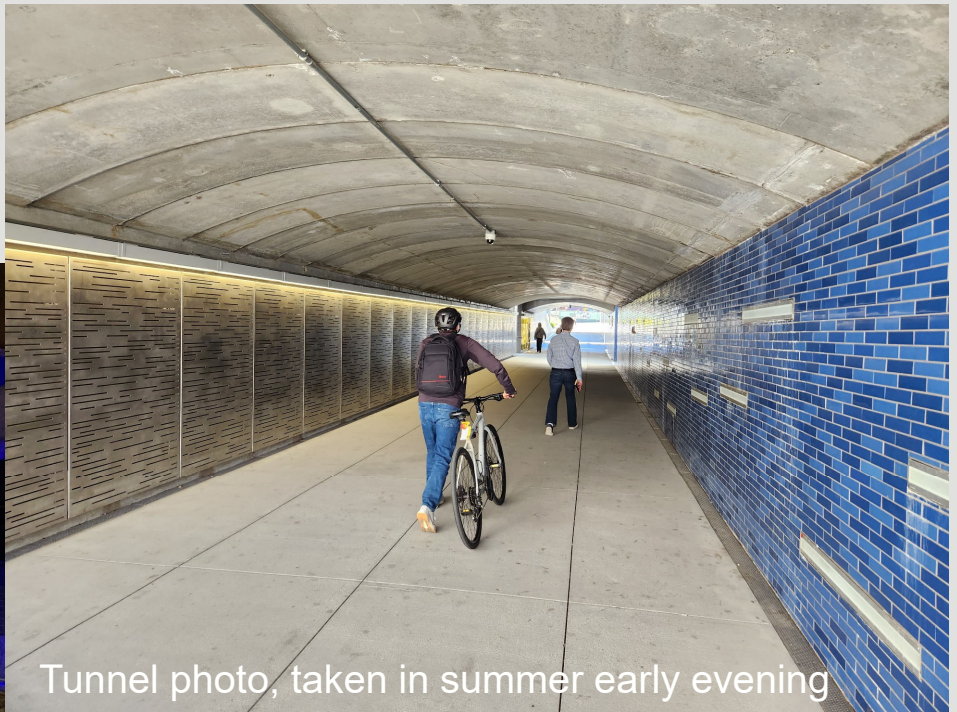
The City has revised the design to address Caltrain comments, including:

- Tunnel 3 feet deeper to allow construction without disrupting train service
- Ramps relocated out of Caltrain's right of way resulting in a 28 foot longer tunnel
- Ramps, stairs, and crosswalks reconfigured to align with new ramp locations
- Additional utility relocations required (sewer and water) due to new ramp location





