



REGULAR MEETING AGENDA

Date: 6/28/2022
Time: 6:00 p.m.
Location: [Zoom.us/join](https://zoom.us/join) – ID# 831 3316 9409

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

Consistent with Government Code section 54953(e), and in light of the declared state of emergency, and 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](https://zoom.us/join) – Meeting ID 831 3316 9409
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Meeting ID 831 3316 9409
Press *9 to raise hand to speak
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Channel 26

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.

Regular Session ([Zoom.us/join](https://zoom.us/join) – ID# 831 3316 9409)

A. Call To Order

B. Roll Call

C. Agenda Review

D. 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.

E. Consent Calendar

- E1. Accept the City Council meeting minutes for June 6, 13, 14, and 17, 2022 ([Attachment](#))
- E2. 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 #22-116-CC](#))
- E3. Amend the agreement with APTIM Environmental and Infrastructure, LLC for the operation, maintenance and reporting of the Bedwell Bayfront Park Landfill leachate and gas collection and control systems ([Staff Report #22-117-CC](#))
- E4. Adopt resolutions authorizing staff to submit applications to the Metropolitan Transportation Commission for the One Bay Area Grant Program ([Staff Report #22-118-CC](#))
- E5. Adopt a resolution of intention to abandon public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive (Menlo Uptown) associated with the proposed redevelopment of the project site ([Staff Report #22-119-CC](#))
- E6. Adopt a resolution approving the fiscal year 2022-23 investment policy for the City and the former Community Development Agency of Menlo Park ([Staff Report #22-122-CC](#))

F. Public Hearing

- F1. Adopt a resolution overruling protests, ordering the improvements, confirming the diagram/area of assessment and ordering the levy and collection of assessments for Landscaping Assessment District for fiscal year 2022-23 ([Staff Report #22-120-CC](#)) ([Presentation](#))
- F2. Certificate of sufficiency of the petition for the proposed initiative measure entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes" ([Staff Report #22-121-CC](#))

- F3. Determination of action, pursuant to Elections Code Section 9215, regarding the proposed initiative measure entitled “A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes” ([Staff Report #22-129-CC](#))

G. Regular Business

- G1. Adopt resolutions for fiscal year 2022-23: budget and capital improvement plan; establish appropriations limit; establish a consecutive 1 percent utility users’ tax rate through June 2023; establish the salary schedule effective July 3, 2022; extend rate assistance program through June 2023; establish direction for administration of American Rescue Plan Act funds; and accept award authority and bid requirement through June 2023 ([Staff Report #22-123-CC](#)) ([Presentation](#))
- G2. Direction on the Burgess Pool aquatics operator agreement negotiation ([Staff Report #22-124-CC](#)) ([Presentation](#))

H. Informational Items

- H1. City Council agenda topics: July 2022 ([Staff Report #22-125-CC](#))
- H2. Re-Imagining Public Safety Ad Hoc Subcommittee update ([Staff Report #22-126-CC](#))
- H3. Receive and file an update on the solid waste and water rate assistance program ([Staff Report #22-127-CC](#))
- H4. ConnectMenlo Community Amenities Ad Hoc Subcommittee update ([Staff Report #22-128-CC](#))

I. City Manager's Report

J. City Councilmember Reports

K. Closed Session

- K1. Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator Agency
Designated Representative: Mayor, Nira Doherty, Genevieve Ng
Unrepresented Employee: City Manager

L. Report from Closed Session

M. 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.

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SPECIAL MEETING MINUTES – DRAFT

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

Special Session

A. Call To Order

Mayor Nash called the meeting to order at 6:07 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin I.C. Murphy, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

C. Study Session

C1. Review and provide feedback on the draft City of Menlo Park Sixth Cycle 2023-2031 Housing Element (Staff Report #22-108-CC)

Assistant Community Development Director Deanna Chow introduced the item.

M-Group representative Asher Kohn made the presentation (Attachment).

- Francesca Segre spoke in support of the school district and City partnering in housing development and amenities for educators and requested clarification on additional sites on El Camino Real.
- Katherine Dumont spoke in support of increasing density near services, increasing fees in line with neighboring jurisdictions, and adding the civic center as feasible development sites, and noted that removal of the Flood School site would be short-sighted.
- Verle Aebi requested information about the Guild Theatre (site #51) being on the list and the Cornerstone building not on the list and expressed support for reducing the City's accessory dwelling unit (ADU) fees.
- Menlo Park City School District Superintendent Erik Burmeister spoke in support of expanding housing supply and equity, encouraged cooperation between the district and the City to foster quality schools, and opposed the removal of references to school impacts in the public review draft of the Housing Element.
- Lauren Bigelow spoke in support of housing staff, densification of housing near transit, and establishing metrics and milestones to track progress.
- Housing Choices representative Kalisha Webster spoke in support of affordable housing and provided clarification and expanded upon the types of developmental disabilities described in the draft Housing Element, and encouraged outreach to other agencies that support individuals with the different types of disabilities described.
- Adina Levin provided comments on the transportation programs, in support of the civic center as a site, and in opposition on reduce density of the Flood School site.
- Mid-Pen Housing representative Andrew Bielak spoke in favor of the proposed incentives for

affordable housing, requested clarification on the proposed affordable housing overlay modifications and applicability of fee waivers, and encouraged review of the proposed implementation measures and timelines to ensure the Housing Element will produce affordable housing.

- Karen Grove spoke in support of increased density of 100 dwelling units/acre at the Sharon Heights shopping center as a housing site and in opposition of lower density at the Flood School site, and asked for enhanced tenant protections as quickly as possible in the upcoming Housing Element cycle.
- Nicole Chessari expressed concerns about the density, access and affirmatively further fair housing of the Flood School and questioned the acreage identified for housing on Site No. 12.
- William Eger spoke in support for educator housing and a partnership with the school district and City.
- Katie Behroozi spoke in support of the Flood School site, working with the Ravenswood school district, concerns on the viability of proposed sites, review of additional potential sites not currently on the housing opportunity sites list, development of a rental registry, and reduced parking requirements.
- Pam Jones spoke on assessing other available properties like parking and vacant lots as housing sites, and review of the General Plan and Specific Plan to increase density in the downtown area and reduce the jobs-housing imbalance.
- Liz Hove spoke on concerns related to reducing segregation and promoting equity, and considering potential environmental impacts in developing new housing across the city, specifically in relation to housing opportunity site #38 adjacent to US-101 and a low-density residential neighborhood.
- Misha Silin spoke in support of the removal of unrealistic sites, strengthening feasible sites, and increased density Downtown.
- Kathleen Daly spoke in support of development of affordable housing at the Flood School site, with consideration for exploring multiple access points to the site and waiting until project plans are available to understand the proposed density at the site.

The City Council received clarification on the number of units to meet and exceed the Regional Housing Needs Assessment (RHNA) requirements and reasoning behind the 30% buffer, equity around the proposed 30% buffer, restricting office building or requiring housing for office projects, cycle five housing element, retaining sites on the list even if the property owner is not interested in housing development on their site(s), California Department of Housing and Community Development (HCD) requirements, guidelines, regulations, density impacts to parking, Reference (Ref) G, Site #12 (345 Middlefield Road (US Geological Survey)) acreage, auction, and zoning, and Ref I, Civic Center campus.

The City Council discussed site #51 (Guild Theater), Ref A Sites #65 (1000 Marsh Rd.), 66 (3885 Bohannon Dr.), and 73 (4065 Campbell Dr.), developing affordable housing, staff recommendations and considerations, and rezoning office to residential.

The City Council directed

Ref A, Sites # 65 (1000 Marsh Rd.), 66 (3885 Bohannon Dr.), and 73 (4065 Campbell Dr.) – Remove from opportunity sites list

Ref B, Sites #4 (2480 Sand Hill Rd.) and 49 (2700 Sand Hill Rd.) – Keep on opportunity sites list

Ref C, Site #45R (Alpine Rd. at Stowe Ln) – Remove from opportunity sites list

- Ref D, Site #40(C) (St. Bede’s Church) – Keep on opportunities sites list with Affordable Housing Overlay (AHO) bonus
- Ref E, Site #6 (900 Santa Cruz Ave.) – Keep on opportunities sites list with AHO bonus
- Ref F, Site #38 (320 Sheridan Dr.) – Keep on sites list but limit density to 20 du/ac and do not apply the AHO bonus
- Ref G, Site #12 (345 Middlefield Rd.) – Keep on opportunity sites list with increased densities on site with AHO bonus and reflect acreage for a school
- Ref H, SRI/Parkline – Keep as pipeline project
- Ref I, Civic Center – Reaffirm – do not include in the housing opportunity site inventory; no change

The City Council took a recess at 9:48 p.m.

The City Council reconvened at 10:00 p.m.

In addition to clarifying decisions related to the sites discussed earlier in the evening, the City Council also discussed utilizing City-owned parking lots for housing and discussed not including the Red Cottage Inn on El Camino Real as a potential housing site in order to maintain hotel tax revenues.

ACTION: By acclamation, the City Council extended the meeting past 11 p.m.

The City Council received clarification on proposed zoning ordinance amendments related to the Housing Element Update, the minimum residential density requirements being evaluated, how residential mixed use redevelopment could be implemented on parcels currently designated only for office and commercial uses, maintaining a balance of office uses in the community, the planning review process for residential projects of different sizes, and the potential for property tax exemption changes from development residential uses on religious sites.

The City Council also discussed re-prioritizing implementation items, such as an anti-displacement strategy, in the draft Housing Element, and ensuring coordination with the school districts during the Housing Element Update process.

D. Closed Session

- D1. Closed Session pursuant to Government Code 54957(b)(1): Public Employment
Title: City Manager
- D2. Closed Session pursuant to Government Code 54957(b)(1): Public Employment Evaluation
Title: Interim City Manager
- D3. Closed Session pursuant to Government Code 54957(b)(1): Public Employment Evaluation
Title: City Attorney
 - Pam Jones requested the same information with the previous city attorney firm.

The City Council continued items D1., D2., and D3. to a future meeting.



E. Report from Closed Session

None.

F. Adjournment

Mayor Nash adjourned the meeting at 11:23 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/13/2022
Time: 3:30 p.m.
Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 3:35 p.m.

B. Roll Call

Present: Combs, Mueller, Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin I.C. Murphy, City Attorney Nira F. Doherty, Legal Counsel Genevieve Ng, City Clerk Judi A. Herren

C. Closed Session

C1. Closed Session pursuant to Government Code 54957(b)(1): Public Employment

Title: City Manager

- Lynne Bramlett spoke in support taking time on the city manager appointment and provided suggestions on the recruitment process.

C2. Closed Session pursuant to Government Code 54957(b)(1): Public Employment Evaluation

Title: Interim City Manager

C3. Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator Agency

Designated Representative: Mayor, Genevieve Ng, Nira Doherty

Unrepresented Employee: City Manager

D. Report from Closed Session

No reportable actions.

E. Adjournment

Mayor Nash adjourned the meeting at 4:54 p.m.

Judi A. Herren, City Clerk



SPECIAL AND REGULAR MEETING MINUTES – DRAFT

Date: 6/14/2022
Time: 3:30 p.m.
Location: Zoom

A. Call To Order

Mayor Nash called the meeting to order at 3:38 p.m.

B. Roll Call

Present: Combs, Mueller (exited meeting at 6:26 p.m. and re-entered the meeting at 6:37 p.m.), Nash, Taylor, Wolosin
Absent: None
Staff: Interim City Manager Justin I.C. Murphy, City Attorney Nira F. Doherty, City Clerk Judi A. Herren

C. Agenda Review

None.

D. Closed Session

D1. Closed Session pursuant to Government Code 54957(b)(1): Public Employment Evaluation
Title: City Attorney

- Drew Combs spoke in favor of increased transparency on this item and in opposition of it being on the closed session agenda.

D2. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

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

Name of case: David Fogel et al. v. City of Menlo Park, Case No. 21-CIV-06674

6:00 p.m. Regular Session

Mayor Nash reconvened the meeting at 6:32 p.m.

E. Report from Closed Session

No reportable actions.

F. Presentations and Proclamations

F1. Proclamation: Recognizing Juneteenth Day (Attachment)

Mayor Nash read the proclamation (Attachment).

The City Council discussed displaying the Juneteenth flag year-round.

City Councilmember Mueller arrived at 6:37 p.m.

F2. Proclamation: Recognizing June 2022 as Pride Month (Attachment)

Mayor Nash read the proclamation (Attachment).

LGBTQ Commission Co-Chair Dana Johnson accepted the proclamation.

G. Public Comment

- Cheryl Schaff spoke on the Climate Team's findings following their Earth Day festival.
- Katie Behroozi spoke on the Chamber of Commerce's business alliance meeting and concerns on the lack of bicycle parking at the Guild Theater.

H. Consent Calendar

H1. Accept the City Council meeting minutes for May 17 and 24, 2022 (Attachment)

H2. 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 #22-111-CC)

H3. Adopt a resolution modifying the City Council's regular meeting schedule to replace November 8, 2022 with November 1, 2022 (Staff Report #22-109-CC)

H4. Adopt a resolution calling and giving notice of holding a General Municipal Election for three City Council seats in districts 1, 2 and 4, requesting that the City Council consolidate the election with the Statewide General Election to be held November 8, 2022, and contracting with the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services (Staff Report #22-110-CC)

H5. Adopt a resolution authorizing the city manager to execute an agreement with Bigbreak, LLC (Chefables) in an amount not to exceed \$100,000 to continue the delivery of food services at the Belle Haven Child Development Center during fiscal year 2022-23 (Staff Report #22-112-CC)

ACTION: Motion and second (Taylor/ Wolosin), to approve the consent calendar, passed unanimously.

I. Public Hearing

I1. Public hearing on proposed fiscal year 2022-23 budget and capital improvement plan (Staff Report #22-113-CC)

Interim Finance Director Marvin Davis, Administrative Services Director Mary Morris-Mayorga and Public Works Director Nikki Nagaya made the presentation (Attachment).

Mayor Nash opened the public hearing.

- Adina Levin requested clarification on how programs identified in the housing element would be funded in the proposed or future budgets and the status of the Caltrain grade separation project and in support of traffic safety projects.

- Lynne Bramlett spoke on concerns that the spending needs to be for City Council goals and priorities, services being removed, need for staff program reviews, increasing staff, increased American Rescue Plan (ARPA) funds, and requested a high-level budget document.
- Pam Jones spoke on concerns related to the use of term “Facebook Beat 4” and requested clarification on Las Pulgas funds, remaining debt, and Excess Educational Revenue Augmentation Fund (ERAF).

Mayor Nash closed the public hearing.

The City Council received clarification on how programs in the housing, environmental justice and safety element programs would be funded in the proposed or future budgets, Caltrain grade separation status, and confirmation that funding from the Meta (formerly Facebook) development agreements is separated into the Bayfront Mitigation fund and is not funding police operations.

The City Council discussed

1) Service level enhancements (Attachment)

City Manager’s Office (CMO) – graphic designer position and contract option – bolstering public engagement services

CMO – management analyst I/II – current and proposed size of the sustainability division – comparison cities with similar departments – use of contract services in-lieu of full-time equivalent (FTE) or as supplemental

Police Department (PD) – community service officers – explanation for the need and restoration of the positions

PD – emergency preparedness coordinator – updating this to a full-time position as a resource exclusively for the City of Menlo Park organization – current position filled by the Menlo Park Fire Protection District (MPFPD) on part time basis – stakeholders involved in the position

Library and Community Services Department (LCS) – gymnastics – produces revenue and is its own revenue source

Community Development Department (CDD) – housing support – one position split between two funds (general fund and below market housing) – BMR funding to fund BMR housing and staff – other impact fees that fund other staff positions

Contract services – PD – parking enforcement – description

Contract services Public Works Department (PW) – herbicide-free median maintenance – duties

The City Council took a recess at 8:15 p.m.

The City Council reconvened at 8:24 p.m.

The City Council discussed

2) ARPA

Use to help residents impacted by the pandemic and City programs to improve the quality of life of residents (positive to the community), process and staff capacity to pursue how to provide funding/programs to those who need it, earmarking funds for future budget cycles, programs for seniors and/or teens and/or young adults, and allocating a percentage to programs for those in need.

3) ERAF

Allocating 100% for fiscal year 2022-23, future updates to 5-year forecast to not include 100% of ERAF, and discontinuing ERAF in the future.

4) Utility Users’ Tax (UUT)

Support and uphold finding and retaining UUT at 1%.

5) Capital improvement projects (CIP)

The City Council directed an update to the project description for the Downtown Parking Structure Study in the future to align with the Housing Element and an updated status on the Caltrain grade separation project. The City Council also requested that the use of electric pool heating equipment not impact the temperature of the pool.

J. Regular Business

- J1. Adopt a resolution of support for BlocPower LLC to provide building electrification services for building owners (Staff Report #22-114-CC)

Sustainability Manager Rebecca Lucky introduced the item.

- MenloSpark director spoke in support of the resolution.
- Nicole Kemeny spoke in support for the resolution.

The City Council discussed the term partnership usage in the staff report.

ACTION: Motion and second (Mueller/ Taylor), to adopt a resolution of support for BlocPower LLC to provide building electrification services for building owners that want to voluntarily electrify their natural gas equipment to electric, passed unanimously.

K. Informational Items

- K1. City Council agenda topics: June 28, 2022–July 12, 2022 (Staff Report #22-115-CC)

L. City Manager's Report

None.

M. City Councilmember Reports

City Councilmember Mueller reported out on a firework that startled West Menlo Park on June 13.

N. Adjournment

Mayor Nash adjourned the meeting at 9:50 p.m.

Judi A. Herren, City Clerk



SPECIAL MEETING MINUTES – DRAFT

Date: 6/17/2022
Time: 2:00 p.m.
Location: Zoom

Closed Session

A. Call To Order

Mayor Nash called the meeting to order at 2:07 p.m.

B. Roll Call

Present: Combs, Mueller (arrived at 2:30 p.m.), Nash, Taylor, Wolosin
Absent: None
Staff: Legal Counsel Genevieve Ng, City Clerk Judi A. Herren

C. Closed Session

C1. Closed Session pursuant to Government Code 54957(b)(1): Public Employment
Title: City Manager

C2. Closed Session pursuant to Government Code 54957(b)(1): Public Employee Appointment
Title: City Manager

C3. Closed session pursuant to Government Code 54957.6: Conference with Labor Negotiator Agency
Designated Representative: Mayor, Genevieve Ng
Unrepresented Employee: City Manager

D. Report from Closed Session

ACTION: The City Council appointed Justin Murphy as the regular city manager, with the contract to be agendized at a future meeting, passed unanimously.

E. Adjournment

Mayor Nash adjourned the meeting at 4:27 p.m.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-116-CC

Consent Calendar:

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

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) 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.

Policy Issues

Assembly Bill 361 (AB 361) was signed into law September 16, 2021 allowing cities to continue holding virtual meetings during any emergency proclaimed by the governor. AB 361 sunsets January 1, 2024. The City Council would need to declare every 30 days that the City's legislative bodies must continue to meet remotely in order to ensure the health and safety of the public.

Background

The California Legislature approved AB 361, which was signed by the governor September 16, 2021 for signature. The bill allows local legislative bodies to continue to meet remotely through January 1, 2024. A local agency will be allowed to continue to meet remotely when:

- The local agency holds a meeting during a declared state of emergency
- State or local health officials have imposed or recommended measures to promote social distancing
- Legislative bodies declare the need to meet remotely due to present imminent risks to the health or safety of attendees

The City meets the requirements to continue holding meetings remotely in order to ensure the health and safety of the public:

- The City is still under a local state of emergency
- County Health urges that all individuals in public spaces maintain social distancing and wear masks

Analysis

The City is still under a local state of emergency and the emergency findings required under AB 361 are still in effect. It is recommended that the use of facial coverings be exercised when not speaking inside the City Council Chambers. The resolution authorizes the use of hybrid meetings, whereby City Councilmembers and staff may choose to attend either remotely or in person.

Although the City has returned to in-person meetings, due to the prevalence of BA strains of the SARS-

CoV-2 virus overtaking other variants in San Mateo County, the City Council finds that reducing the number of persons present in City Council chambers is necessary to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors.