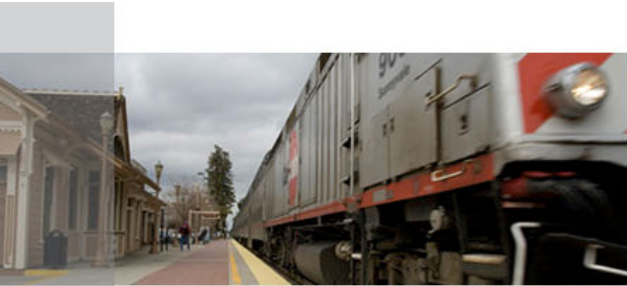
PEDESTRIAN UNDERCROSSING - SOUTH SAN FRANCISCO



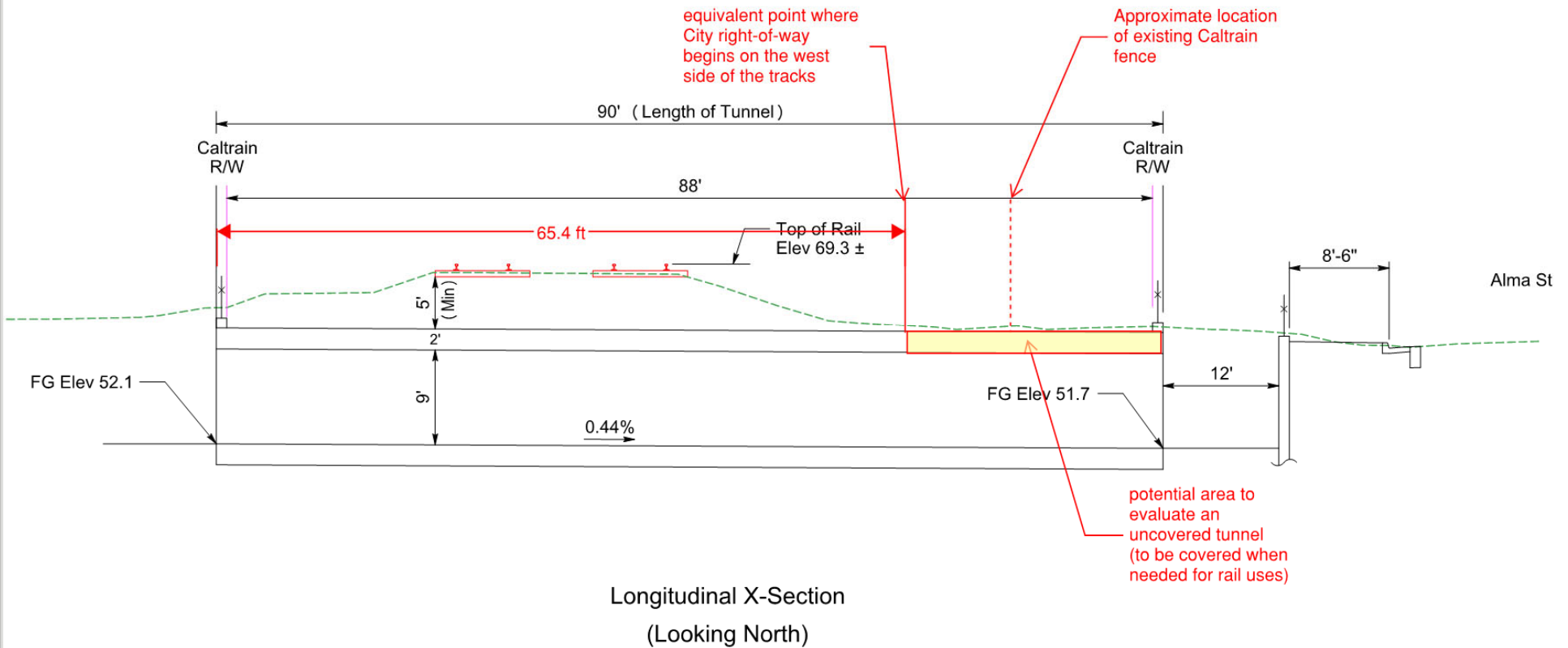
Tunnel photo, taken in summer early evening

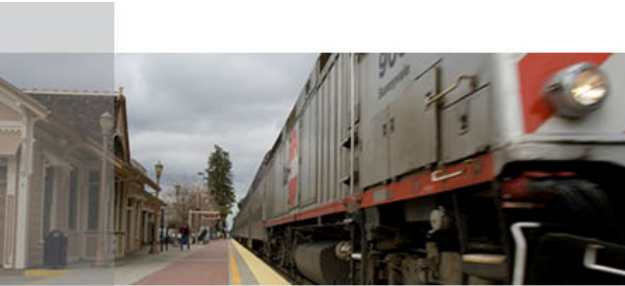


West plaza, looking into tunnel.
Railroad tracks under US 101s



DESIGN UPDATES TUNNEL CROSS SECTION

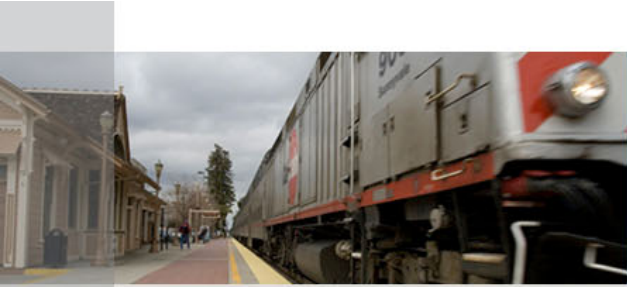




COST UPDATE



Item	Original estimate	Design update	
		Low	High
Construction	\$5,610,000	\$7,326,000	\$10,326,000
Utility relocation	\$6,400,000	\$7,329,000	\$7,329,000
Right of way acquisition	\$4,340,000	\$3,900,000	\$3,900,000
Soft costs (design, construction administration)	\$2,200,000	\$2,200,000	\$2,200,000
Contingency/escalation	\$3,000,000	\$3,664,000	\$4,414,000
Total	\$21,550,000	\$24,419,000	\$28,169,000



SCHEDULE UPDATE

2022

2023

2024

2025

Right of Way

Authorize Purchase

Parking Reduction

Final Design

Service agreement

Caltrain MOU

Design update

CPUC Application

Utility relocations

Construction

City Council Action

Completed Action



THANK YOU!



COMMUNITY AMENITIES ORDINANCE AND COMMUNITY AMENITIES LIST UPDATE

City Council Meeting July 11, 2023

Staff Presentation





AGENDA

- 1) Background on community amenities
- 2) Recommended process updates
 - Ordinance amendments
 - Community amenities list
- 3) Planning Commission recommendation
 - Recommended Council introduce ordinance amendments
 - No recommendation on the community amenities list
- 4) City Council recommended actions
 - Introduce an ordinance amending Title 16 of the Municipal Code
 - Adopt a resolution approving updated community amenities list
- 5) Next steps

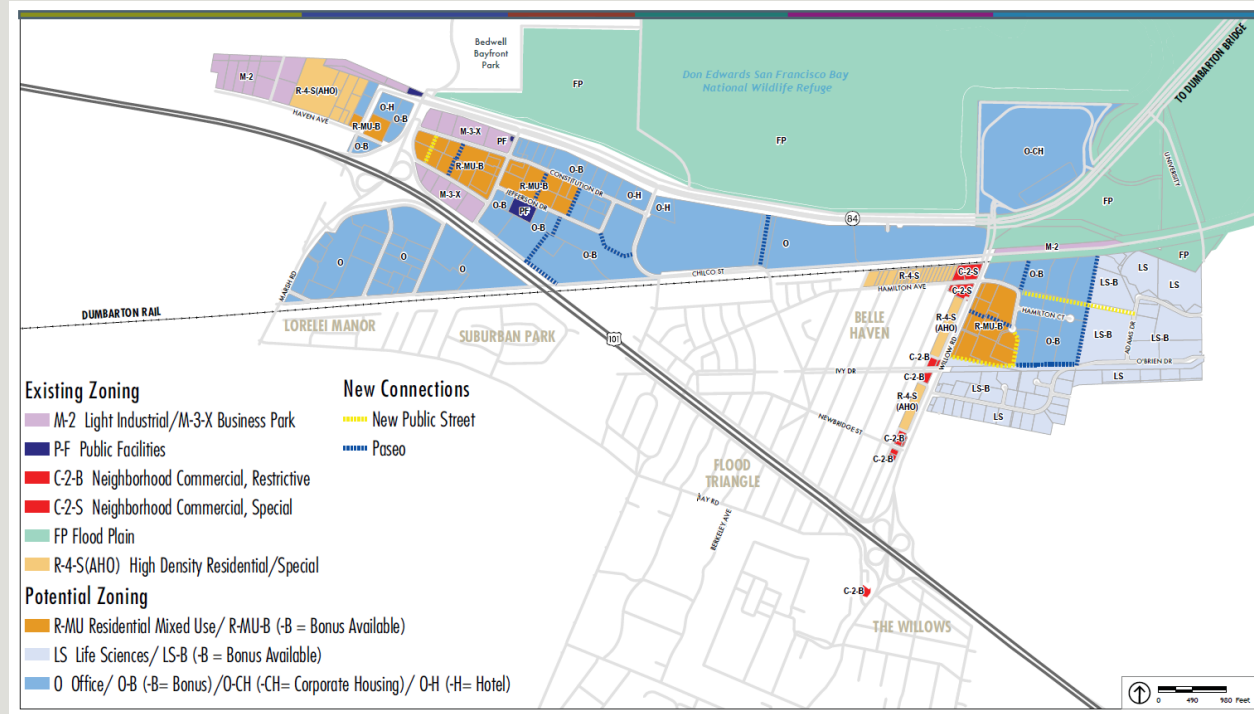


COMMUNITY AMENITIES BACKGROUND

- ConnectMenlo General Plan Update
 - Created new zoning districts in Bayfront Area
- Bonus level development
 - Increase in floor area ratio, density, and/or height
 - Permitted in exchange for provision of community amenities
 - Required amenity value is 50 percent of appraised value of bonus level development
- Community amenity requirement
 - On or off-site physical amenities
 - Payment of in-lieu payment