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 is an organizational structure change that 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

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54952(b) AUTHORIZING TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 (GOVERNMENT CODE SECTION 54953(e)) TO CONTINUE TO ALLOW MEMBERS OF THE PUBLIC TO SAFELY PARTICIPATE IN LOCAL GOVERNMENT MEETINGS**

WHEREAS, the City Council is committed to ensuring public access to observe and participate in local government meetings; and

WHEREAS, all meetings of the City Council and other legislative bodies created pursuant to Government Code Section 54952(b) are open and public, as required by the Ralph M. Brown Act, so that any member of the public may participate in local government meetings; and

WHEREAS, the AB 361, codified at Government Code section 54953(e), makes provisions for remote teleconferencing participation in local government meetings, without compliance with the requirements of 54953(b)(3), during a Governor-proclaimed state of emergency and if the local legislative body determines, by majority vote, that as a result of the emergency, meeting solely in person would present imminent risks to the health or safety of attendees; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency due to the outbreak of respiratory illness due to a novel coronavirus (now known as COVID 19) and that State of Emergency is still in effect in the State of California; and

WHEREAS, on March 11, 2020 the City Council proclaimed the existence of a local state of emergency within the City, pursuant to Section 8625 of the California Emergency Services Act in response to the COVID-19 pandemic; and

WHEREAS, COVID-19 continues to threaten the health and lives of City residents; and

WHEREAS, the SARS-CoV-2 Delta and Omicron Variants are highly transmissible in indoor settings; and

WHEREAS, the Omicron subvariants of the SARS-CoV-2 virus is overtaking other variants in San Mateo County; and

WHEREAS, according to data from the County's Health Administrator and County website, the County is averaging approximately 47 new cases per 100,000 of COVID-19 per day; and

WHEREAS, although the City has returned to in-person meetings, due to the prevalence of BA strains of the SARS-CoV-2 virus overtaking other variants in San Mateo County, the City Council finds that reducing the number of persons present in City Council chambers is necessary to reduce imminent health risks associated with large groups and/or members of varying households gathering indoors; and

WHEREAS, the State of California and the City of Menlo Park continue to follow safety measures in response to COVID-19 as ordered or recommended by the Centers for Disease Control and Prevention (CDC), California Department of Public Health (DPH), and/or County of

San Mateo, as applicable, including facial coverings when required; and based upon that guidance, in-person attendance indoors at public meetings continues to present a health risk for certain segments of the population, necessitating the need to reduce the number of in-person meeting attendees; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as “Legislative Bodies”), finds that the current conditions meet the circumstances set forth in Government Code section 54953(e)(3) to allow Legislative Bodies to continue to use teleconferencing to hold open and public meetings if the Legislative Bodies comply with the requirements set forth in Government Code section 54953(e)(2) to ensure the public can safely participate in and observe local government meetings.

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

1. Find that current conditions authorize teleconference public meetings of Legislative Bodies. Based on the California Governor’s continued declaration of a State of Emergency and current conditions, the City Council finds that meeting in person, without the option for certain populations and persons to participate remotely, would present imminent risks to the health or safety of attendees. The City Council does therefore find that Legislative Bodies and members of Legislative Bodies of the City may elect to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.
2. Authorize Legislative Bodies to conduct teleconference meetings. The Legislative Bodies are hereby authorized to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e)(2) and other applicable provisions of the Brown Act.
3. Authorize Legislative Bodies to conduct hybrid meetings. The Legislative Bodies are hereby further authorized to conduct meetings in a “hybrid” format, where both members of the Body may elect to be present in person, utilizing appropriate distancing and masking practices, or participate by teleconferencing technology. Such meetings of the Legislative Bodies that occur using teleconferencing technology will provide an opportunity for any and all members of the public who wish to address Legislative Bodies and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing.

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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-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-117-CC

Consent Calendar:

Amend the agreement with APTIM Environmental and Infrastructure, LLC for the operation, maintenance and reporting of the Bedwell Bayfront Park Landfill leachate and gas collection and control systems

Recommendation

Staff recommends that the City Council authorize the city manager to amend the agreement (Attachment A) with APTIM Environmental and Infrastructure, LLC (APTIM) for the operation, maintenance and reporting of the Bedwell Bayfront Park Landfill leachate and gas collection system improvements in the amount of \$275,100 for an additional one-year term.

Policy Issues

The agreement is consistent with Goal LU-7 (Land Use) of the general plan land use element which is intended to “promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park's residents, businesses, workers and visitors.”

Background

Landfill history

The Bedwell Bayfront Park Landfill (Bedwell Landfill) is a Class III non-hazardous solid waste management facility located at the north end of the City on San Francisco Bay at Bayfront Expressway and Marsh Road. The site is surrounded on three sides by the Don Edwards San Francisco Bay National Wildlife Refuge. Originally referred to as the Marsh Road Landfill, San Mateo County first established solid waste operations at the site in 1957. In 1968, the City of Menlo Park (City) took over the responsibility of the landfill until its closure in 1984. In 1982, the City began the development of Bedwell Bayfront Park on the 160-acre site, of which the landfill covers 155 acres.

The critical aspect of maintaining the closed landfill includes managing the gases that are produced as the waste decomposes (primarily methane) and the water that infiltrates the refuse (known as leachate.) The Bedwell Landfill typically generates about 127 million standard cubic feet of landfill gas a year. About 3.5 million gallons of leachate are extracted from the landfill and discharged to the sanitary sewer annually through the systems and regulatory permitting requirements described below.

Gas collection and control system

To comply with Bay Area Air Quality Management District (Air District) regulatory requirements and as part of the landfill closure plan, the City covered the refuse with clay. A landfill gas wellfield was installed in two phases, with the first phase built in 1984 and the second phase in 1987. Currently, the wellfield consists of 72 gas extraction wells and a network of gas collection pipes embedded just beneath the surface of the landfill cap.

Leachate collection and treatment system

The City also has the responsibility to monitor, collect samples and dispose of the leachate generated from the landfill in accordance with a permit to operate issued by the Regional Water Quality Control Board (Water Board.) Leachate is groundwater that has migrated through landfill fill material and requires treatment through the sanitary sewer system. The monitoring system consists of seven groundwater monitoring wells, two surface water monitoring locations, six leachate wells, five piezometers, the 12 leachate extraction sumps and one leachate monitoring location at a sanitary sewer manhole.

Operations and maintenance

The landfill gas collection and control system (gas system) and the leachate system are currently operated and maintained by APTIM Environmental and Infrastructure, LLC (formerly CB&I) under a five-year agreement authorized by the City Council in April 2017 (Attachment B.) The agreement scope includes APTIM's preparation and submittal of monthly landfill gas system operations and maintenance reports and annual Surface Emissions Monitoring (SEM) reports to the Air District as required by the Air District permit.

Upcoming Bedwell Landfill leachate and gas system improvement construction

In May 2019, staff issued a request for proposals (RFP) to design the landfill gas and leachate collection system improvements at the Bedwell Landfill in accordance with all regulatory requirements. The City received three proposals for the first phase of the project June 5, 2019. Staff selected Golder Associates, Inc. for the work as their proposal was comprehensive and their project team had relevant experience working on a similar scope at the Palo Alto Byxbee Park landfill.

On August 14, 2019, the city manager entered into a professional services agreement with Golder to conduct the evaluation phase of the project. Golder submitted their evaluation report July 13, 2020. The report concluded that the existing leachate collection and gas systems do not require major replacement or expansion of extraction capacity to meet current regulatory requirements since they have continued to comply with the current Water Board and Air District permits. However, both systems are in need of maintenance repairs and upgrades to improve long-term operability and park safety, particularly on the public access trail system.

On January 12, 2021 City Council approved an amendment to the agreement with Golder to proceed with the design of the Bedwell Landfill leachate and gas system improvements. The plans and specifications to procure a contract for construction of the improvements will be ready for bid advertisement in July 2022. Staff plans to put the construction plans and specifications out to bid by the end of July 2022 with a bid opening planned in August 2022. It is expected that the lowest responsive bid for construction of the Bedwell Landfill improvements will be brought to the City Council in September 2022 for award of a construction contract. The construction of the landfill improvements will take about four months, during which time the existing leachate and gas systems will be undergoing extensive modifications and occasional shutdowns requiring changes in the monthly monitoring and reporting to the regulatory agencies (Air District and Water Board.)

Analysis

The APTIM agreement for the Bedwell Landfill operation and maintenance services expires June 30, 2022. Because the landfill improvement construction activities will be ongoing through early 2023, it will be necessary to have an operation and maintenance contractor available to work with Golder and the construction contractor throughout completion and final acceptance of the leachate and gas systems upgrades. Over the past two years, APTIM has been working with the Golder design team and the regulatory agencies as the plans for the construction of the landfill improvements were developed and completed for bidding. APTIM has been an integral part of the design team, and is very familiar with the

system and regulatory requirements. For these reasons, staff recommends extending APTIM’s operation and maintenance agreement term for one additional year to accommodate the construction activities. This will provide consistent support to Golder and the contractor during the improvement construction and maintain coordination with the regulatory agencies (Air District and Water Board.)

On May 19, 2022, APTIM submitted a proposal for the recommended one-year extension of the Bedwell Landfill operation and maintenance services (Attachment C.) The scope of work includes the tasks listed in Table 1.

Table 1: Scope of work tasks	
Task	Description
1	Leachate and gas systems routine monitoring, operating and maintenance services
2	Quarterly groundwater sampling and analysis
3	Groundwater analysis reports
4	Gas system reporting
5	On-call maintenance and repair work
6	Project management
7	Wellfield reconstruction support

Tasks 1 through 6 above are also included in the current APTIM agreement and cover the following regulatory reporting requirements:

- Annual surface emissions monitoring (SEM) report
- Annual leachate flow meter calibration check
- Semiannual groundwater sampling, laboratory analysis and reporting
- Semiannual surface water sampling, laboratory analysis and reporting
- Quarterly leachate sampling, laboratory analysis and reporting
- Monthly gas system flare operations, inspection and maintenance
- Gas system weekly, monthly, quarterly monitoring and annual maintenance and reporting

In addition, APTIM has included Task 7 to cover regulatory compliant gas system operation during construction of the gas system improvements and upgrades. This will require extensive coordination with Golder and the construction contractor including gas system monitoring and ongoing communication with the Air District as the gas system undergoes modifications to improve its operations under the Air District permit to operate.

APTIM’s proposed routine service fee for the 12-month term extension is \$220,100. This is an increase of about 25 percent over the previous agreement’s five-year annual fee of \$159,200. Since the initial five-year agreement has a fixed annual fee with no provision for annual cost escalation, APTIM’s proposed fee increase provides for increased labor, material and transportation costs that have been experienced since the initial agreement was awarded in 2017 and will cover the one-year extension time period. This increase is consistent with the consumer price index increases over the last five years. APTIM has also proposed a budget of \$50,000 to cover on-call maintenance and repair work (the same annual amount as the current agreement for this task) and \$25,000 for wellfield reconstruction support over an anticipated six-month period of time.

Staff will issue an RFP for a new five-year operation and maintenance agreement during spring 2023, once the Bedwell Landfill leachate and gas system improvements and upgrades are complete. This new agreement is anticipated to begin July 1, 2023.

Impact on City Resources

Landfill post closure funds will be utilized to continue to operate and maintain the Bedwell Bayfront Park Landfill leachate and gas collection system. The proposed fiscal year 2022-23 operating budget includes sufficient funding for the extension of this agreement.

Environmental Review

This project is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301(c) and 15301(d) Existing Facilities.

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. Agreement amendment and original agreement
- B. Hyperlink – April 18, 2017, City Council Staff Report: [menlopark.org/DocumentCenter/View/13404/I2---Bayfront-Park-Maintenance-Agreement?bidId=](https://www.menlopark.org/DocumentCenter/View/13404/I2---Bayfront-Park-Maintenance-Agreement?bidId=)
- C. APTIM one-year extension proposal

Report prepared by:
Tanisha Werner, Assistant Public Works Director

Reviewed by:
Nikki Nagaya, Public Works Director

AGREEMENT AMENDMENT

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



Amendment #:

AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND APTIM ENVIRONMENTAL AND INFRASTRUCTURE, LLC

THIS FIRST AMENDMENT is made and entered into this _____, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and APTIM ENVIRONMENTAL AND INFRASTRUCTURE, LLC, hereinafter referred to as "FIRST PARTY."

1. Pursuant to Section 4. COMPENSATION AND PAYMENT of Agreement No. 2117, ("Agreement"), Section 4. COMPENSATION AND PAYMENT [amendment to section] to read as follows"

"CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$1,321,100 as described in Exhibit "A", A-1, and A-2 Scope of Services. This compensation shall be based on the rates described in Exhibit "A, A-1, And A-2". All payments, including fixed hourly rates, 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."

2. Pursuant to Section 9. NOTICES of Agreement No. 2117, ("Agreement"), Section 9. NOTICES [amendment to section] to read as follows"

Nicole H. Nagaya
Public Works
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-6740
PWSupportstaff@menlopark.org

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

Christopher M. Richgels
APTIM ENVIRONMENTAL AND INFRASTRUCTURE, LLC.
4005 Port
Chicago HWY, Concord, CA 94520
916-218-8375
christopher.richgels@aptim.com

3. Pursuant to Section 24. TERM OF AGREEMENT of Agreement No. 2117, ("Agreement"), Section 24. TERM OF AGREEMENT [amendment to section] to read as follows"

"This Agreement shall remain in effect for the period of July 1, 2017 through June 30, 2023 unless extended, amended, or terminated in writing by CITY."

Except as modified by this Amendment, all other terms and conditions of Agreement No. number remain the same.

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:

Justin I. C. Murphy, Interim City Manager

Date

ATTEST:

Judi A. Herren, City Clerk

Date

MAINTENANCE AGREEMENT

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



Contract #: 2117

**AGREEMENT FOR SERVICES BETWEEN
THE CITY OF MENLO PARK AND CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC.**

THIS AGREEMENT made and entered into at Menlo Park, California, this 5th day of April, 2017, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY", and **CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC.**, hereinafter referred to as "FIRST PARTY."

WITNESSETH:

WHEREAS, CITY desires to retain FIRST PARTY to provide certain professional services for CITY in connection with that certain project called: **Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems**

WHEREAS, FIRST PARTY is licensed to perform said services and desires to and does hereby undertake to perform said services.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS, PROMISES AND CONDITIONS of each of the parties hereto, it is hereby agreed as follows:

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

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.

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.

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 \$1,046,000 as described in Exhibit "A", Scope of Services. This compensation shall be based on the rates described in Exhibit "A". All payments, including fixed hourly rates, 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, a statement describing the services performed shall be submitted to CITY by the FIRST PARTY. 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% of the stock ownership or ownership in FIRST PARTY from the date of this Agreement is executed, then CITY shall be notified prior to 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:

Justin I. C. Murphy
Public Works
City of Menlo Park
701 Laurel St.
Menlo Park, CA 94025
650-330-6740
nmmelgar@menlopark.org

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

Steve Martin – Director of Solid Waste Operations
CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC.
4171 Essen Lane
Baton Rouge, LA 70809
225-987-7133
steve.martin@cbi.com

With a copy to:

Ed Everitt
Associate General Counsel & Managing Attorney
Facilities & Plant Services
4171 Essen Lane
Baton Rouge, LA 70809
225-987-7133
ed.everitt@cbl.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. Notwithstanding anything to the contrary neither party shall be liable to the other for any indirect, special or consequential loss or damages resulting from or arising from this Agreement, including, without limitation business interruptions.

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. Worker's Compensation and Employer's Liability Insurance:
The FIRST PARTY shall have in effect during the entire life of this Agreement Worker's 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 Worker's 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 Worker's 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. Prior to 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, prior to 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 July 1, 2017 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 / 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.

FIRST PARTY:




Signature

Stephen R. Martin

Name

77-058-9932

Tax ID#



William L. McClure, City Attorney

CITY OF MENLO PARK:


Signature

Alex D. McIntyre

Name

ATTEST:


Pamela Aguilar, City Clerk, City of Menlo Park

04/10/2017

Date

Vice President

Title

5/23/17

Date

6/8/17

Date

City Manager

Title

6.8.2017

Date

EXHIBIT "A" – SCOPE OF SERVICES

A1. SCOPE OF WORK

FIRST PARTY agrees to provide consultant services for CITY's **Public Works**. 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 prior to 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 prior to 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 **Department Head**.

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.

Professional Consulting Services for the Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems

March 2017

Proposed to
The City of Menlo Park
Department of Public Works

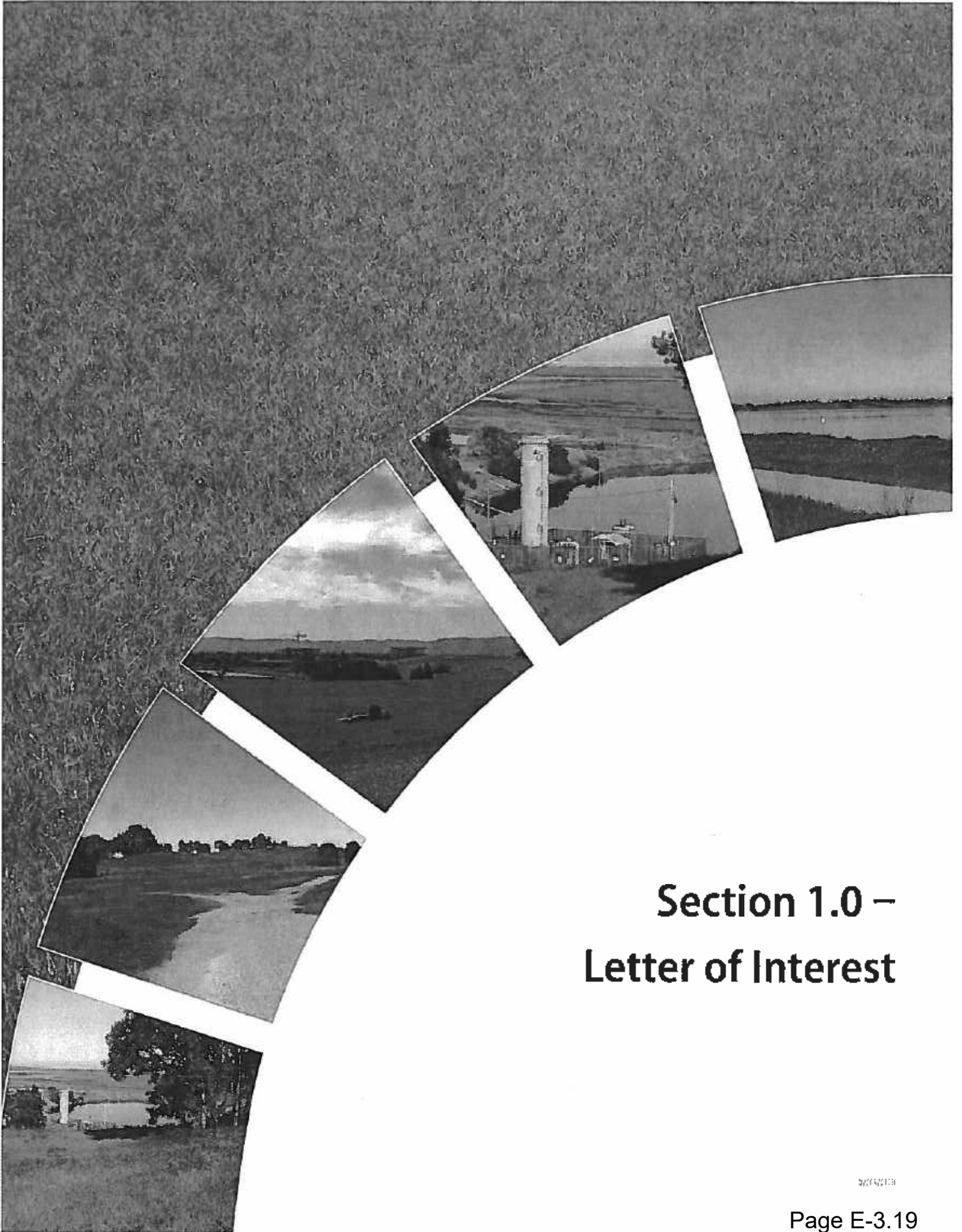
CB&I Environmental & Infrastructure, Inc.





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Section 1.0 – Letter of Interest



1.0 - Letter of Interest

March 8, 2017

Via Email

Ms. Azalea Mitch, PE - Senior Civil Engineer
Menlo Park Department of Public Works
701 Laurel Street
Menlo Park, CA 94025

**RE: Request for Proposal for Professional Consulting Services for
Operation and Maintenance of the Bedwell Bayfront Park Landfill
Leachate and Gas Collection and Control Systems**

Dear Ms. Mitch:

CB&I Environmental & Infrastructure, Inc. (CB&I) welcomes this opportunity to present our qualifications and experience to the City of Menlo Park Department of Public Works (City) for the operation and maintenance (O&M) of the Bedwell Bayfront Park Landfill (Landfill) leachate and gas collection and control systems. We have the utmost confidence in our ability to meet your goals and objectives based upon the experience of our local senior staff relevant to the potential project tasks listed in the RFP.

CB&I is highly qualified to provide these services based on the following:

- **Qualified Project Team** – Our highly qualified project team is experienced in environmental landfill consulting, O&M of landfill leachate collection and recovery systems (LCRS) and gas collection and control systems (GCCS), WDR compliance, and landfill regulations. Further, our project team and our national network of landfill professionals have extensive landfill engineering, design, compliance, and permitting experience who can address a broad and complex range of issues and challenges that clients, such as yourself, sometimes encounter.
- **Extensive Landfill LCRS and GCCS O&M Consulting Experience** - Our project team key members have more than 20 years collaborating together on numerous landfill sites across California — specifically, performing the very same services requested by the City. In fact, we have been providing the groundwater and leachate monitoring and maintenance services to the City for the Landfill for more than 25 years. In addition, CB&I designed, permitted, and installed the enclosed Landfill gas flare and performed an evaluation of the existing GCCS. Recently, CB&I was awarded a contract to assist the City with the Master Plan for the Landfill.

Other landfill sites where CB&I has performed similar services in California include:

- City of Sunnyvale Landfill;
- Upper Valley Landfill in Napa County;
- Avenal Regional Landfill
- American Canyon Landfill;
- Ostrom Road Landfill;
- Yuba Sutter Disposal Site;
- San Joaquin County Landfills (four distinct landfill sites);

- Monterey County Landfills (three distinct landfill sites)

In total, CB&I provides O&M services at over 60 landfills in the US.

- **Unparalleled Senior Staff** - CB&I's team is comprised of local experts in the fields of hydrogeology, groundwater/leachate monitoring, landfill gas control, landfill permitting, regulatory compliance, and maintaining landfill systems. Our proposed key personnel are as follows:
 - **Darrell Thompson - Project Director**: Mr. Thompson will serve as Project Director. Mr. Thompson has over 24 years of experience with emphasis on landfill gas control systems and air quality compliance. As Project Director, he will own ultimate responsibility to the City, and to CB&I for technical excellence, contract administration, quality assurance and quality control, and overall performance of the project team. He will provide regular communication and reviews throughout the execution of project services among key staff members to ensure that it meets both the requirements of the City and CB&I standards. Mr. Thompson has relevant experience with the Landfill, having designed the enclosed flare station and managed the evaluation of the GCCS.
 - **Dan Easter, PG, CEG - Project Manager**: Mr. Easter will serve as Project Manager for all project work. Mr. Easter is a Professional Geologist and Certified Engineering Geologist (California) with over 31 years of professional experience in project management, environmental monitoring / reporting, environmental remediation, engineering geology, hydrogeology, riparian and coastal processes, and comprehensive site groundwater investigations. In the role of Project Manager, Mr. Easter will be the day-to-day contact for the City, he will coordinate the performance of all project work with his team members, and he maintain the budget and schedule for all project work and deliverables.
 - **J.C. Isham, PG, CEG, CHG – Senior Technical Reviewer**: Mr. Isham will serve as Senior Technical reviewer. Mr. Isham, has over 43 years of hydrogeological experience in the region, served as a Water Quality Control Board Member, and has numerous accolades and certifications in the solid waste industry. His experience with local hydrogeology, groundwater quality issues, and the State of California's landfill requirements are unmatched in the region. Mr. Isham has relevant experience with the Landfill, having managed the groundwater and leachate monitoring and maintenance program for the last 25 years.
- **CB&I's Local Sacramento Office** - CB&I's team members are based out of CB&I's Sacramento, CA office, located two hours from the City's office, close to the landfill site. CB&I's proposed field technicians are local to the San Jose area.



As Senior Director of Operations for CB&I, Mr. Steve Martin is authorized to sign contracts binding the firm on its behalf. His contact information is as follows:

Steve Martin - Director of Solid Waste Operations
CB&I Environmental & Infrastructure, Inc.
4171 Essen Lane, Baton Rouge, LA 70809
225.987.7133 (office) / 225.268.4607 (mobile)
Email: steve.martin@cbi.com
Company Website: cbi.com

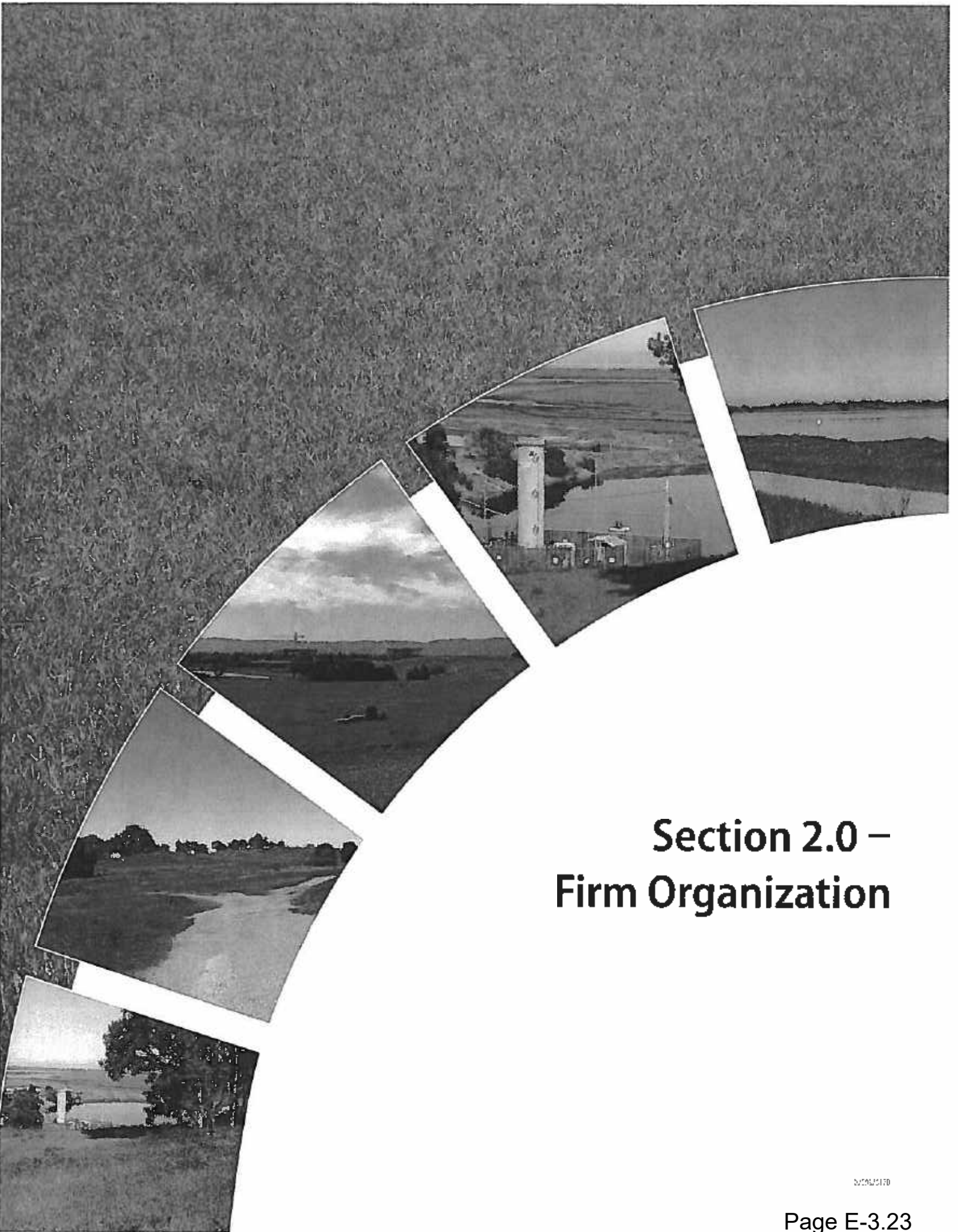
Our attached qualifications package further elaborates on our Team's experience and our approach to this project. We look forward to expanding our services to the City. If you have any questions, please contact me at (225) 987-7133 or Darrell Thompson at (760) 977-8106.

Sincerely,

CB&I Environmental & Infrastructure, Inc.

Steve Martin
Senior Director of Operations

Darrell Thompson
Western Regional Manager



Section 2.0 – Firm Organization

2.0 - Firm Organization

Chicago Bridge & Iron Company was founded in 1889 in Chicago, Illinois, and today offers a world of solutions to our customers in the waste management, energy, natural resources, environmental, and infrastructure markets. With 125 years of experience and the expertise of approximately 42,000 employees, Chicago Bridge & Iron Company provides reliable solutions while maintaining a relentless focus on safety and an uncompromising standard of quality. Chicago Bridge & Iron Company is a publicly traded (NYSE: CBI), multi-billion dollar, multi-disciplinary corporation, with annual revenues of more than \$10.7 billion in 2016.

2.1 CB&I Environmental & Infrastructure, Inc.

CB&I Environmental & Infrastructure, Inc. (referred to herein as CB&I), a wholly-owned subsidiary of Chicago Bridge & Iron Company, is one of the largest providers of integrated solid waste services in the U.S. CB&I provides a single point of responsibility for engineering, design-build construction, equipment fabrication, landfill products, and O&M for a variety of environmental control and energy recovery systems, solid waste facilities design, and landfill gas and leachate control system design and installation. CB&I provides the following solid waste services:

- Solid Waste Planning
- Hydrogeologic Site Investigations
- Facility Master Planning, Siting, Design, Permitting, and Construction
- Facility Construction and Construction Oversight
- Facility O&M
- Landfill Gas and Energy Recovery Services
- Facility Closure / Post Closure Care
- Stormwater Management Services
- Landfill Redevelopment
- Green/Sustainable Solutions
- Environmental Compliance Monitoring and Reporting
- Landfill Gas Collection and Control System O&M

Landfill Services	
<p>Planning/Siting/Permitting</p> <ul style="list-style-type: none"> • Comprehensive solid waste planning • Site investigations • Waste characterization studies • Market research and evaluation • Capacity optimization • Life-cycle cost analysis • Alternative evaluation and feasibility studies • Greenhouse gas support • Permit applications • Public participation/public hearings/expert testimony • Sustainability planning 	<p>Products and Equipment</p> <ul style="list-style-type: none"> • Landfill gas flare systems (enclosed, vent, utility, rental units) • Condensate destruction systems • Control and Instrumentation (wellfield controllers, gas analyzers, flow meters) • Wellheads • Flare connectors • Condensate removal systems • Well seals and accessories • Fuel delivery skids/compressor skids • Leachate evaporation systems (E-Vap) • Generator sets • Pipes, pumps and valves for landfills and leachate and gas collection
<p>Environmental Compliance</p> <ul style="list-style-type: none"> • Hydrogeological investigations and assessments • Air quality permitting, modeling and compliance reporting • NSPS/EG/MSWAP compliance services • Compliance audits • Data management and reporting • Due diligence support services • Health and safety support services 	<p>Operations and Maintenance</p> <ul style="list-style-type: none"> • LFG collection and flare systems • LFG-to-energy systems • Leachate collection and treatment systems • Leachate evaporator systems (E-Vap) • Startup and operator training • Staff augmentation • Sampling and monitoring • O&M data management • Operational audits
<p>Design and Construction</p> <ul style="list-style-type: none"> • Landfill cell and closure design • LFG well drilling • LFG collection/flare systems installation • LFG-to-energy facilities • Leachate recirculation/bioreactor (AIRSPACE PLUS) • Construction quality assurance (CQA) and certification • Groundwater and LFG monitoring systems • GREENWELL® LFG well optimization • Transfer station, material recovery and hauling facilities • Scale house and maintenance facilities • Soil and geotechnical laboratory 	<p>Closure and Post-Closure</p> <ul style="list-style-type: none"> • Landfill end use planning/redevelopment • Cap design and closure documentation • Post-closure maintenance, monitoring and reporting • Landfill security program

CB&I supports our clients throughout all phases of a project, from planning and permitting to design, construction, operation, demolition, restoration, and redevelopment. CB&I is proud of its strong tradition of technical excellence and integrity. We provide innovative, value driven, client-focused solutions from a network of offices throughout the U.S. As one of the largest engineering and construction firms in the world, CB&I will provide extensive depth and stability to the City. Though we are a large firm with extensive resources from which to draw, the City will receive focused attention from our project team members, detailed in **Section 3** of this submittal.

Our U.S. office locations are shown below on **Figure 1**.



Figure 1. CB&I's U.S. Office Locations

2.2 CB&I Landfill Gas Services

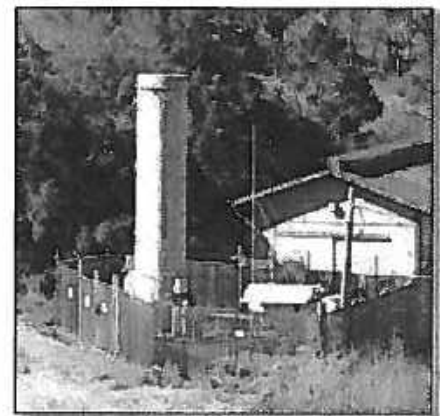
CB&I's qualifications include hundreds of successful LFG projects around the United States, including many similar to the proposed O&M services at the Bedwell Bayfront Park Landfill. We have demonstrated extensive experience with liquid (e.g., leachate, LFG condensate, groundwater) and landfill gas, including LFG system engineering, design and construction; LFG monitoring and reporting; LFG-to-energy projects; and flare stations with and without condensate injection. On many of these projects, CB&I works to ensure that sufficient quantity and quality of landfill gas is provided.

Full Service Capability

CB&I's full service capability, coupled with our own ability and experience to develop GCCS projects gives CB&I a broader range of expertise and insight that can be offered to a client considering an LFG project. CB&I has worked on hundreds of GCCS design projects across the U.S. and currently performs O&M services at more than 60 landfills throughout California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, North Carolina, New York, Ohio, Pennsylvania, Utah, Virginia, Washington, and West Virginia.

CB&I's O&M services include:

- Monthly Well Field Tuning, Monitoring, and O&M
- Quarterly Surface Emissions Monitoring and Reporting



- Routine Inspection and Maintenance
- System Evaluation and Troubleshooting
- Emergency and Non-Routine System Maintenance
- Data Recording and Record Keeping
- NSPS, NESHAP, and GHG Reporting
- Compressor O&M
- LFGTE Power Plant Support

A listing of several of our LFG O&M projects are shown in **Table 1** below.

TABLE 1 CB&I LFG O&M Projects		
Facility Name & Location	Client	Description of Work
Bedwell Bayfront Park Landfill	City of Menlo Park	Design, Permitting, Equipment, Installation of new Enclosed Flare Station, Well field Evaluation
Kaiser Permanente Hospital former Landfill	Kaiser Permanente	Monthly well field monitoring and tuning, monthly probe monitoring, quarterly surface emissions monitoring, treatment system maintenance, well design, construction oversight
Avenal Regional Landfill	Waste Connections, Inc.	Design, Permitting, CQA of new GCCS, O&M of GCCS
Madrona Landfill, Torrance, CA	City of Torrance, CA	Monthly well field monitoring and tuning, monthly probe monitoring, quarterly surface emissions monitoring, treatment system maintenance, well design, construction oversight
Jefferson Parish Landfill, Avondale, LA	Jefferson Parish, LA	LFG system O&M, Quarterly Surface Emissions Monitoring, Quarterly Opacity Monitoring, Semi-Annual NSPS and NESHAP reporting, Annual GHG Reporting, non-routine maintenance, etc.
North Landfill, Baton Rouge, LA	Advanced Disposal	LFG system O&M, Quarterly Surface Emissions Monitoring, Quarterly Opacity Monitoring, Semi-Annual NSPS and NESHAP reporting, Annual GHG Reporting, support operations of LFGTE direct use project
Millersville Landfill, Severn, MD	Anne Arundel County, MD	LFG system O&M services, Quarterly Surface Emissions Monitoring, Quarterly Opacity Monitoring, Semi-Annual NSPS and NESHAP reporting, Annual GHG Reporting
Hoffman Road Landfill, Toledo, OH	City of Toledo, OH	LFG system O&M, NSPS reporting
Fresh Kills Landfill, Staten Island, NY	City of New York, NY	LFG system O&M, Selexol LFG to pipeline quality gas plant O&M
Keystone Landfill, Dunmore, PA	Keystone Landfill, Inc.	LFG system O&M, 5.6 MW power plant development, O&M
Cherokee Run Landfill, Bellefontaine, OH	Bellefontaine Power Producers	LFG system O&M, 4.8 MW power plant development and O&M
Cuyahoga Regional Landfill, Solon, OH	Waste Management	LFG system O&M, 2,800 scfm gas compression development and O&M
Vienna Junction Landfill, Erie, MI	Republic Services	LFG system O&M
Noble Road Landfill, Shiloh, OH	Rumpke Waste	LFG system O&M
Washington County Landfill, Washington, UT	Washington County, UT	Monthly well field monitoring and tuning, Quarterly Surface Emission Monitoring, Quarterly Opacity Monitoring, Semi-Annual NSPS and NESHAP reporting, Annual GHG Reporting, Well field design and construction oversight.
Sudbury Road Landfill Walla Walla, WA	Walla Walla, WA	Monthly well field monitoring and tuning, flare station operations and maintenance, GHG monitoring

2.3 Groundwater / Leachate Services

We have performed similar environmental services for numerous facilities throughout California, including:

- Designing groundwater monitoring wells;
- Reviewing and negotiating WDRs;
- Preparation of Sampling and Analysis Plans;
- Preparation of Water Quality Protection Standards Reports;
- Collection of groundwater samples from thousands of wells, leachate risers, and hundreds of surface water points;
- Preparation of semi-annual and annual environmental monitoring reports;
- Performance of numerous comprehensive hydrogeologic investigations, studies and site characterizations; and
- Design and monitoring of dozens of piezometers and lysimeters.

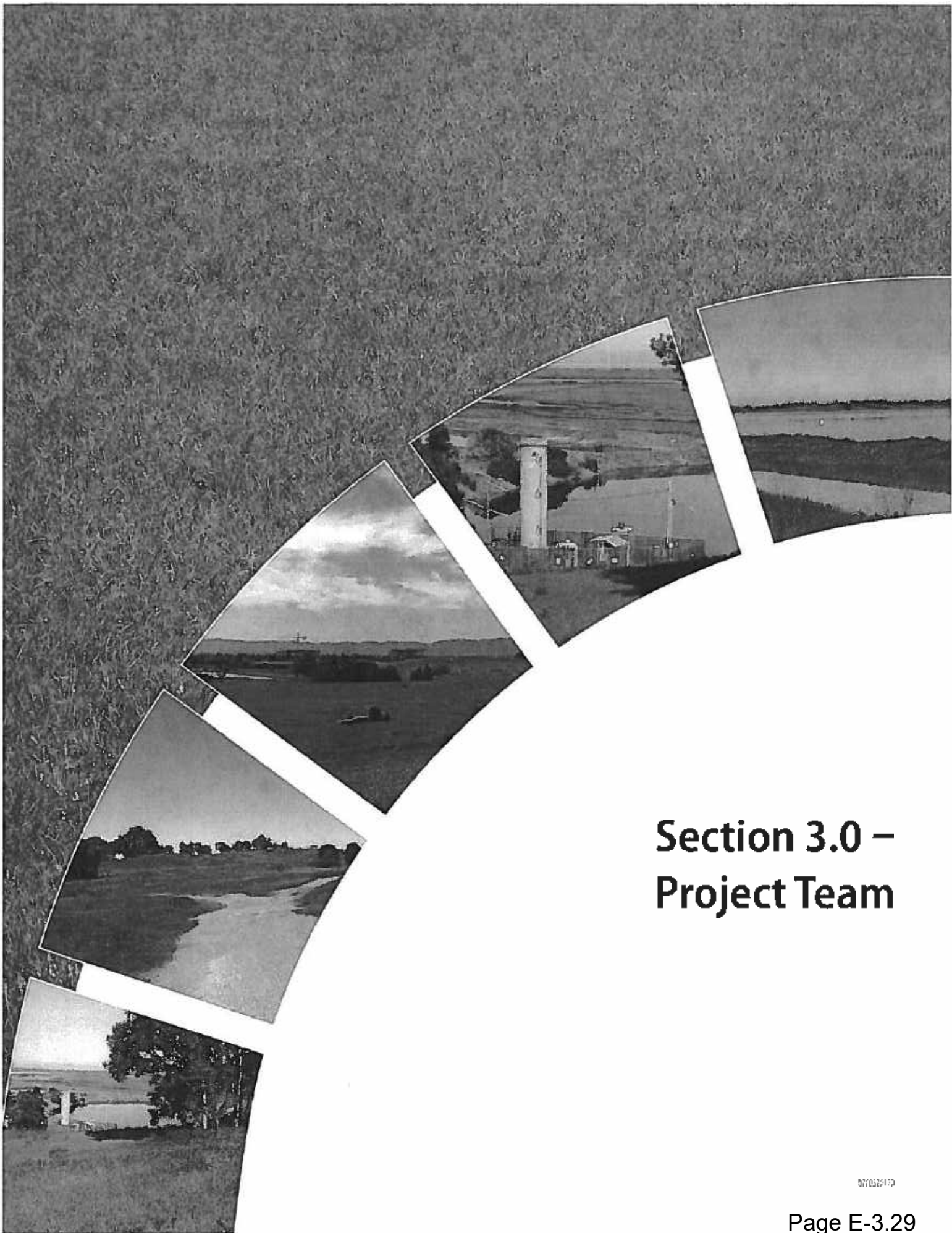
CB&I is currently providing water quality monitoring services at fifteen (15) landfill sites in California. A summary of these 15 landfill sites is presented on Table 2 on the following page.