BAYFRONT AREA ZONING





COMMUNITY AMENITY PROCESS UPDATES

- October 2020 City Council created an ad hoc subcommittee
 - Review ConnectMenlo community amenities list
- April 2021 City Council held a study session and Council Subcommittee recommended the following:
 1. adopt a revised community amenities list,
 2. adopt an in-lieu payment,
 3. adopt a “gatekeeper” application process, and
 4. establish a community amenities working group.
- In-lieu payment adopted by City Council in June 2021 (Item 2)
- In June 2022 City Council subcommittee provided an update on the updated community amenity list (Item 1)



ZONING ORDINANCE AMENDMENTS

- Amend Sections 16.43.070, 16.44.070, and 16.45.070
 - Consistent text amendments between Office, Life Sciences, and Residential, Mixed-use zoning districts
- Goal is to provide clarification on the following:
 - The date of value will be within 90 days of the date of the appraisal but in no case earlier than the application date;
 - The City Council will adopt regulations outlining the appraisal review process for determining the final appraised value; and
 - Confirm that the final appraised value will use the same date of value as the applicant's appraisal to ensure consistency
- Proposed ordinance amendments are included in Attachment A



UPDATED COMMUNITY AMENITIES LIST

- City Council subcommittee developed updated draft community amenities list
 - List was forwarded to City Council in June 2022 as an update
 - Amenities required to be provided in Bayfront Area between US 101 and the SF Bay
 - Updated community amenities list fulfills Item 1 from April 2021 study session
- Proposed updated community amenity list includes the following topic areas:
 - Carbon-free transit and enhanced transportation
 - Community-serving retail
 - Energy, technology, utilities, and community infrastructure in the Belle Haven neighborhood
 - Enhanced quality of life
- Proposed updated list included in Attachment B



PLANNING COMMISSION RECOMMENDATION

- Recommended the City Council:
 - Introduce an ordinance amending sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code
 - Commission did not provide a recommendation on the proposed updated community amenities list





CITY COUNCIL ACTIONS

- 1) Introduce and waive first reading of ordinance amending sections 16.43.070, 16.44.070, and 16.45.070 of Title 16 of the Menlo Park Municipal Code (Attachment A)
 - Clarify the process for determining appraised value of bonus level developments and requirement community amenities in O (Office), L-S (Life Sciences), and R-MU (Residential, Mixed-use) zoning districts
- 2) Adopt a resolution updating the previously adopted community amenities list (Attachment B)
 - List to be used for bonus level development projects.
 - City would use the list when pursuing projects with money from the Community Amenities Fund
 - Updated list would not apply to housing development projects already submitted under Senate Bill 330
 - Consider providing clarification to staff on restaurant uses in the proposed list



NEXT STEPS

- 1) Adopt ordinance (second reading)
 - Waive full reading and adopt the ordinance
 - Tentatively scheduled for August 2023
- 2) Consider revisions to the appraisal instructions
 - Tentatively scheduled for August 2023
- 3) Review community amenity implementing regulations
 - Update appraisal review process
 - Create screening process
 - Tentatively scheduled for August 2023



THANK YOU



SAFE STORAGE FIREARMS ORDINANCE

T.J. Moffett, Commander



BACKGROUND



- January 2020 – Council directed city attorney to bring forward an ordinance requiring the safe storage of firearms in residences
- The County of San Mateo has developed a uniform ordinance adopted in 2019 for unincorporated areas and is encouraging all cities within the county to adopt similar ordinances



ANALYSIS



- The proposed ordinance builds on existing state law, which requires that safety devices such as safes or trigger locks accompany any firearms that are purchased or transferred by a license dealer
- Several California jurisdictions have adopted similar safe storage ordinances. Locally, this includes: South SF, Daly City, Redwood City, San Carlos, Foster City, Burlingame, Millbrae, Hillsborough, and Palo Alto



RECOMMENDATION



- MPPD requests that council waive the first reading and introduce an ordinance requiring safe storage of firearms in residences



THANK YOU