2.4 FORTISTAR METHANE GROUP

For this project, CB&I proposes to subcontract a portion of the landfill gas field monitoring and maintenance to FORTISTAR METHANE GROUP (FORTISTAR). FORTISTAR is the incumbent for the landfill gas O&M contract at the Landfill. FORTISTAR owns a portfolio of companies in the power, transportation and industrial sectors focused on reducing the carbon footprint. FORTISTAR owns and operates 30 landfill gas to energy projects totaling 170 MW in 12 states. FORTISTAR's wellfield team comprises experienced staff that are well versed in balancing GCCS operation to achieve the dual purpose of compliance and improved collection efficiency. FORTISTAR's technicians have the unique ability to tune the wellfield to support renewable energy projects while ensuring all regulatory parameters are met or exceeded. FORTISTAR's managers are fully engaged in ensuring that collected GCCS data is analyzed and evaluated so that the recommendations for preventative maintenance can be made as needed. Non-routine repairs, if needed, are conducted expeditiously with active communication with the City. This enhances GCCS collection efficiency while providing for continued compliance and relief from nuisance related to odors and offsite migration.



TABLE 2 California Landfill Sites that CB&I Currently Provides Environmental Monitoring Services		
California Landfills	Client	Monitoring Services Provided
American Canyon Landfill	Napa Vallejo Waste Management Authority	Groundwater, Surface water, Leachate
North County Landfill	San Joaquin County	Groundwater, Surface water, Leachate
Foothill Sanitary Landfill	San Joaquin County	Groundwater, Surface water, Leachate
Harney Lane Landfill	San Joaquin County	Groundwater, Surface water, Leachate
Corral Hollow Landfill	San Joaquin County	Groundwater, Surface water, Leachate
Lake San Antonio Landfill	Salinas Valley Waste Management Authority	Groundwater
San Ardo Landfill	Salinas Valley Waste Management Authority	Groundwater
Bradley Landfill	Salinas Valley Waste Management Authority	Groundwater
York Ranch Landfill	Louisiana Pacific Corporation	Groundwater Reporting
Red Bluff Landfill	Louisiana Pacific Corporation	Groundwater Reporting
Upper Valley Landfill	Upper Valley Disposal and Recycling	Groundwater, Surface water, Leachate
Menlo Park Landfill	City of Menlo	Groundwater, Surface water, Leachate
Sunnyvale Landfill	City of Sunnyvale	Groundwater, Surface water, Leachate
Ostrom Road Landfill	Recology	Groundwater, Leachate
Yuba Sutter Disposal Site	Recology	Groundwater, Leachate



Section 3.0 – Project Team

3.0 - Project Team

CB&I has assembled a highly experienced and qualified project team to provide the services requested by the City. Each employee was selected based on their background and their availability to fulfill the City's requirements on this project. Brief descriptions of the key team members are provided on the following pages, and resumes for all project team members are provided at the end of this section. The project team organization is provided below as **Figure 2**.

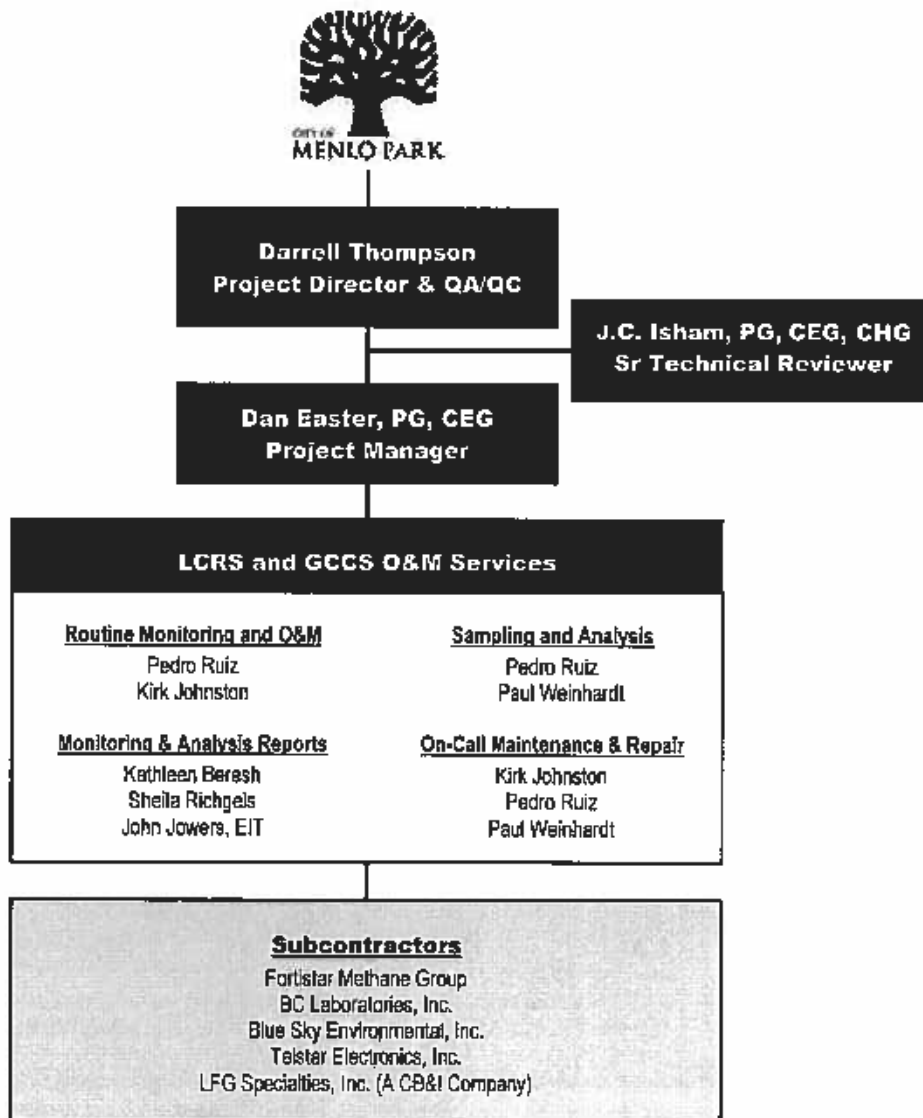


Figure 2. Project Team Organization



3.1 CB&I Key Team Members

Brief professional summaries of CB&I key team members are provided below, and detailed resumes are provided at the end of this section. Resumes for supporting technical staff are also provided at the end of this section.

Darrell Thompson - Project Director & Quality Assurance/Quality Control (QA/QC)

Education: B.S., Civil Engineering, University of Massachusetts

Mr. Darrell Thompson is CB&I's Western Regional Manager and has over 23 years of combined experience in the design, construction, O&M of LFG GCCSs and LCRSs; final cover systems / closure designs; construction management / Construction Quality Assurance (CQA) inspections; and NSPS compliance. As CB&I's Landfill Gas Program Manager, he oversees CBI's National LFG Program, and all related services including the planning, design, engineering, O&M, construction, construction oversight, and compliance services.

Mr. Thompson will serve as Project Director and will be responsible for overseeing and ensuring quality control / quality assurance for all project deliverables. As Project Director, he will own ultimate responsibility to the City, and to CB&I for technical excellence, contract administration, quality assurance and quality control, and overall performance of the project team. He will provide regular communication and reviews throughout the execution of project services among key staff members to ensure that it meets both the requirements of the City and CB&I standards. He will work closely with the Project Manager (Dan Easter) to ensure that the City's needs, goals, and objectives are clearly identified, defined and communicated to the CB&I project team, and the project budget and schedule are strictly adhered to.

J.C. Isham, PG, CEG, CHG - Senior Technical Reviewer

Education: M.S., Geology, Michigan State University
B.S., Geology, University of Wisconsin

Mr. J.C. Isham brings to this project over 43 years of experience in groundwater quality monitoring programs, landfill monitoring programs, hydrogeologic investigations/ characterizations, groundwater contamination studies, remedial action program development, and waste management issues. He specializes in water quality issues at landfills. He has been CB&I's principal hydrogeologist for groundwater monitoring programs at numerous landfills in California.

Mr. Isham will serve as Senior Technical Reviewer providing an additional level of QA/QC on analytical data / reports, and project deliverables (i.e., in addition to Mr. Thompson and Mr. Easter's technical reviews). Further Mr. Isham will provide his technical expertise for any monitoring / technical issues should they arise including, but not limited to, troubleshooting, recommending remedial actions, and acting as regulatory liaison with the Regional Water Quality Control Board. Mr. Isham will coordinate his reviews and efforts working closely with both Mr. Thompson and Mr. Easter.



Dan Easter, PG, CEG - Project Manager / Client Liaison

Education: B.A., Geology, California State University, Chico, CA

Mr. Dan Easter is a Professional Geologist and Certified Engineering Geologist (California) with over 31 years of experience in project management, environmental monitoring / reporting, remedial investigations and removal actions, land-use planning, engineering geology, hydrogeology, riparian and coastal processes, geologic hazard assessments, and comprehensive site groundwater investigations. He has been responsible for the design / development, implementation, and project management of numerous site characterizations, environmental monitoring programs, and site remediation programs. His experience also includes conducting comprehensive environmental site investigations / studies, reporting and permitting of environmental monitoring programs, and remediation / site cleanup programs, hillside grading and development, and landslide and fault investigations.

Mr. Easter will serve as Project Manager and Client Liaison for all project work. In this role, he will be the day-to-day contact for the City. Mr. Easter will coordinate the performance of all project work with his team members as well as maintain the schedule and budget. He will work closely with project team staff to ensure that the City's needs are clearly defined and communicated to the CB&I project team. He will direct the timely, efficient and effective execution of the City's project work. Mr. Easter will report to Mr. Thompson (Director) and Mr. Isham (Senior Technical Reviewer) the status of project work and deliverables and coordinate the review of draft work product with both Mr. Thompson and Mr. Isham.

Sheila Richgels - Project Sampling / Testing Coordinator

Education: A.A., General Education, Sierra Community College, Rocklin, CA

Ms. Sheila Richgels has been a project/sampling coordinator for over 30 years. She maintains client contact, supervises field sampling staff, schedules sampling events, prepares sampling calendars, coordinates analytical testing, revises schedules based on workloads, prepares job setups for sampling events, liaison for laboratories and clients concerning analysis, and reviews sampling protocol / sampling containers / chain-of-custody documentation. She manages projects for several landfill clients that require monthly and quarterly letter report submittals to various regulatory agencies. Ms. Richgels will be responsible for ensuring all samples are prepared properly by field personnel and shipped to the BC Laboratories, Inc. for analysis. Ms. Richgels will ensure Chains of Custody are properly executed and will distribute analytical data to project personnel upon receipt. Ms. Richgels will be in frequent communication with the Project Manager (Mr. Easter) key project staff, BC Laboratories, and City personnel.

Paul Weinhardt – Supervising Field Technician (Sampling, Monitoring, O&M, Repairs)

Mr. Paul Weinhardt has been providing field expertise for geologists and engineers for more than 21 years. His experience includes groundwater monitoring, O&M of groundwater and soil vapor extraction systems, soil sampling, and well development. Mr. Weinhardt has been CB&I's primary field technician for groundwater monitoring programs in Northern California. These programs have included groundwater monitoring wells, lysimeter systems, and leachate collection systems. Mr. Weinhardt follows strict adherence to quality assurance and quality control protocols contained in the site specific Field Sampling Plans and Quality Assurance Project Plans. Mr. Weinhardt has worked at dozens of solid waste landfill sites and over 300 other water quality monitoring facilities. He will work closely with Mr. Easter and Ms. Richgels and will perform field monitoring / sampling activities, routine O&M services, and on-call maintenance / repairs as needed.



Pedro Ruiz - Field Technician (Sampling, Monitoring, O&M, Repairs)

Mr. Ruiz is a CB&I field technician with over 15 years of experience in the environmental field. His experience includes environmental monitoring / sampling, O&M of groundwater treatment systems, installation of innovative remedial systems modifications of remedial systems, tank removals, and air / soil / groundwater / surface water sampling. Mr. Ruiz will work closely with Mr. Easter and Ms. Richgels and will perform field monitoring / sampling activities, routine O&M services, and on-call maintenance/repairs as needed.

Kathleen Beresh - Project Scientist (Air Quality Compliance Monitoring / Reporting)

Education: B.A., Environmental Studies, University of California, Santa Barbara, CA

Ms. Beresh serves as compliance specialist for CB&I's Regulatory Compliance Group. She has 10 years of professional experience in environmental permitting and compliance, environmental monitoring data management / evaluation / reporting, and landfill groundwater and air pollution monitoring and reporting programs. She has performed Title V and NSPS reporting and permit reviews, performed data collection and analysis, and quality assurance of compliance demonstration reports. Ms. Beresh will report directly to Mr. Easter and assist him as directed in the preparation of monitoring and analytical data reports (i.e., data reduction, compliance evaluation, and reporting).

John Jowers, EIT - Project Engineer (Data Analysis / Reporting)

Education: B.S.E., Environmental Engineering, Northern Arizona University

Mr. Jowers is an environmental engineer with 4 years of professional experience in the solid waste landfill and environmental field. His experience includes environmental compliance reviews, landfill site planning and design, environmental monitoring and reporting for landfills and other solid waste facilities, vadose zone and landfill gas monitoring, LFG GCCS operation / monitoring / tuning, landfill final cover integrity inspections, and site stormwater system inspections. He also has project experience in groundwater detection monitoring and remediation at impacted sites throughout California. Mr. Jowers will report directly to Mr. Easter and assist him as directed in the preparation of monitoring and analytical data reports (i.e., data reduction, compliance evaluation, and reporting).

3.2 Subcontractors

FORTISTAR METHANE GROUP

For this project, CB&I proposes to subcontract a portion of the landfill gas field monitoring and maintenance to FORTISTAR METHANE GROUP (FORTISTAR). FORTISTAR is the incumbent for the LFG O&M contract at the Landfill. FORTISTAR owns a portfolio of companies in the power, transportation and industrial sectors focused on reducing the carbon footprint. FORTISTAR owns and operates 30 landfill gas to energy projects totaling 170 MW in 12 states. FORTISTAR's wellfield team comprises experienced staff that are well versed in balancing GCCS operation to achieve the dual purpose of compliance and improved collection efficiency. FORTISTAR's technicians have the unique ability to tune the wellfield to support renewable energy projects while ensuring all regulatory parameters are met or exceeded. FORTISTAR's managers are fully engaged in ensuring that collected GCCS data is analyzed and evaluated so that the recommendations for preventative maintenance can be made as needed. Non-routine repairs, if needed, are conducted expeditiously with active communication with the City. This enhances GCCS collection efficiency while providing for continued compliance and relief from nuisance related to odors and offsite migration. At this project, FORTISTAR proposes to use Feliciano Equivel, who has over 10 years of experience monitoring and maintaining the Landfill GCCS.

BC Laboratories, Inc.

BC Laboratories, Inc. was selected by CB&I as the most reasonably priced and best qualified provider of analytical services for this proposal based on their current working relationship with CB&I. The selection of an analytical laboratory is an important consideration. High quality analytical data is necessary for compliance with the WDRs. CB&I selected BC Laboratories based on the following criteria:

- BC Laboratories is a full-service environmental laboratory certified in the State of California and part of the Department of Energy's ICPT National Agreement for Analytical Services.
- BC Laboratories has a 29,000-square-foot facility specifically designed to assist the quality sector of the analytical process. Within the facility, highly trained personnel work with state-of-the-art instrumentation under an active QA/QC program to provide reliable quality results. Instrumentation includes 16 GC/MS instruments, 14 GC's dedicated to specific analyses, 1 ICP/MS, 3 ICAP's, 2 GFAA units, 4 IC's, 6 multi-chemistry auto analyzer systems, 1 Konelab20 analyzer and various other equipment necessary to guarantee backup systems to every test run.
- All (89) employees are on a continuing training program that includes interviewed evaluations conducted on an annual basis.
- Constant reinvestment by the ownership has kept BC Lab current with new instrumentation and advanced analytical technologies.
- BC Laboratories supplies custom reporting of analytical data with the aid of a full-time LIMS manager and two full-time assistants who update and maintain a custom Laboratory Information Management System.



Blue Sky Environmental, Inc.

Blue Sky Environmental, Inc. (Blue Sky) will be subcontracted by CB&I to perform the enclosed flare stack emissions testing in accordance with the Landfill's Bay Area Air Quality Management District (BAAQMD) Permit / Plant No. A3499. Blue Sky is a California Air Resources Board (CARB) independent contractor that offers professional air emissions source testing services in the San Francisco Bay Area, and specializes in gaseous emissions monitoring. Blue Sky utilizes United States Environmental Protection Agency (EPA), CARB and BAAQMD approved test methods, with the goal of reporting accurate and defensible data that surpasses the expectations and requirements of our clients and applicable regulatory agencies. Blue Sky offers testing services that are extremely competitive by keeping overhead low, while heavily investing in new equipment.

Telstar Instruments, Inc.

Telstar Instruments, Inc. (Telstar) will be subcontracted by CB&I to perform the annual flow meter calibration verification at the enclosed flare station. Telstar has been providing this service for the last 4 years. Telstar Instruments is a state certified instrumentation and controls integrator specializing in PLC_SCADA systems, measurement instrumentation, and automated process controls. Telstar provides complete on-site maintenance and calibration services, for all brands of instrumentation. Telstar provides service, repair, calibrate, install, maintain, and start up all types and brands of PLC's, VFD's, process control instrumentation, radio telemetry, and SCADA systems.

LFG Specialties, Inc. (A CB&I Company)

LFG Specialties, Inc., a CB&I Company, designs and manufactures landfill gas flares, blower skids, compression skids, wellheads, and leachate evaporators. In fact, LFG Specialties manufactured the enclosed flare station at the City's Bedwell Bayfront Park Landfill. Should any parts or troubleshooting be needed, CB&I's team can quickly reach out to the flare factory to order replacement parts or schedule service.



Darrell H. Thompson

**CB&I - Western Regional Manager
Sacramento, CA**

Professional Qualifications

Mr. Thompson has over 24 years of combined experience in landfill gas control, gas and leachate systems operations and maintenance, New Source Performance Standards (NSPS) compliance, landfill closure design, landfill redevelopment, construction management and inspection, stormwater and erosion control, waste soils management, and site investigations. Mr. Thompson is CB&I's Western Regional Manager for Solid Waste Engineering and O&M Services. He manages engineering and O&M services for landfill development, closure, gas collection and control system (GCCS) projects, groundwater monitoring, and air quality compliance.

Education

BS, Civil Engineering, University of Massachusetts, Lowell

Registrations/Certifications

- Engineer in Training, No. 114110
- OSHA Hazardous Waste Site Health and Safety Training (CFR 1910.120)
- OSHA Hazardous Waste Site Supervisor Training (CFR 1910.120)
- OSHA Confined Space Entry (CFR 1910.120)
- Caltrans 24-Hour SWPPP Preparer

Relevant Experience

- Marsh Road Landfill, Menlo Park, CA - Project Manager, Enclosed Flare Station. Responsibilities included designing and permitting a new enclosed 1,500 scfm enclosed flare station, overseeing construction, and coordinating the initial performance test.
- Avenal Landfill, Avenal, CA - Project Manager, Engineering Services. Mr. Thompson managed the design, permitting, bidding and COA of a new GCCS and enclosed flare station at the Avenal Landfill.
- Shasta County West Central Landfill, Igo, CA - Project Manager, Design & Installation of GCCS. Mr. Thompson's responsibilities included designing the GCCS piping network, perimeter condensate sumps, vertical LFG collection wells, and an enclosed flare station with condensate injection. Mr. Thompson supervised the preparation of an NSPS Design Plan, Startup, Shutdown, and Malfunction (SSM) Plan, Green House Gas (GHG) Monitoring Plan, and preparation of an Operations and Maintenance (O&M) training program for County personnel. He supervised the preparation of an O&M Manual for the GCCS and flare station and the as-built report.
- Washington County Landfill, Washington, UT - Project Manager, Design & Installation of GCCS. Mr. Thompson's responsibilities included designing the GCCS piping network, condensate sump, vertical LFG collection wells, and an open (utility) flare station. Work included oversight of the preparation of a Startup, Shutdown, and Malfunction Plan, Surface Emissions Monitoring Plan, Hydrogen Sulfide Monitoring protocol, and implementation of a GHG Monitoring Plan. He supervised the preparation of an O&M Manual for the GCCS and flare station and the as-built report.
- Central Landfill, Sonoma County, CA - Project Manager, Performance Evaluation. Responsibilities included evaluating nearly 200 wells at the Central Landfill in Sonoma County, CA and inspecting the layout of headers, sumps, and reviewing power plant operations to assess where improvements in landfill gas recovery could be made to increase energy production and decrease landfill emissions.
- American Canyon Landfill, Napa Vallejo Waste Management Authority - Project Manager, Engineering Services, Design of Reinforced Fiberglass Leachate Storage Tanks. Responsibilities included managing the design of four 27,500-gallon fiberglass reinforced leachate storage tanks and distribution piping for the American Canyon Landfill.

- Waste Management of Hawaii Landfills, Project Manager, Groundwater, Stormwater, and Leachate Monitoring. Mr. Thompson is managing groundwater, stormwater, and leachate monitoring services provided at three (3) landfills operated by Waste Management of Hawaii.
- Sunshine Canyon Landfill, Sylmar, CA - Project Manager, GCCS Improvements. Responsibilities included preparation of an updated NSPS Design Plan, design of over 150 vertical and horizontal landfill gas collection wells, final header improvements, improvements, lateral piping, and assisted with the preparation of a landfill gas Master Plan.
- Coffin Butte Landfill, Corvallis, OR - Project Manager, GCCS Improvements. Responsibilities included the design of vertical and horizontal gas extraction wells, collector piping, down-hole pumps, air and condensate force main, and a new compressor station.
- West Contra Costa County Landfill, Richmond, CA. - Project Manager, Enclosed Flare Station Design. Responsibilities included designing a new enclosed flare station to process landfill gas from Class 1 and Class 2 landfill gas well fields and to route Class 2 landfill gas to an onsite power plant. Challenges included separating Class 1 LFG from Class 2 landfill gas and designing instrumentation and valving to divert LFG based on power plant demand.
- Various Waste Management Inc. landfills, CA and WA. Project Manager, GCCS Improvements, Landfill include the Kirby Canyon Recycling and Disposal Facility, Guadalupe Rubbish Disposal Facility, Altamont Landfill Resource Recovery Facility, Redwood Landfill, Tri Cities Recycling and Disposal Facility, Anderson Landfill, Olympic View Landfill, and the Wenatchee Regional Landfill. Responsibilities included the design of gas extraction wells, collector piping, condensate management systems, and enclosed flare stations or improvements thereof. Assisted with the bidding and construction oversight of all projects and prepared CQA Reports.
- Western Regional Sanitary Landfill (WRSL), Lincoln, CA -Project Manager, O&M of GCCS. Responsibilities included supervising field technicians performing maintenance of the GCCS, troubleshooting flare station operations, coordinating regular source testing of the WPWMA flare, designing improvements to landfill gas collection, preparing monthly and quarterly reports in compliance with the NSPS and local air district regulations. Ensured compliant operation of the GCCS and providing landfill gas to an onsite power plant. Supervised the preparation of an updated NSPS Design Plan and SEM Plan for WRSL.
- Republic Services Group, Inc. Azusa Land Reclamation Company Landfill, Azusa, CA - Project Manager, O&M of GCCS. Responsibilities included supervising field technicians performing well field monitoring, operating the condensate treatment system and leachate pumps, and preparing compliance reports.
- Waste Management, Inc. Bradley Landfill and Recycling Center in Sun Valley, CA - Project Manager, O&M of GCCS. Responsibilities included managing the operations and compliance of a 200-acre well field, three enclosed flares, a landfill gas compression plant, and providing landfill gas to two power plants.
- Los Angeles Department of Water and Power (LADWP) Microturbine Facility, Lopez Canyon Landfill, Lakeview Terrace, CA - Project Engineer and O&M Support. Responsibilities included assisting in the engineering evaluation and inspection of LADWP's gas processing equipment installation and provided O&M training of the gas processing equipment to LADWP personnel. Responsible for preparing training aids and an O&M manual for the gas processing equipment, and for overseeing the preparation of system as-built drawings.
- Project Manager, Permitting, Plans and Specs for Various Landfills, Various Locations, MA. Responsibilities included preparing landfill closure plans, specifications, permit applications, and public bidding documents. Conducting waste delineations, prepared grading and drainage plans, and directed landfill operators toward closure grades. Providing construction management. Performing engineering inspection of cap construction, processing payment requisitions and change orders, and preparing certification reports and as-builts.



**CB&I - Client Program Manager
Sacramento, CA**

Professional Qualifications

Mr. Isham has over 43 years of professional experience in providing sound environmental and engineering guidance to both private and public stakeholders and policy makers. He has authored several hundred scientific reports and developed environmental restoration programs for solid waste, industrial, power industry, mining, and military facilities. Mr. Isham has been responsible for conducting hydrogeologic and geotechnical studies regarding the design, construction, and operation at dozens of landfills. He is also responsible for maintaining client and regulatory liaison and providing compliance with state and federal regulations. He provides expert witness testimony on water and waste management issues.

As a professional geologist, certified engineering geologist, and certified hydrogeologist in California, Mr. Isham is recognized as an expert in the field of water quality and waste assessment. He was one of the first professionals to be licensed as a hydrogeologist in California. Mr. Isham was selected as one of seven "mentors" of hydrogeology by the California Board of Registration for Geologists and Geophysicists to prepare the first hydrogeology exam for the State of California.

Governor Schwarzenegger appointed Mr. Isham to the Central Valley Regional Water Quality Control Board (RWQCB), which is responsible for issuing landfill regulations. He is currently a member of a panel of experts on the RWQCB's Groundwater Monitoring Advisory Workgroup, which provides water quality guidance on surface water, storm water, and groundwater. In this capacity, he authored a white paper to Board staff on how to review landfill scientific reports. He was instrumental in the approval of many Waste Discharge Requirements for landfills and therefore is an expert in Title 27 landfill regulations. While a Board member, he received specialized training from one the chief attorneys of the State Water Resources Control Board on the execution of orders issued by the RWQCB. This training is only available to Board Members.

Mr. Isham has been elected and appointed by his professional peers to many positions of responsibility including: past Sacramento section Chairman of the Association of Engineering and Environmental Geologists, past Chairman of the Architects and Engineers Conference Committee of California, past Sacramento and San Francisco section Vice-President of Groundwater Resources Association of California. As such, Mr. Isham has received several professional service awards.

Mr. Isham was appointed the Chairman of the Legislative Committee for the California Board of Registration for Geologists and Geophysicists. Governor Davis also appointed Mr. Isham to the California State Mining and Geology Board (SMGB). As such, he oversaw the Alquist-Priolo Earthquake Fault Zoning Act, the Seismic Hazards Mapping Act, and the Surface Mining and Reclamation Act. While he was a member of the SMGB, he was the Chairman of Mining Standards Committee, where he oversaw the review and approval Environmental Impact Reports for major surface mining activities. He was also a member of the SMGB's GeoHazards Committee. He oversaw the work of the State Office of Mine Reclamation and the California Geologic Survey. He is currently Vice Chairman of a technical committee of the SMGB to revise the Alquist-Priolo Earthquake Fault Zoning Act on the regulation of active faulting and the zoning of building setbacks from active faults. He held the position on the SMGB of mining engineer.

Through CB&I's USEPA Region 9 Superfund contract, Mr. Isham provides EPA staff with expert advice on CERCLA and RCRA waste management regulations at Superfund sites.

Education

MS, Geology, Michigan State University, Lansing, MI
BS, Geology, University of Wisconsin, Oshkosh, WI

Registrations/Certifications

Licensed Engineering Geologist, 1986, 1321, Active, California, 06/2013
Professional Geologist, 1984, 3893, Active, California, 06/2013
Professional Hydrogeologist, 1995, 007, Active, California, 06/2013

Relevant Experience

Landfill Compliance Monitoring:

- Mr. Isham managed the compliance with California Title 27 monitoring requirements at dozens landfills in San Joaquin, Sacramento, Solano, Napa, Yuba, Mendocino, Shasta, Kern, Sonoma, Monterey, Glenn, San Francisco, San Mateo, Alameda, Santa Clara, Stanislaus, Colusa, Calaveras, and Contra Costa counties. In San Joaquin County, he manages the water quality programs at the North County, Foothill, Harney Lane, and Corral Hollow Landfills.
- He coordinated hydrogeologic investigation; aquifer testing; and design, installation, operation, and maintenance of remediation systems at the Altamont Landfill in Alameda County, the Austin Road Landfill in San Joaquin County, the Sonoma Central Landfill in Sonoma County, American Canyon Landfill in Napa County, and the Geer Road landfill in Stanislaus County.
- Managed the reclamation of the Jamestown Mine to protect groundwater and surface water resources for the Attorney General's Office and the Jamestown Trust, Tuolumne County, California.
- Conducted hydrogeologic investigations for sludge waste disposal ponds at several coal-fired power plants in Michigan, Montana, Wyoming, Louisiana, and Florida to protect groundwater and surface water resources.
- Managed a hydrogeologic investigation, remedial action planning, groundwater monitoring, and closure at an industrial facility in Newark, California.
- Managed a site assessment, hydrogeologic investigation, wastewater treatment, and remedial action planning for an industrial facility in Richmond, California.
- Managed a hydrogeologic investigation, groundwater monitoring, remedial action planning, and closure at dozens of underground storage tank sites for several major petroleum companies in California to protect groundwater resources.
- Performed a hydrogeologic investigation, remedial action planning, and 30-day tidal influence study at a major petroleum tank farm in Sacramento, California.
- Conducted a hydrogeologic investigation of toxic pits containing polychlorinated biphenyls, chromium plating, and volatile organic wastes in Willits, California.

Landfill Design, Permitting and Construction / CQA:

- Mr. Isham managed the permitting and design of many composite base liner and final cover systems at landfills in northern California including those in San Joaquin, Sacramento, Stanislaus, Calaveras, Solano, Yuba, Fresno, Tulare, Placer, Napa, Kern, Sonoma, Monterey, Glenn, Mendocino, Santa Clara, and Colusa counties. In San Joaquin County, he was involved with the base liner design at the North County and Foothill Landfills. In Tulare County, he prepared a special report to the Water Board that allowed the County to lower the base and increase the fill capacity at the Woodville Landfill.
- Mr. Isham managed the construction quality assurance programs for over a dozen composite base liner systems and several final cover systems at landfills in northern California; including the American Canyon Landfill in Napa County, the YSDI, Ostrom Road, and Ponderosa Landfills in Yuba County, the Hay Road Landfill in Solano County, the Willits Landfill in Mendocino County, and the Eastern Regional and Western Regional Landfills in Placer County. He managed the design and construction of a special slurry wall at the toe of the York Ranch Landfill in Mendocino County.

- Mr. Isham managed the Liner Performance Demonstration Report and the hydrogeologic modeling to support the expansion of several landfills in the Central Valley of California including San Joaquin, Fresno, Sacramento, Stanislaus, and Glenn counties. In San Joaquin County, he prepared the VLEACH monitoring reports at the North County and Foothill Landfills. He managed the Evaluation Monitoring Program and the design, permitting and construction of the final cover on the mine waste cell at the Jamestown Mine under contract to the Central Valley Water Board and the Attorney General's Office.
- He managed reclamation feasibility study for the South Coast Landfill in Mendocino County, which is situated on the San Andreas Fault. Mr. Isham performed geologic and engineering investigations and closure of a Class I hazardous waste management unit at the John Smith Landfill in Hollister, California.



Daniel R. Easter, PG, CEG

**CB&I - Project Manager
Sacramento, CA**

Professional Qualifications

Mr. Easter is a Professional Geologist and Certified Engineering Geologist (California) with over 31 years of experience in project management, remedial investigations and removal actions, land-use planning, engineering geology, hydrogeology, riparian and coastal processes, geologic hazard assessments, and groundwater investigations. He has been responsible for design, implementation, and management of numerous site characterization, environmental monitoring, and remediation programs. His experience includes conducting site studies, permitting, preliminary design, preparing planning documents, aerial photographic analysis, designing and installing environmental monitoring systems, hillside grading and development, and landslide and fault investigations.

Mr. Easter has extensive experience in project management, and staff hiring and management including: project proposal preparation and presentation, budget preparation and tracking, client communications and meetings, liaison and reporting to local, state, and federal agencies. He has supervised and conducted investigations and projects for public agencies, commercial and residential developers, and private landowners.

Education

BA, Geology, California State University Chico, Chico, CA

Registrations/Licenses

- Licensed Engineering Geologist, 1995, 1962, Active, California, 05/2017
- Professional Geologist, 1993, 5722, Active, California, 05/2017

Certifications / Training

- OSHA 40-Hour HAZWOPER Hazardous Waste Site Health and Safety Training (CFR 1910.120)
- OSHA 8-Hour HAZWOPER refresher training

Relevant Experience

- Task Manager, U.S. Department of the Navy, Task Order for Chocolate Mountain Aerial Gunnery Range, California MCAS Yuma, Arizona. Mr. Easter was the Task Manager for a Navy Task Order to perform a Range Activity Survey for a real estate transaction between the U.S. Navy and the Department of the Interior, Bureau of land management that includes identification and consolidation of UXO and range debris for future disposal. The work included preparation of a work plan, site safety and health plan, technical report, communications and project management responsibilities with Navy RPM. The firm fixed price task order totaled \$0.43M.
- Task Manager, U.S. Department of the Navy, Task Orders for Naval Air Station (NAS) Fallon, Nevada, NAS Lemoore, California. Mr. Easter was the Task Manager for four Navy Task Orders that included environmental site assessment for a Navy F-18 jet crash, landfill characterization soil and groundwater sampling, preparation of work plans, sampling and analysis plans, site safety and health plans, technical reports, communications and project management responsibilities with Navy RPM. The firm fixed price task orders totaled \$1.0M.
- Technical Lead, SR401 Skeet Range Remedial Action, U.S. Air Force, McClellan AFB, California. Mr. Easter was the technical lead for the \$1.5M firm fixed price remedial action project at the Former McClellan Air Force Base. The goal of the SR401 Skeet Range remedial action was to remove soils impacted with lead and PAHs to protect human health and the environment and make the site suitable for industrial reuse. Mr. Easter was the primary author for a Remedial Action Work Plan and Remedial Action Completion Report.

- Technical Lead, Hunters Point Shipyard, Naval Facilities Engineering Command, Southwest, Hunters Point Shipyard. Mr. Easter was the technical lead for the \$12.6M firm fixed price remediation project at Hunters Point Shipyard in San Francisco, California. He was responsible for developing the work plan for the Time Critical Removal Action (TCRA) for remedial excavation and backfilling in a radiologically and unexploded ordnance (UXO) impacted area. Mr. Easter and the project team successfully removed 40,000 yd³ of soil impacted with PCBs, hydrocarbons, copper, and lead. The team conducted remedial excavations within upland and shoreline tidal zones which elevated the regulatory review process. Due to the increase in regulatory activity, Mr. Easter incorporated additional corporate best management practices that ensured protection of San Francisco Bay waters. Mr. Easter worked with approximately 25 field personnel, including scientists, supervisors construction equipment operators, radiological technicians, UXO technicians, and laborers in order to successfully excavate, dewater, screen for radiological and UXO material, conduct storm water pollution prevention, and perform soil hauling activities. Mr. Easter prepared presentations and attended the Navy's Base Realignment and Closure Cleanup Team meetings. He also established regular communication with the Navy's Remedial Project Manager, and provided senior technical support.
- Construction QA Manager, Kiefer Road Landfill, Sacramento County Waste Management, Sacramento County, California. Mr. Easter managed the installation of the Module 3 liner system (43 acres) for Kiefer Road Landfill, Sacramento County, California. The project was awarded the 2009 Project of the Year Environment, Solid Waste \$10M to \$50M category by the American Public Works Association. Mr. Easter managed the construction quality assurance of the Module 3 landfill liner, which covered an area of approximately 43 acres. His team successfully executed all construction-related activities including excavation of over 3.5 million yd³ of soil; preparing subgrade; installing a double composite liner over the base of the cell; installing a leak detection layer; installing a single composite liner over the side slopes; constructing a primary leachate collection and removal system (LCRS); placing an operations layer over the base area; placing screened sand as the operations layer over a portion of the side slope area; and screening sand for use as a side slope operations/drainage layer as refuse was placed. Mr. Easter conducted oversight as the team placed and compacted approximately 250,000 yd³ of clean fill material as drainage rock, sump gravel, and operations-layer soil.

Experience Prior to Joining CB&I

- 11/2004 - 04/2008: Senior Vice President of Development, Southfork Development Group, El Dorado Hills, California. Managed the development aspects of property acquisition, due diligence, design, and construction of properties identified for redevelopment and new construction. Properties included: commercial office and flex warehouse; single-family subdivision; waterfront developments including marinas, club houses, and boat storage buildings; and self-storage facilities. Properties located in California, Florida and North Carolina.
- 08/2002 - 11/2004: Supervising Geologist, Alisto Engineering Group, Rancho Cordova, California. Managed geologists and conducted groundwater quality investigations for waste water treatment facilities in Northern California (East Bay Municipal Utility District) Conducted site assessments, waste characterizations, investigations, and installation of groundwater monitoring systems at numerous landfills in California. Managed routine self-monitoring programs for solid waste management facilities in California, including preparation of quarterly monitoring reports, work plans, proposed monitoring programs, storm water pollution prevention plans, health and safety plans, transportation plans, and earthquake contingency plans. Conducted peer reviews for the State Board for Geologists and Geophysicists Enforcement Unit.
- 08/1994 - 08/2002: Senior Engineering Geologist, EMCON/OWT, San Jose/Sacramento, California. Conducted site assessments, waste characterization, investigations, and installation of groundwater monitoring systems at numerous landfills in California and Nevada. Managed and conducted engineering geologic investigations and site studies for municipal and privately owned solid waste landfill expansions and closures in California and Nevada. Managed routine self-monitoring programs for solid waste management facilities in California, including preparation of quarterly monitoring reports, work plans, proposed monitoring programs, storm water pollution prevention plans, health and safety plans, transportation plans, and earthquake contingency plans. Managed a contaminated soil management program during redevelopment of a former steel mill site and construction of a retail store in Emeryville, California. Conducted fault investigations of portions of the active Imperial fault in California.

- 08/1985 - 08/1994: Engineering Geologist, William Cotton & Associates, Los Gatos, California. Provided peer review of the geologic and geotechnical aspects of residential land development for the Town of Los Altos Hills, California. Conducted numerous landslide investigations, developed and implemented slope repairs, and completed site restorations in California and Hawaii. Supervised engineering geologists, performed engineering geologic site inspections, evaluated geologic hazards, reviewed building permit applications, performed peer review of engineering geologic and geotechnical engineering reports, and prepared recommendations to the County Planning Department for the Santa Cruz County Earthquake Recovery Work Unit following the October 17, 1989, Loma Prieta Earthquake. Performed engineering geologic and foundation investigations for roadways, trails, foot bridges, retaining walls, and buildings in California. Conducted fault investigations of portions of the active Hayward, Imperial, and San Andreas faults in California. Evaluated flood damages, potential causes, and mitigation measures for a portion of the Napa River in St. Helena, California. Provided design and construction oversight for residential and commercial development grading projects involving cuts and fills, surface and subsurface drainage improvements, erosion and sedimentation controls, and structural foundations.



Kathleen Beresh

**CB&I - Environmental Scientist / Compliance Specialist
Sacramento, CA**

Professional Qualifications

Ms. Beresh serves as compliance specialist for CB&I's Regulatory Compliance Group. She has 10 years of professional experience in environmental compliance, data management, and landfill and hazardous materials compliance. She has extensive experience with landfill permitting, NSPS, Title V compliance reports and permit review, landfill GHG compliance reporting and plans, and review and quality assurance of compliance demonstration reports.

Education

BA, Environmental Studies, University of California, Santa Barbara

Registrations/Certifications

- 40-Hour Health and Safety Training
- 8-Hour Annual HAZWOPER Refresher Certification
- DOT and IATA Hazardous Materials/Dangerous Goods Shipment Training
- Certificate of Completion, AERMOD Modeling for Permits
- CARB – Portable Equipment Registration Program
- CEQA and NEPA Environmental Impact Reporting

Relevant Experience

- Engine and Flare Performance Testing, Various Locations. Managed performance testing of the new landfill gas (LFG) flare and LFG-to-energy (LFGTE) engines, as well as review and submittal of the testing protocol and testing report to local agencies pursuant to California Assembly Bill 32 (AB 32) landfill methane rule and permit requirements.
- Project Manager, Air Compliance and Reporting for MSW Landfills in California, Nevada, Utah, and Hawaii. Ms. Beresh's responsibilities included data management, agency communication, staff management, and reporting. Responsibilities included preparation and submittal of the Air Emission Inventories; quarterly and semi-annual monitoring and deviation reports; preparation and submittal of Semi Annual New Source Performance Standards (NSPS) monitoring reports; and general air permitting compliance, and GHG emissions compliance. She also served as a client representative during regulatory inspections with local agencies.
- Project Manager, Landfill Monitoring and Compliance, Various Locations. Ms. Beresh oversaw the gas extraction well sampling, surface emissions monitoring, and compliance under Subpart WWW for landfills in California and Nevada. She was responsible for data management, agency communication, staff management, and reporting.
- Compliance Audits, Confidential Clients, Various Locations. Ms. Beresh collected data and prepared compliance audits, completed analysis of situations and data for preparation of material and evidence for use in hearings, lawsuits, and response to regulatory agencies.
- Compliance Plans, Various Locations. Ms. Beresh prepared standard operational procedures and plans, technical design plans, and monitoring and reporting plans, to ensure operations were in compliance with applicable rules and regulations.
- Reimbursement Program Financial Analyst, NYC Build It Back: Hurricane Sandy Housing Recovery Operations, New York City Office of the Mayor's Housing Recovery Operations, New York, New York. Completes review and financial analysis of reimbursement applications, coordinates with vendors to troubleshoot eligibility issues, and assists with reimbursement database management and tracking.

- Uniform Relocation Act (URA) Program Support NYC Build It Back: Hurricane Sandy Housing Recovery Operations, New York City Office of the Mayor's Housing Recovery Operations, New York, New York. Assisted with implementing the Build it Back URA program, database management and tracking, and completion of required notifications.
- Hazardous Waste Transportation and Disposal. Requested quotes from vendors and provided clients with bids to complete transportation and disposal of regulated hazardous waste at various California facilities. Coordinated with selected vendors to complete awarded projects, and prepared required hazardous waste disposal documentation in compliance with state and federal regulatory requirements.
- Regulatory Updates. Ms. Beresh has participated in stakeholder meetings and webinars as a client representative in order to address industry concerns regarding new and modified regulations and policies. She also keeps current on regulations and policies in order to provide clients with pertinent regulatory information and recommendations, such as determining requirements to maintain compliance..



John Jowers, EIT

**CB&I - Project Engineer
Sacramento, CA**

Professional Qualifications

Mr. Jowers has filled project management, environmental compliance, planning and design, and reporting roles for multiple solid waste processing and disposal sites. His recent experience with CB&I includes providing construction quality assurance and design support for landfill closure and gas extraction well construction, soil and groundwater sampling for environmentally impacted sites, environmental remediation field oversight, and developing regulatory compliance plans for California composting and solid waste processing sites. His experience prior to joining CB&I included managing environmental and regulatory compliance for varied solid waste sites in both California and Arizona.

Mr. Jowers' recent landfill design and construction quality assurance experience with CB&I includes developing design plans for landfill gas well construction; on-site construction oversight; verification of compliance with specifications and plans; equipment submittal review; and summary report preparation. Responsibilities for environmental compliance of general sites includes: site investigations and plan creation for California spill prevention and storm water compliance; rational method analysis of storm water transmission and detention; hazardous and special waste disposal auditing; and groundwater sampling and remediation site activities.

Mr. Jowers' experience in landfill compliance and operation prior to joining CB&I included various field and office work, to include: GPS surveying of landfill surfaces; surface drafting, analysis, and planning; operator management and waste placement determination; landfill gas extraction and flare system operation; vadose zone and emissions monitoring; conducting permit-required site inspections; regulatory report drafting; regulatory agency correspondence and negotiation; and waste acceptance determination.

Education

BS, Environmental Engineering, Northern Arizona University, Flagstaff, AZ

Registrations / Certifications / Training

- Engineer in Training, License No. 151101, Active, California, 2013
- Title 22 California Hazardous Waste Generator, Assn of Bay Area Governments Training Ctr, 2013
- Stormwater Best Management Practice, Industrial and Commercial, CSU, Sacramento, 2014
- Applied Groundwater Statistics, Sanitas Technologies, 2015
- Qualified Industrial Stormwater Practitioner, Active, California, 2016
- OSHA 40-Hour HAZWOPER Training, 2016

Experience and Background

Total years of related experience: 4

Relevant Experience

- Project Engineer, Gas Extraction System Upgrades, Foothill Sanitary Landfill, San Joaquin County, CA. Mr. Jowers provided recent support to San Joaquin County in drafting plans for landfill gas extraction system upgrades and creating closure documents for inactive portions of Foothill Sanitary Landfill. Mr. Jowers drafted landfill gas system upgrades to include vertical wells, piping, fittings, and design changes as field conditions warrant.
- Project Engineer, Module I Closure, Foothill Sanitary Landfill, San Joaquin County, CA. Mr. Jowers was instrumental in drafting a closure plan for the Module I portion of the landfill, which included site investigations and soil sampling/classification, storm water drainage analysis, and cover design investigations. Mr. Jowers was the primary site representative for soil sampling and investigation and integral to the construction of the Final Closure Plan documentation.

- Project Engineer, North County Recycling Center and Sanitary Landfill, San Joaquin County, CA. Mr. Jowers aided design and drafting of the 2014 Area 5 expansion for the North County Sanitary Landfill. He supported senior engineering staff in the development of construction site plans and details for submittal to San Joaquin County., specifications, and construction cost estimate for an 33-acre lined cell at the Woodville Sanitary Landfill in Tulare County, CA. Design included tying into an existing lined cell and rerouting stormwater to an existing excavation on the far side of the landfill.
- Project Engineer, Landfill Operations Evaluation, JED Landfill, Saint Cloud, FL. Mr. Jowers participated in an in-depth evaluation on the final and intermediate cover, landfill gas extraction system, and leachate removal system at the JED Landfill. He conducted daily monitoring of landfill gas extraction wells, dewatering pumps, and transmission piping to identify system deficiencies. He further inspected the integrity of the intermediate and final landfill cover and identified areas of non-conformance with site permits. The items identified by Mr. Jowers were used as part of an action plan to improve site conditions and landfill gas extraction rates.
- Project Engineer, Landfill Gas Extraction System Upgrade at Avenal Regional Landfill, Waste Connections, Inc., Avenal, CA. Mr. Jowers provided design and construction quality assurance support for a gas system upgrade at the Avenal Regional Landfill. He updated and drafted gas extraction system designs and was the primary field construction quality assurance monitor during well drilling and system construction. Additional tasks included assisting with wellfield startup and tuning, and drafting the final construction quality assurance report.
- Project Engineer, Construction Quality Assurance for Coalinga Disposal Site Final Closure, Fresno County, Coalinga, CA. Mr. Jowers provided construction quality assurance for the closure of Coalinga Disposal Site which included a final evapotranspirative cover, storm water management system, and environmental monitoring equipment. Mr. Jowers was the primary field representative for construction quality assurance, tasked with on-site construction oversight, soil and construction material sampling, verification of compliance with specifications and plans, equipment submittal review, and documentation and reporting. Mr. Jowers was also heavily involved in ensuring construction operations were properly documented and was instrumental in the creation of the final quality assurance report. The two-year closure operation began in fall 2014 and was completed June 2016.
- Environmental Compliance and Project Management, Orange Avenue Landfill (closed), Fairmead Landfill (operational), and Cedar Avenue Recycling and Transfer Station. Mr. Jowers worked extensively with consulting engineers, regulatory agency representatives, and site personnel to ensure compliance with applicable laws and operating permits. He updated, or created and implemented, environmental and safety programs and conducted employee training as necessary. Mr. Jowers determined cost beneficial solutions to hazardous, biohazard, universal, and special waste disposal for Cedar Avenue, and reviewed analytical data to determine acceptability of material for disposal at Fairmead Landfill.



Sheila Richgels

**CB&I - Project Sampling Coordinator
Sacramento, CA**

Professional Qualifications

Sheila Richgels has been a project/sampling coordinator for over 30 years. She maintains client contact, supervises field staff, schedules sampling events, preparing monthly and yearly calendars, revises schedules based on workloads, and prepares job setups for sampling events. Ms. Richgels is providing liaison for laboratories and clients concerning analysis, sampling protocol, sampling containers, and chain-of-custody documentation. She manages projects for several landfill clients that require monthly and quarterly letter report submittals to varying agencies.

Her responsibilities include scheduling of all fieldwork, coordinating with the analytical laboratory, and reviewing all field paperwork for completeness and accuracy. In addition, she is also very familiar with groundwater reporting procedures and requirements.

Ms. Richgels is in charge of CB&I's field sampling staff in Northern and Central California. She currently coordinates the field staff for numerous groundwater-monitoring projects. Ms. Richgels has successfully performed, coordinated and managed groundwater monitoring at more than 50 landfills and other environmental projects in Northern and Central California. All of these landfills have been under the jurisdiction of the Central Valley, North Coast, Bay Area, or Central Coast Regional Water Quality Control Boards (RWQCBs).

Education

AA, General Education, Sierra Community College, Rocklin, CA

Relevant Experience

- April 1997 – Present: Project Coordinator / Sampling Coordinator, CB&I Environmental & Infrastructure, Inc., Sacramento, CA. Ms. Richgels schedules and coordinates field sampling for landfills and commercial jobs. She is currently managing three field technicians in two different offices. She updates calendars, maximizes chargeability for field personnel, and performs job set-up with project managers, laboratories, and field personnel. She is also responsible for groundwater and storm water reporting for landfills.
- August 1992 – 1997: Report Coordinator, Fugro West, Field Services, Roseville, CA. Ms. Richgels managed the field-sampling group, which consisted of three sampling technicians and one sampling group coordinator. Her responsibilities included all field activities, personnel issues, and reporting for approximately 60 sites monitored by the sampling group. She developed the streamlined monitoring report process office-wide and reviewed and authorized all timesheets and expense reports for the field sampling group.
- October 1989 – August 1992: Sampling Coordinator, EMCON Associates, Field Services, Sacramento, CA. Ms. Richgels was responsible for client contact, scheduling sampling events, preparation of monthly and yearly calendars, revising schedules on a weekly basis, and job setup for sampling events. She provided liaison for laboratory and clients involving advance notice of rush analyses, ensuring appropriate containers and preservatives, if any, for sampling parameters, and transmitting certified analytical results. She was also responsible for report writing of analytical summary reports and field sampling reports for approximately 120 sites. She maintained sampling and project files for all monitored sites.



Paul Weinhardt

**CB&I - Field / Engineering Technician
Sacramento, CA**

Professional Qualifications

Paul Weinhardt has been providing field expertise for geologists and engineers for more than 21 years. His experience includes groundwater monitoring, operations and maintenance of groundwater and soil vapor extraction systems, soil sampling, and well development. He has been performing the groundwater monitoring services for the Jamestown Mine for 10 years. Mr. Weinhardt knows the sampling and well purging characteristics of every well at the site. Mr. Weinhardt will be dedicated to collecting the samples. Mr. Weinhardt has been the primary field technician for the groundwater monitoring programs in Northern California. These programs have included groundwater monitoring wells, lysimeter systems, and leachate collection systems. Mr. Weinhardt is very familiar with mining and solid waste sites as well as the site procedures and client contacts. He follows strict quality assurance and quality control protocols contained in the project-specific Field Sampling Plans and Quality Assurance Project Plans. Paul has worked at dozens of solid waste sites and over 300 other water quality monitoring facilities.

Registrations/Certifications

- OSHA 40-Hour HAZWOPER Training
- OSHA 8-Hour HAZWOPER Refresher
- OSHA Confined Space Entry
- Certified Plumber and Pipe Fitter

Relevant Experience

- Sampling Technician, Groundwater Monitoring Services, Former Jamestown Mine, Jamestown, California. Mr. Weinhardt performs groundwater monitoring services at the former Jamestown Mine site.
- Field Technician, San Joaquin County Landfill Programs, Northern California. Mr. Weinhardt has been the primary field technician for the ground water monitoring programs at the four San Joaquin landfills, which include Corral Hollow, Foothill, Harney, and North County. Contracts for all four landfill sites have included ground water monitoring wells, lysimeter systems, and leachate collection systems. Mr. Weinhardt is very familiar with these four landfill sites as well as the site procedures and client contacts. He follows strict quality assurance and quality control protocols contained in the project-specific Field Sampling Plans and Quality Assurance Project Plans.
- Field Technician, Commercial Client, Retail Petroleum and Landfill Programs, Northern California. Mr. Weinhardt has a broad spectrum of sampling experience at retail petroleum and landfill sites. His duties have included oversight for the removal of USTs, collection of soil samples from excavations, and soil sampling using direct-push sampling equipment. Mr. Weinhardt is a highly efficient groundwater sampling technician. Mr. Weinhardt routinely monitors and samples wells ranging in depth from 10 to over 200 feet, and provides the maintenance required to maintain the integrity of the monitoring well networks. As required by individual projects, he utilizes low-flow purge techniques, hand bailing, or high-volume submersible pumps to develop, purge, and sample groundwater wells.
- Field Technician, Remedial Investigation/Feasibility Study (RI/FS), GenCorp Aerojet Facility, Rancho Cordova, California. As part of a remedial investigation/feasibility study (RI/FS), Mr. Weinhardt sampled monitoring wells using a non-dedicated RediFlo2 pump. The work also included monthly and quarterly groundwater level gauging events associated with the RI/FS. Mr. Weinhardt also assisted in several plant-wide groundwater level gauging events.
- Field Technician, Environmental Security Technology Certification Program In Situ Perchlorate Treatment Demonstration, GenCorp Aerojet Facility, Rancho Cordova, California. As part of the Department of Defense Environmental Security Technology Certification Program in situ perchlorate treatment demonstration, Mr. Weinhardt sampled monitoring wells and pumps, and serviced the injection system. The work included collection of water samples, preparation of custody and analytical request documents, labeling and packaging of samples, and transport of samples to the analytical laboratory, as well as field measurement of selected water quality parameters.

- Field Technician, Caltrans On-Call Storm Water Sampling, Northern California. Mr. Weinhardt sampled storm water at inlets and outlets designated by Caltrans following storm events. The work included collection of surface water samples, preparation of custody and analytical request documents, labeling and packaging of samples, and transport of samples to the analytical laboratory, as well as field measurement of selected water quality parameters.

- Field Technician, Various Projects, Northern California. Mr. Weinhardt has installed groundwater and soil vapor extraction systems for treatment of contamination from leaking UST systems, which involved the operation of heavy equipment used in the installation of piping, installation of electrical systems, and start-up of packaged treatment units. Other responsibilities have included repairs to vault boxes and concrete apron removal and replacement.



Pedro E. Ruiz

**CB&I - Senior Environmental Field Technician
Sacramento, CA**

Professional Qualifications

Mr. Ruiz is a Field Technician with over 24 years of experience in the environmental field. His primary responsibilities include field operation and maintenance (O&M) of groundwater treatment systems. He has extensive experience implementing a wide array of innovative remedial technologies including system design, installation, construction, removal, upgrades, and modifications of remedial systems. He has performed and supervised tank removals, soil sampling, and remedial excavations, aeration, and disposal programs, with experience on operating heavy equipment. He is an experienced field technician with skills operating environmental sampling and monitoring instruments for air, soil, and water. Mr. Ruiz has implemented field sampling quality assurance and chain-of-custody protocols, and has been responsible for coordinating and training field technicians, providing quality assurance/quality control and health and safety procedures, and documentation and record keeping. He assists construction and site supervision activities, and coordinates field work with clients and project managers. Mr. Ruiz maintains good rapport with the client and project team. He has provided support to major retail petroleum clients, and has worked at several sites, including service stations, bulk plants, international airports, fueling terminals, petroleum refineries, chemical plants, Superfund sites, landfill sites, government facilities, and commercial sites.

Registrations/Certifications/Training

- 40-Hour OSHA HAZWOPER Training
- 8-Hour Annual HAZWOPER Refresher Training, Current
- Forklift Operator, California
- USACE Construction Quality Manager, Nationwide, 2009
- DOT Security Awareness Training 49 CFR 172.704, 2016
- Cal Trains RWP Safety Training, 2005
- Shipping Hazardous Materials UPS, DOT 120 Training, 2005
- Air Shipment of Dangerous Goods IATA, DOT 105 Training, 2005
- Low Voltage Electrical Safety and Procedures Training, 2004
- First Aid Training, 2012
- Cardiopulmonary Resuscitation CPR, 2012
- H&S Program Management for Managers and Supervisors Training, 2014

Relevant Experience

As a Senior Environmental Field Technician Mr. Ruiz has performed environmental compliance sampling and monitoring for projects throughout California including:

- Former GTE Government Systems Corp. Mountain View, CA
- Walmart, Target, Kohl's, Auto Zone, OSH.
- Vishay Siliconix, Santa Clara, CA
- USACE Omaha District Rapid Response, Pressure Treat, Selma, CA
- Borden - Hexion Chemical, Fremont, CA
- Pacific States Steel Corp., CA
- Tosco Oil, CA
- SBC- AT&T, CA
- CalTrans, CA
- Jasco Chemical Corp. Mountain View, CA
- USACE- Army, CA
- ABF Freight, San Jose, CA
- Raytheon, Mountain View, CA
- Coke, Salinas, CA
- Santa Clara Valley District, CA
- Valley Automated Fuels, San Jose, CA
- UPS facilities, CA

- Field O&M, Shell Oil Remediation and Monitoring Sites, Various Sites in California and Nevada. – Mr. Ruiz's primary responsibilities include field O&M of groundwater treatment systems for underground storage tank (UST)-related consulting services contract for Shell Oil Products US (Shell). In Northern California, Shaw has supported the UST environmental program management at more than 150 retail sites.
- Caltrans Central Contract, Various Locations, California. - Mr. Ruiz has performed field work under two Caltrans contracts, including monitor well groundwater sampling. Proper monitoring well sampling procedures are followed using a submersible pump or disposable, polyethylene bailers. Measurements of temperature, pH, and specific conductance of the water removed from the wells are recorded on groundwater sample collection logs. He has collected dissolved oxygen (DO) and oxidation-reduction potential (ORP) measurements in a flow-through device, prior to and after sampling of the wells. Samples are delivered to the laboratory for analyses under chain of custody procedures
- UST Environmental Corrective Action, ConocoPhillips, Multiple Sites, Northern California. – Mr. Ruiz's primary responsibilities include field O&M of groundwater treatment systems for UST-related consulting services contract for ConocoPhillips (formerly Tosco Corporation) in Northern California. Shaw has supported ConocoPhillips with UST environmental program management at more than 100 retail sites, including former Unocal 76, British Petroleum (BP), and Circle K facilities.
- Former GTE Government System Corp - Mountain View, Ca.- Mr. Ruiz has performed GW Sampling Activities, indoor- outdoor mitigation Air Sampling, O&M, Carbon change activities, operation of GW Treatment System with 25 GW extraction wells, MPDS Sampling activities. In Situ Bio-Remediation activities. Coordinate field personal and contractors, client communication and interaction with public and EPA.
- AT&T North California Facilities.- Mr. Ruiz has performed ground water sampling activities on several facilities, responsible of performing Hazardous Waste Compliance Inspections on several facilities throughout California responsible for managing personal, contractors and client communication. He has performed drinking water sampling activities, MPDS manhole sampling activities, ER response activities.

Kirk A. Johnston



**CB&I - Field O&M Technician
Sacramento, CA**

Professional Qualifications

Mr. Johnston has over 30 years of experience in hazardous waste mitigation. As a Foreman and Site Superintendent he has experience in performing a wide range of environmental projects involving excavation, building decontamination and demolition, tank removals, treatment cell construction, transportation and disposal of hazardous waste, and construction of soil and groundwater remediation systems. Mr. Johnston also has specialized expertise in the operation and maintenance of soil vapor, liquid extraction and liquid reinjection systems. He also has experience in marine spills, health and safety supervision, sampling and analysis and preventive maintenance. Mr. Johnston also operates a wide range of equipment which includes commercial trucking, forklifts, loaders, trackhoes and compactors. He has performed large scale soil removal, backfilling, compacting and regrading activities. He has been involved with the electrical field working with single and three phase power hook ups for remediation systems. This activity has also introduced him to the programmable logic control systems (PLC) used in the industry for large scale system controls. His latest endeavor is on a Landfill Gas to Energy project which utilizes landfill gas to operate 3 engines which produce 1 megawatt each for subsidizing import power requirements for a large commercial client.

Education

Professional Military Education (PME), Machinery Technician, U.S. Coast Guard Training Center Class "A", Yorktown, Virginia

Registrations / Certifications / Training

OSHA 40-Hour HAZWOPER Training and Annual Refreshers (current)
Commercial Vehicle Over 10,000 lbs with Trailer Operator, A1805477, Active, California

Relevant Experience

- Onsite Operator, Google O&M Project, Google, Inc, Mountain View, CA. Site Supt and Operator for a Landfill Gas to Energy Project which involves Operations and Maintenance of Jenbacher J320 Engines and a Gas Conditioning System for the Landfill Gas. These Systems are controlled using a PLC (Programmable Logic Control) and SCADA (Supervisory Control and Data Acquisition) Systems with remote monitoring functions.
- Site Superintendent / Lead Operator, ALZA Landfill Gas to Energy O&M, 119538, ALZA Corp, division of Johnson & Johnson, Inc, Mountain View, CA. Operation and Maintenance contract with a pharmaceutical company utilizing landfill gas (purchased from the city of Mt. View) to operate 3 engines producing 1 Megawatt per engine. The energy produced is considered green energy which qualifies the client for rebates and credits with the public utilities. This project requires operations and maintenance of a gas conditioning system and 3 Jenbacher J320 engines. The gas conditioning system dries and pumps the landfill gas to the 3 engines which are upto a mile away. The engines (Jenbacher J320) are containerized and produce upto 1 Megawatt each and also utilize heat recovery thus making this a cogeneration system. All of the systems are designed to minimize or remove the need for import power from the utilities at their facilities located in Mountain View California. Our role is to provide onsite support to keep the gas skid and engines operational and mechanically maintained for maximum power outputs. On-Call 24 hrs a day with 2 hour response time for system shutdowns.
- Foreman/Operator/Alt Superintendent, Crows Landing Flight Facility (CTO-86), Navy RAC II contract, Crows Landing, CA. Direct and assist with soil removal from suspected contaminated areas. Potential unexploded ordnance buried in excavation areas. Backfilled excavations after sampling.

- Field Maintenance Technician, Hunters Point Shipyard (CTO-82 and EMAC CTO-01), Navy RAC II Contract, San Francisco, CA. Operate and maintain landfill barrier pumping system consisting of 9 extraction wells which discharge to the city of San Francisco's sanitary sewer.
- Site Electrician, Treasure Island Naval Training Center (CTO-102), Navy RAC II Contract, San Francisco, CA. Installation of a Bio remediation system to treat a 5 acre contaminated groundwater plume. Contaminants of concern were TCE and PCE.
- Site Electrician, Alameda Naval Air Station (CTO-60), Navy RAC II Contract, Alameda, CA. Installation of 3 six phase soil heating units. Chlorinated solvents were the contamination of concern. This project combined cutting edge technologies which used electrodes to heat the subsurface soils and groundwater to above boiling temperatures and then capture the contamination using soil vapor extraction.
- Foreman / Alt Superintendent, Hunters Point Shipyard (CTO-33), 820425, Navy RAC II Contract, San Francisco, CA. This remedial action required the installation of 7 Soil Vapor Extraction Systems (SVE). Tasks included the installation of all piping to tie in 63 vapor extraction wells. Directed crew and subcontractors to complete tasks.
- Foreman/Alt Superintendent, Hunters Point Shipyard (CTO's 82, 81, 25, 30 & 33), Navy RAC Contract, San Francisco, CA. Operation and Maintenance of groundwater extraction system in Parcel E. Remedial action for Parcel B including excavations, backfilling, transportation and disposal of solid waste, steam line removal, asbestos removal, well closures, industrial waste line removal, building ducting removal and disposal, consolidated waste found in buildings throughout Hunters Point. Secured all buildings in parcel B. Plow and seed 14 acre landfill cap and install a watering system to mature vegetation. Complete a treatability study to develop details and information necessary to determine the applicability of an In Situ chemical oxidation system in various locations. Installation of 7 soil vapor extraction systems (SVE), including the installation of all piping and electrical components associated with the tie in of 63 soil vapor extraction wells. Provide operation and maintenance (O&M) of above systems.
- Senior Operator, Chemical Sales, USEPA, Denver, CO. In charge of start up and 90 day operation and maintenance (O&M) of a 3,000 CFM soil vapor extraction and air sparging system to treat chlorinated solvent contaminated soils. Treatment system included 3-1,000 CFM vacuum pumps, 3-600 CFM air sparge compressors, 2-4,000 lb resin absorbers (filled with zeolite) and a 500 CFM thermal oxidizer with caustic scrubber for regenerating the resin beds. All of the above mention equipment was computer controlled via a programmable logic control system (PLC) through a computer link to the control room. The wellfield consisted of 23-4" vapor extraction wells and 80-2" air sparge wells.
- Foreman/Assistant Superintendent, CET Environmental, Inc., Field Operations, Tustin, CA. General construction Foreman on commercial and government projects which involved installation and operation and maintenance (O&M) on large and small remediation systems. These systems included Soil Vapor Extraction (SVE), groundwater pump and treat and soil thermal desorption. Mr. Johnston also filled in as an assistant superintendent on some projects.
- Site Foreman O&M, Golden Eagle Refinery/Western Fuel Oil/Burlington Northern/Metropolitan Transit Authority/Paramount Petroleum/J&M Oil/EPA-Toro Creek/Texaco/Unocal, Various Locations in Southern California. In charge of daily and weekly operations and maintenance (O&M) of various projects which utilized Soil Vapor Extraction (SVE), groundwater extraction and treatment, Oil and Water separators and Vapor incineration of both chlorinated and nonchlorinated volatile organic compounds (VOC's).
- Operation Foreman, Ocean Park Lead, USEPA Region 9, Santa Monica, CA. Operations Foreman for the removal and disposal of lead based paint at an area daycare center. This project required internal and external sampling to ensure effective removal.
- Operations Foreman, Casmalia Landfill, USEPA Region 9, Santa Maria, CA. Proficiency upgrades and safety upgrades for leachate/groundwater treatment system for an inactive Class I hazardous waste treatment, storage and disposal facility undergoing closure. Wastes were deposited from 1972 through 1989 without a liner or leachate collection system, thus contaminating the groundwater. Volatile Organic Compounds (VOC's) were found at levels as high as 140,000,000 parts per billion (ppb).

- Operations Foreman, Pemaco, Inc., USEPA Region 9, Maywood, CA. Demolition of structures, removal of drums, removal of 30 underground storage tanks (UST's) and the design, installation and operation of a Soil Vapor Extraction System (SVE).
- Operations Foreman, Toro Creek, USEPA Region 9, Montecito, CA. Installation of a passive oil/water separator and recovery tank to recover crude oil and water from an abandoned oil well along an adjacent creek bed. After the installation of the recovery system there was an aggressive clean up along a 1 mile stretch of the creek bed downstream.
- Operations Foreman, Western Fuel Oil, Land Bank, San Pedro, CA. This project involved soil excavations and the design and installation of a large scale bioremediation system. The systems installed and operated were divided into two distinct systems. Both systems utilized 100 air sparge wells and 130 vapor extraction wells. The chlorinated wells were sent into a heated catalyst system with acid scrubber and the nonchlorinated wells were treated using incinerators. This remedial action was required to lower contamination in the subsurface for future land development into an industrial park.
- Operations Foreman, Golden Eagle, Lamar, Carson, CA. Installation, start up and operation of a large scale Soil Vapor Extraction (SVE) and Air Sparge (AS) system. This site involved installation of over 300 wells on a 74 acre site which was fast tracked for quick property turn over for industrial development. Over 20,000 feet of trenching and 80,000 feet of piping were installed in 18 days. Activities also included operation and maintenance of a methane barrier at the landfill area.
- Operation Foreman/Assistant Superintendent, Bingham Creek, Arco (Anaconda Mining), Salt Lake City, UT. Removal and restoration of 73 residential yards contaminated with lead and arsenic. Over 50,000 cubic yards were removed and transported to an, installed, impound facility which was built using a geocomposite clay liner (GLC) and 40-mil high-density polyethylene (HDPE) cover with a soil encasement.
- Operations Foreman/Assistant Superintendent, Davis Global, US Air Force, McClellan AFB, Davis, CA. Design and install equipment and facility upgrades to the existing groundwater treatment plant and soil vapor extraction systems at the Global Communications site in Davis, Ca.
- Foreman/Assistant Superintendent, Central Eureka Mine, USEPA Region 9, Sutter Creek, CA. Removal and restoration of lead and arsenic contaminated soils from the yards of 41 residential homes. Removed bushes, trees, plants and debris from an adjacent creek area. Contaminated soils were impounded at a local area for future disposal. Restoration activities utilized local sub contractors and labor.
- Field Technician, Montrose, USEPA Region 9, Torrance, CA. DDT impacted soils removal from residential backyards. Impacted soils were removed from site via roll off bins. Extreme care was taken to reduce community contamination.
- Operations Foreman, Unocal Hanford, Unocal, Hanford, CA. Installation of groundwater monitoring wells and excavation activities at a liquid fertilizer storage and distribution facility. The contaminants of concern included nitrates, heavy metals and radionuclides.
- Operations Foreman/Superintendent, Foothill Thrift, Foothill Thrift and Loan, Vernon, CA. Excavation and removal of seven underground storage tanks (UST's). 825 tons of excavated diesel contaminated soils were treated using low temperature thermal desorption and used for final backfill of site.
- Operations Foreman/Superintendent, Tesoro Woodland Hills, Tesoro, Woodland Hills, CA. Excavation and treatment of 4,300 tons of gasoline and waste oil contaminated soils using low temperature thermal desorption. Processed soils were used as final backfill to return site for commercial use.
- Operation Foreman, Webb Automotive, Webb Automotive, Los Alimitos, CA. Construction and installation of a bioventing system for treating gasoline impacted soils and a bioremediation cell for treating waste oil impacted soils.

- Operations Foreman, USCO Beliem, USCO, Santa Anna, CA. Operation and Maintenance (O&M) of a groundwater treatment system to treat a solvent release. Cleanup met with regional water quality control board (RWQCB) requirements for closure.
- Operations Foreman/Superintendent, Chevron Refinery, Chevron, El Segundo, CA. Install, operate and maintain 3 Soil Vapor Extraction Systems (SVE) attached to natural gas fired incinerators with a total flow rate of 5,000 CFM from 130 vapor recovery wells. Install, operate and maintain 63 dual pump wells for free product recovery. Install, operate and maintain a groundwater filtration system for reinjecting groundwater into 27 injection wells. Provide client relations and reports daily. Set up and maintain operator training records and general supervision of up to 14 operators. Set up and maintain spare parts inventory for all systems listed above.
- Foreman, CPC Marine terminal, Chinese Petroleum Corp., Kaohsiung, Taiwan. Installation and start up of oil recovery system. System required due to marine terminal pipeline leak into residential area.
- Pollution Control Technician, Chevron Pipeline / Boise, Chevron U.S.A., Boise, ID. Installation, operation and maintenance of 10 dual phase liquid extraction wells required due to an underground pipeline leak.
- Pollution Specialist/Assistant Mechanic, Environmental Emergency Services, Riedel Environmental Services, Portland, OR and Richmond, CA. Provided 24 hr On Call for clean up of oil and chemical spills, placement of containment boom around ships while fueling, assistant mechanic for marine related equipment including jet boats, outboard motors and various sized water discharge pumps.

Guy Worthington - President / CEO (2000 - Present) **Blue Sky Environmental, Albany, CA**

Started an independent business providing industry with quality source emissions testing services to local Northern California companies. Over 200 compliance source tests performed annually for over 100 clients. California Air Resources Board certified Approved Contractor.

SKILLS

Expertise in project design, management and execution, including the training, planning and supervision of technicians and tasks. Excellent communication skills and leadership ability. Great attention to detail and high quality assurance standards.

PRIOR EXPERIENCE

Senior Project Manager: 1992 - 1999 **Best Environmental, San Leandro, CA**

Responsible for professional execution of source testing projects that require the quantification of airborne pollutants (e.g., NO_x, CO, SO₂, Hydrocarbons, Particulates, toxic compounds and elements) from industrial sources (e.g., refineries, engines, boilers, incinerators, turbines, chemical processes etc). Duties include:

- Marketing and client service – excellent rapport and client loyalty record
- Technician training in source test procedures. Initiated training program
- Ensuring complete preparation and performance of source tests
- Writing cost quotations and designing test methodologies for source testing services
- Writing source test plans to submit to the government agencies for test approval
- Compiling, presenting and analyzing data in a final report
- Equipment and procedural design, construction, trouble-shooting and repair
- Equipment calibration & training
- Writing basic HP calculator programs, creating excel spreadsheets and producing word documents
- Editing / Reviewing project proposals and final reports

Manager: 1991 – 1992 **Galson Corporation, Berkeley, CA**

Responsible for managing the source test group that consisted of project managers and technicians. This included managing personnel, schedules and projects, marketing, leadership, client service, writing proposals, writing source test plans, planning and executing source tests, writing final test reports

Technician/Project Manager/Manager: 1986 – 1991 **Thermo Analytical Norcal, Richmond, CA**

Began as a technician and soon became the Senior Project Manager, and finally the Group Manager responsible for all the source testing projects, the project managers and technicians including managing personnel, schedules and projects, marketing, leadership, training, conducted performance reviews and made compensation recommendations, client services, writing proposals, writing source test plans, planning and executing source tests, writing final test reports

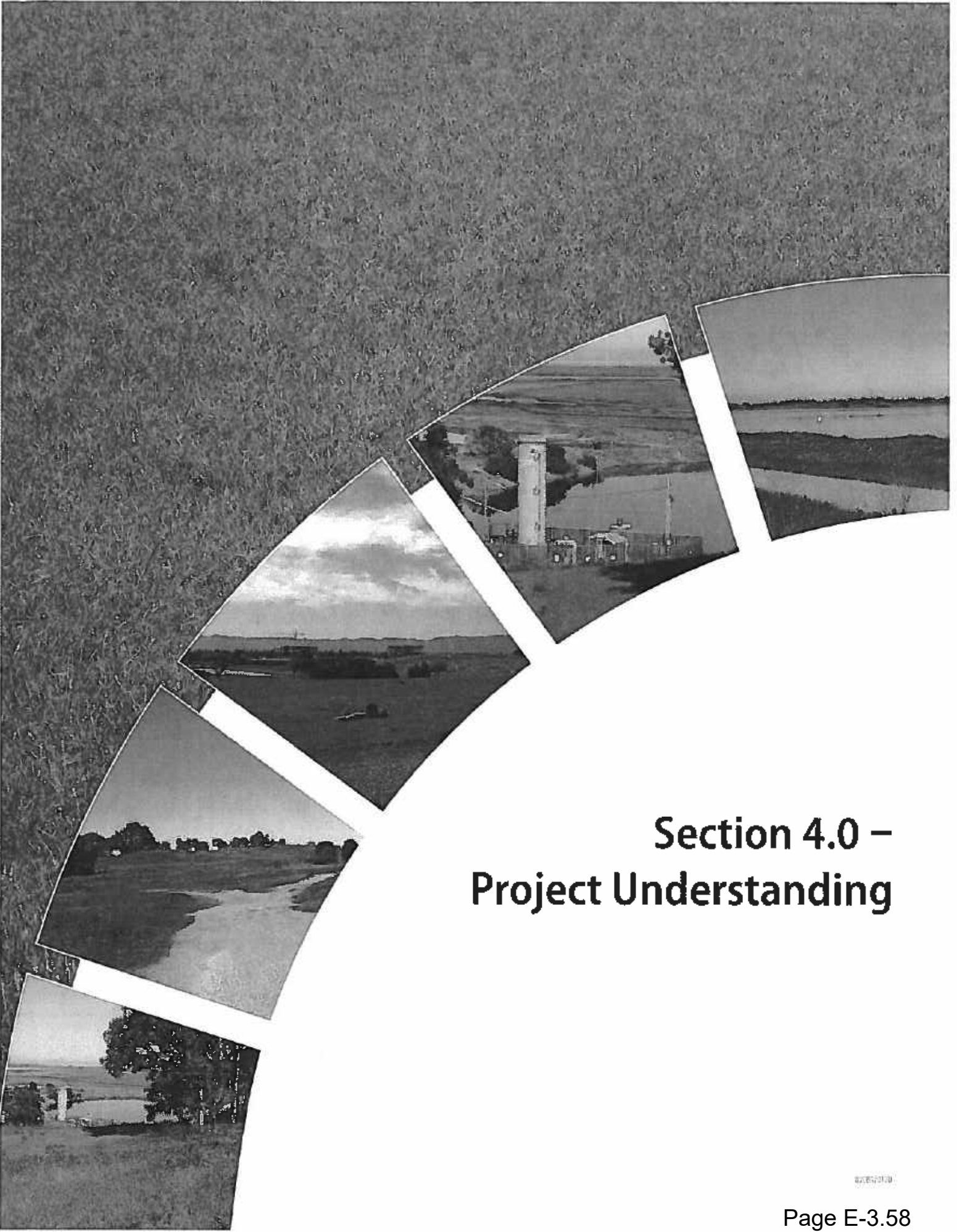
Teaching Assistant: 1983 - 1986 **Simon Fraser University, Burnaby, B.C.**

Conducted and evaluated undergraduate laboratory classes in Hydrology and Physical Geography.

EDUCATION

Simon Fraser University – Burnaby, B.C., Canada, Graduate study, Geography

London University – Queen Mary College, London, U.K., B.A., Geography



Section 4.0 – Project Understanding

4.0 - Project Understanding & Approach

CB&I provides this detailed description of our understanding of the requested scope of services and our approach for managing the project, accomplishing project milestones and deliverables, financial monitoring, QA/QC, project coordination, and ability to provide emergency response to equipment malfunctions within 8 hours of a call-out service request.

4.1 Project Understanding

CB&I understands that the City requires a qualified consultant to provide the necessary services to perform O&M services for the leachate management system and GCCS at the Landfill. Further, these O&M services must comply with all regulatory requirements and requirements under the following permits:

Leachate, Groundwater, and Surface Water:

- Waste Discharge Requirements Order 97-073 (WDR)
- Mandatory Wastewater Discharge Permit No. WB 120930 (MWDP)

GCCS:

- BAAQMD Permit No. AP25623

Other Landfill Permits:

- San Francisco Bay Conservation and Development Commission (BCDC).
- San Mateo County Environmental Health, Solid Waste Program

4.2 Project Approach

CB&I has provided below a detailed description of our approach for each of the five (5) Task Orders as outlined in RFP:

- Task 1 – Routine Monitoring, Operating, and Maintenance Services
- Task 2 – Sampling and Analysis
- Task 3 – Monitoring and Analysis Reports
- Task 4 – On-Call Maintenance and Repair Work
- Task 5 – Project Management

Task 1 – Routine Monitoring, Operating, and Maintenance Services

CB&I will be responsible for operating and conducting routine monitoring of the leachate system and GCCS as detailed below under Subtasks 1a and 1b.

Subtask 1a - Leachate

Under Subtask 1a, CB&I will perform the following tasks on a monthly basis:

- Monitor and record:
 - the flow at all leachate flow meters,
 - pump run-times,
 - piezometer levels,
 - sump levels, and
 - other pertinent parameters and activities.
- Monitor and adjust the leachate system in accordance with the flow requirements set in Permit MWDP No. WB 120930 based on field measurements;
- Observe and record maintenance and repair needs;
- Perform routine maintenance on the leachate system to ensure that it is operating efficiently;
- Observe and record major (non-routine) repair needs;
- Perform other necessary tasks as required to ensure regulatory compliance; and
- Provide all the monitoring and operating data for the monthly reports as described under Task 3.

Subtask 1b - GCCS

Under Subtask 1b, CB&I and FORTISTAR will perform the following tasks:

- A minimum of monthly, monitor and adjust the GCCS components to ensure that the system is operated efficiently and in accordance with all permit requirements. This will meet permit and BAAQMD requirements.
- A minimum of monthly, adjust GCCS valves to ensure adequate gas flow, to reduce the migration of surface gases, and to minimize odors as needed. This will meet permit and BAAQMD requirements;
- A minimum of monthly, monitor gas wells, condensate traps, laterals headers, blowers, flare and other GCCS components. This will meet permit and BAAQMD requirements;
- Typically on a weekly basis, CB&I and Fortistar will monitor and record the flare operating parameters (temperature and pressure), gas quality (% methane, carbon dioxide, oxygen, balance), gas flow and temperature, blower operating parameters (temperature, pressure, valve positions, run time hours), condensate system conditions and will confirm that the flare operating parameters are being recorded on the continuous data recorder (Yokogawa). This will meet permit and BAAQMD requirements;
- Weekly conduct a general inspection of the flare station operations including:
 - Alarm history;
 - Current operating conditions;
 - Condensate management system functioning properly;
 - Air compressor system functioning properly;
 - Data recorder functioning properly;

- Sump pumps functioning properly;
 - Check well field vacuum;
 - Verify the City's SCADA system is receiving data;
 - Check flow and vacuum historical data since previous week to determine if any variations or shut downs occurred; and
 - Other general operational parameters.
- A minimum of monthly, download and review the data from the continuous data recorded (Yokogawa) to ensure flare data is being recorded properly and operations are within the requirements of the permit and BAAQMD Rules and Regulations;
 - Measure and record on a monthly basis the static pressures, temperature and percent content (methane, carbon dioxide, oxygen, balance) of the landfill gas at each of the wellheads as well as the liquid levels in the wellheads;
 - Calibrate on a monthly basis the analytical equipment;
 - Record / document all GCCS activities;
 - Inspect and maintain the flare in accordance with the manufacturer's requirements;
 - Perform routine maintenance on the GCCS to ensure that it is operating efficiently;
 - Observe and record major (non-routine) repair needs;
 - Ensure that the analytical equipment used is calibrated and certified;
 - Any other necessary tasks as required / as needed to ensure regulatory compliance; and
 - Provide all the monitoring and operating data for the monthly reports as described under Task 3.

In addition to the above monitoring activities, CB&I will perform adjustments to the leachate system and GCCS in case of system failure and needed repair work. CB&I will have the availability to arrive at the site and respond to equipment malfunctions and emergencies within 8 hours of the call-out service request.

Task 2 – Sampling and Analysis

CB&I will be responsible for the development of sampling protocols and complying with all sampling and analytical requirements required by the applicable Landfill permits. Analysis of constituents will be conducted by a certified laboratory — **BC Laboratories**.

Subtask 2a - Leachate

Under Subtask 2a, CB&I will be responsible for complying with the water quality monitoring and reporting requirements required by WDR Order 97-073. These requirements include, but are not limited to:

WDR Order 97-073:

- Quarterly sampling and analysis of the leachate;
- Semi-annual sampling and analysis of the groundwater;
- Semi-annual sampling and analysis of the surface water;

- Semi-annual site inspections;
- Preparation and submittal of all monitoring reports to the applicable regulatory agencies on behalf of the City (as described under Task 3).

Further, CB&I will be responsible for complying with the leachate water quality monitoring and reporting requirements required by MWDP No. WB 120930. These requirements include, but are not limited to:

MWDP No. WB 120930:

- Quarterly sampling and analysis for specific constituents required by MWDP No. WB 120930; and
- Monthly flow measurements and reporting.

Subtask 2b - GCCS

Under Subtask 2b, CB&I will perform all GCCS sampling and analysis requirements pursuant to the BAAQMD. Specifically, CB&I will conduct surface emissions monitoring on a quarterly basis measuring the methane gas concentrations in parts per million off the surface of the Landfill within numbered grids. Exceedances will be flagged in the field and marked on the grid map. Then, prior to leaving the site, CB&I will notify the City of any exceedances such that the City may visit to investigate and schedule repairs. Note that cover repairs and re-testing are not included in CB&I's cost proposal.

In addition, CB&I will conduct source testing of the flare as required by the permit. The last source test was conducted on January 7, 2014. The source test is due every four (4) year in accordance with the BAAQMD Permit. CB&I recommends that the next source test be conducted December of 2017 which would allow time to make any required repairs and conduct a re-test prior to the January 7, 2018 deadline. Note that such repairs re-tests are not included in CB&I's cost proposal. **CB&I's cost proposal includes two (2) flare source tests** since the contract is for five (5) years.

Task 3 – Monitoring Reports

Under Task 3 services, CB&I will prepare all monthly, semiannual and annual monitoring reports as required by the City and in accordance with the regulatory requirements of the Landfill permits. CB&I will submit these reports to the applicable permit agencies on behalf of the City. All reports will include a description of the site and landfill systems, evaluation criteria, explanation of any calculations, certified analytical results, monitoring and inspection summaries, field and laboratory records, maps and figures, and any recommendations. All reports will be submitted in draft form to the City for review and comment, and subsequently finalized with any City comments prior to their submittal to the permitting agencies.

Subtask 3a - Leachate, Groundwater, and Surface Water

Under Subtask 3a, CB&I will be responsible for the preparation and submittal of all monitoring and analysis reports complying with the water quality reporting requirements contained in WDR Order 97-073 and MWDP No. WB 120930. Specifically, CB&I will provide the following:

WDR Order 97-073:

- Preparation and submittal of semi-annual reports due in April and October of each year

MWDP No. WB 120930:

- Preparation and submittal of monthly leachate reports.

Subtask 3b - GCCS

Under Subtask 3b, CB&I will be responsible for the preparation and submittal of all monitoring and analysis reports complying with the GCCS reporting requirements of BAAQMD. Specifically, CB&I will be responsible for performing the following:

- Preparation and submittal of monthly and quarterly reports that include a summary of the GCCS monitoring data and maintenance activities; and
- Maintaining accurate records and access to the records / monitoring data for a period of 5 years. Data storage should be duplicated by the City and conducted at the City offices.

Task 4 – On-Call Maintenance and Repair Work

Under Task 4, CB&I will provide all the necessary labor, equipment and materials to perform maintenance and repair work on the leachate system and GCCS on an on-call and as-needed basis. The work may be based on maintenance and repairs needs identified during routine inspections, system failures, and any other work requested by City Staff. CB&I will provide an estimated cost of the on-call work and will seek authorization from the City prior to proceeding.



Task 5 – Project Management

Under Task 5, CB&I will provide project management support, as required, and will include the following:

- Coordinate and conduct meetings with City staff and permit agencies;
- Conduct site visits with City staff;
- Assist with and review permit expiration dates, application renewal processes, monitoring and maintenance regulations; and
- Develop recommendations and cost estimates for improving the performance of the landfill environmental control systems.

4.3 CB&I's Project Management and Coordination

CB&I understands the importance of client coordination and project controls for meeting the needs of our clients in a cost-effective and efficient manner. This section summarizes our project management and coordination approach.

Cost and Schedule Control

CB&I will control the project costs using a number of tools and resources to support cost control measures. Our project management system was developed specifically for tracking engineering design and construction contracts. The system brings us: real-time cost tracking and forecasting; integrated planning, estimating, and scheduling; customized cost reporting and invoicing; and modification planning and schedule analysis. The Project Manager (Dan Easter) evaluates the project's physical completion against the costs-to-date and schedule. The system also includes a fully integrated suite of options for monitoring vendor and subcontractor budgets as well as outstanding purchase orders and committed costs.

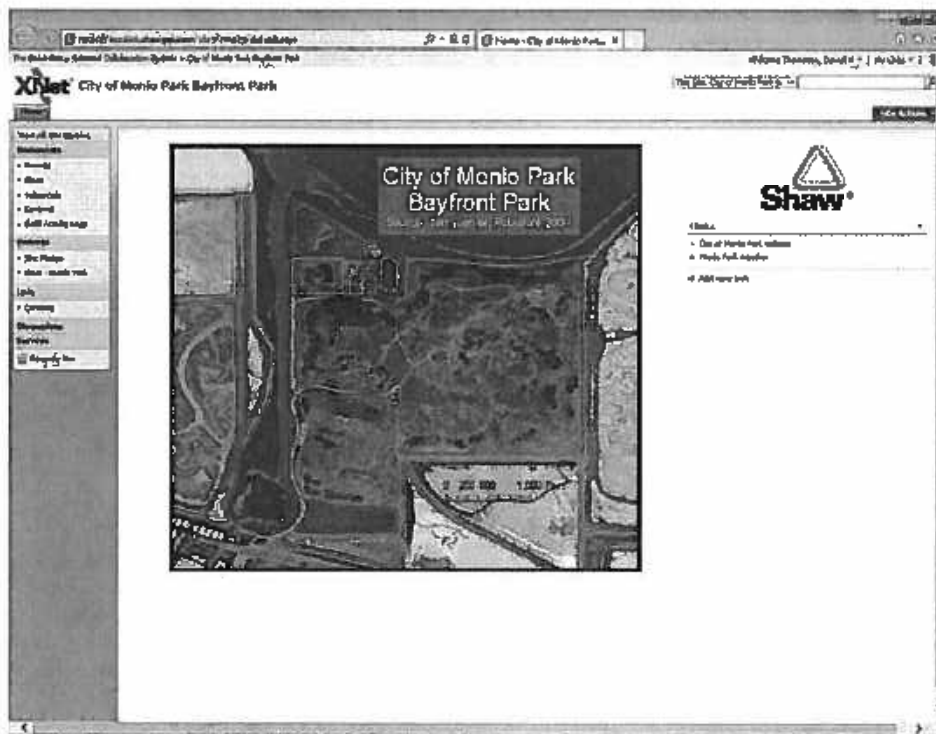
The first control begins at the definition of the project and its individual tasks in the Work Order. No project activities are performed and no charges are posted to a project account until an executed Work Order is in place, and each Work Order must specify an exact scope of services, a schedule, and budget. No exceedances of budget or work scope are allowed without written client approval (in urgent situations an e-mail approval is sufficient). Thus costs are controlled by careful communication and documentation of project expectations between the client and CB&I, and by strict adherence to agreed-upon work scopes and budgets (as well as schedules). Second, the Project Manager will staff the project tasks with the appropriate level personnel, taking into consideration task difficulty, labor costs and resource availability. The Project Manager develops a cost and time budget by individual task and employee, which is provided to the employees performing project work.

CB&I will provide a customized summary report of all ongoing and completed project tasks using our management tracking system. The report will detail project status, authorized funds, expenditures to date, unbilled balance, contract amount remaining, an estimate of completion, and an invoicing schedule. This level of direct communication between the City and CB&I's project team encourages proactive decision-making and results in improved performance, thereby saving time and money. Clear and concise progress and cost reports will keep the City informed and up-to-date on project activities. Formal progress meetings can be scheduled at the request of the City on a regular basis or as needed.

Project Tracking, Updates, and Billing

CB&I will be tracking the project similarly to how we have tracked the groundwater, leachate, and stormwater project for the last 20 years or more. CB&I maintains impeccable field notes which are utilized in preparation of semi-annual reports, monthly reports, and quarterly reports. Our reports will highlight compliance with permit conditions, upcoming deadlines, and any issues warranting maintenance or follow-up actions. Below is an example of a cover sheet for CB&I's project management report.

CB&I has a "Web Portal" for use by project personnel and the City's personnel. Through the portal, the City may download all reports, field logs, maps, drawings, operational data, laboratory data, and other pertinent project information from any authorized computer. CB&I can program the portal to alert users as to when new information has been posted.



Billing (invoicing) will be done on a monthly basis. For this project, CB&I will propose monthly lump sum fees for routine 1) groundwater, leachate, surface water related work and 2) landfill gas system related work. Should any non-routine maintenance be required, CB&I will prepare a cost estimate of the work and will request approval for this work prior to making repairs or maintenance. Such non-routine work will be tracked on a time and materials basis and invoiced as a separate line item on the monthly invoice. Below is an example of a CB&I invoice.



Example 1. Project Management Report

July 1, 2016

CLIENT NAME

CLIENT ADDRESS

Subject: Project No. XXXX, June 2016 Project Management Report
XXXX – Leachate and GCCS O&M Services

Dear *CLIENT NAME*:

The following project management report summarizes the activities performed by CB&I during June 2016 for the subject project:

Task Order 1.0 – Leachate Services

Subtask 1.1 – O&M Services

CB&I has provided leachate O&M services for the ABC Landfill for May and June 2016.

Task Order 2.0 – GCCS Services

Subtask 2.2 – Sampling & Testing

CB&I has performed the 2016 second quarter sampling and testing activities for the ABC Landfill.

Percent Complete Summary

Estimated percent completion of the task orders discussed above are provided in the attached tables. If you should have any questions concerning this project management report, please contact me at (XXX) XXX-XXXX.

Sincerely,
CB&I

PROJECT MANAGER NAME



Example 2. Invoice

INVOICE

Sample Industries, Inc.
 Attn: Accounts Payable
 123 ABC Street
 Anywhere, USA 90785

Invoice Number: **23947-R8-0565**
 Invoice Date: 01/16/2017
 Billing Through: 01/14/2017
 Payment Terms: Due Upon Receipt
 Client Number: 115589
 Client Order Number:
 Project Mgr: John Doe
 CBI Contract No: 123456

Project Name: 123456
 Project Name: New Sample Project

Account Notes

*** PLEASE READ ***
 Project: Sample Project
 Please reference invoice number on check for proper credit.
 Services consisted of: ABCDEF services.

Cost Cd	Cost Cd Description	Date	Qty	Rate	Amount
01					
0101	PERMIT				
010103					
01010100	Reports				
	OT labor				
	Jame, Edith M.	TR01			
	Engineer/Scientist III	12/18/2016	1.00	90.00	90.00
	Jame, Michael L.	TR02			
	Engineer/Scientist III	12/19/2016	1.00	90.00	90.00
	DOE PERMIT				
					TOTAL FOR: Reports
					180.00
					TOTAL FOR: DOE PERMIT
					180.00
99					
9999					
999999	Revenue				
	RE Fixed Fee				
	Communications Fee				
					TOTAL FOR: Revenue
					5.00
					Sub Total:
					185.00
					Total Taxable Amount:
					.00
					Total Tax:
					.00
					Total For: **** This Invoice ****
					185.00

Page 1

TABLE 3
Bedwell Bayfront Park Landfill - O & M of Leachate and GCCS
Summary of Activities, Schedules, and Deliverables

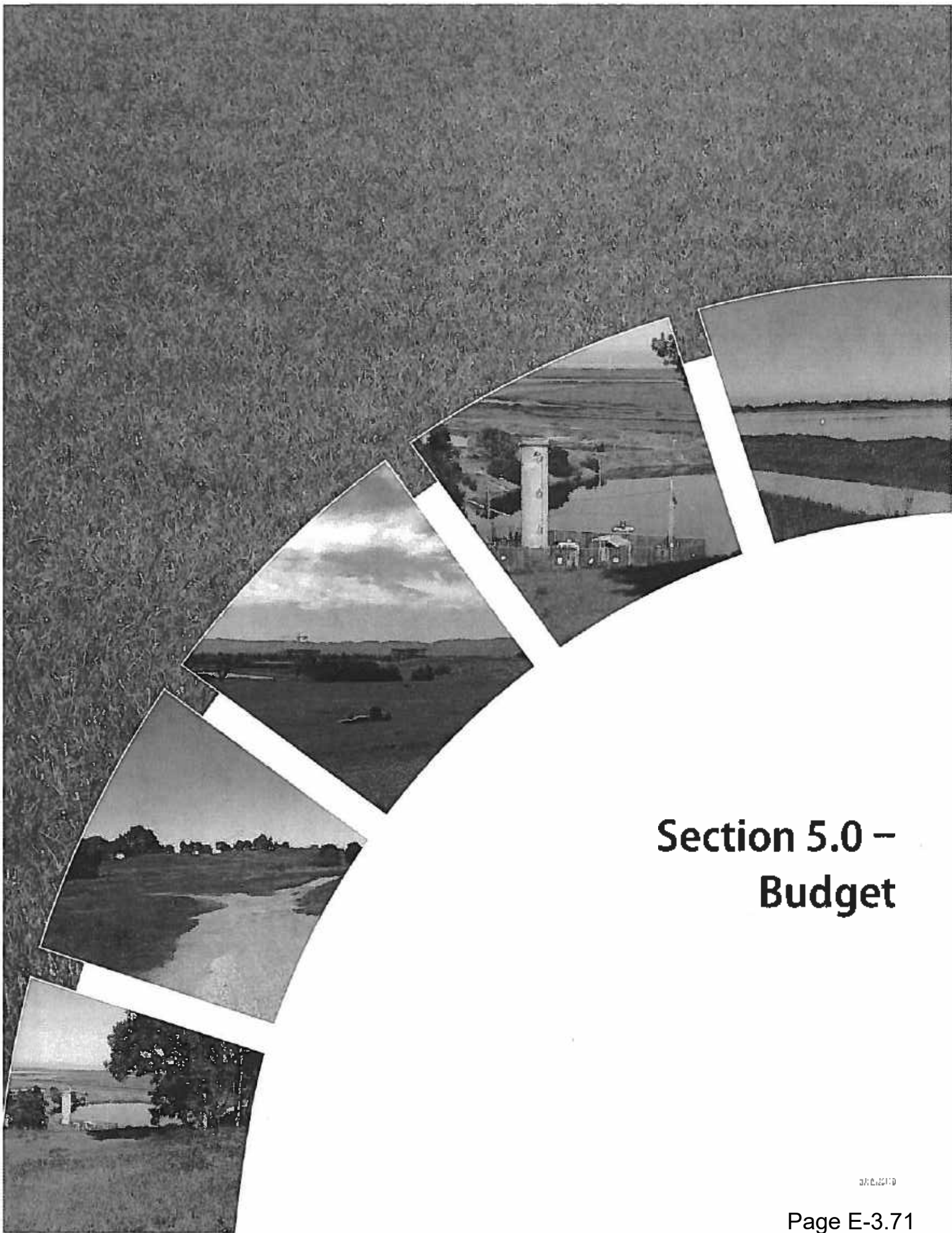
Item	Frequency	Activity Date	Deliverable ¹	Deliverable Date ¹	Agency / Permit No. ²
GAS COLLECTION AND CONTROL SYSTEM (GCCS):					
<u>GCCS Components (wells, cond. traps, header, etc.):</u> GCCS components - monitoring and O&M GCCS wellfield tuning / adjustments	Weekly	Apr 1, 2017 to May 30, 2022	Weekly field logs / field reports included in Monthly and Quarterly Reports	<u>Monthly Reports:</u> 4/1/2017 to 5/30/2022 <u>Quarterly Reports:</u> Mar.31 (2018 thru 2022) Jun.30 (2017 thru 2021) Sep.30 (2017 thru 2021) Dec.31 (2017 thru 2021)	BAAQMD Permit Applic. No. 2539 / Plant No. 3499
<u>LFG Extraction Wells (72 wells):</u> Measure at wellheads - pressure, temperature, % gas content, liquid level	Monthly	Apr 1, 2017 to May 30, 2022	Monthly field logs / field reports included in Monthly and Quarterly Reports	<u>Monthly Reports:</u> 4/1/2017 to 5/30/2022 <u>Quarterly Reports:</u> Mar.31 (2018 thru 2022) Jun.30 (2017 thru 2021) Sep.30 (2017 thru 2021) Dec.31 (2017 thru 2021)	
<u>LFG Flare (A-3):</u> 1) Source test 2) Analytical chemical characterization 3) Temperature continuous 4) Flare operating parameters (temperature, gas quality, flows, etc.) 5) Flare Emissions Calculations and Recordkeeping	1) 4 Years 2) 4 Years 3) Contin. 4) Weekly 5) Monthly	1) <u>Dec 1st</u> : 2017 & 2021 2) <u>Dec 1st</u> : 2017 & 2021 3) <u>Continuous</u> 4) Apr 1, 2017 to May 30, 2022 5) Apr 1, 2017 to May 30, 2022	1) Draft & Final Reports 2) Draft & Final Reports 3) Temperature charts maintained on-site 5 yrs 4) Draft & Final Reports 5) Field logs / field reports	1) <u>Jan 15</u> : 2018 & 2022 2) <u>Jan 15</u> : 2018 & 2022 3) Maintained on site 4) and 5) below <u>Monthly Reports:</u> 4/1/2017 to 5/30/2022 <u>Quarterly Reports:</u> Mar.31 (2018 thru 2022) Jun.30 (2017 thru 2021) Sep.30 (2017 thru 2021) Dec.31 (2017 thru 2021)	
<u>Other:</u> Calibrate analytical equipment	Monthly	Apr 1, 2017 to May 30, 2022	Monthly field logs / field reports included in Monthly and Quarterly Reports	<u>Quarterly Reports:</u> Mar.31 (2018 thru 2022) Jun.30 (2017 thru 2021) Sep.30 (2017 thru 2021) Dec.31 (2017 thru 2021)	

TABLE 3
Bodwell Bayfront Park Landfill - O & M of Leachate and GCCS
Summary of Activities, Schedules, and Deliverables

Item	Frequency	Activity Date	Deliverable ¹	Deliverable Date ¹	Agency / Permit No. ²
LEACHATE:					
<u>Leachate Extraction Sumps (12)</u> <u>1 thru 11, and 4A:</u> Discharge Volumes Pump run-times Sump liquid levels Inspections and O&M activities (as needed) Monitor / adjust extraction system (as needed) Recordkeeping (maintenance, repairs, adjustments)	Monthly	Apr 1, 2017 to May 30, 2022	Monthly Letter Report	Apr 1, 2017 to May 30, 2022	WBSD / SBSA - MWDP (WB120930)
<u>Sanitary Sewer Manhole S-1:</u> ⁽⁴⁾ Sampling and Analysis Monitoring & Analysis Reports	Quarterly Quarterly & Semi-Annual	<u>Sampling and Analysis:</u> Jan.1 - Feb.15 (2018 thru 2022) Apr.1 - May 25 (2017 thru 2021) Jul.1 - Aug.15 (2017 thru 2021) Oct.1 - Nov.15 (2017 thru 2021)	Draft & Final Quarterly and Semi-Annual Reports (see below for Semi-Annual)	<u>Quarterly Reports:</u> Mar.31 (2018 thru 2022) Jun.30 (2017 thru 2021) Sep.30 (2017 thru 2021) Dec.31 (2017 thru 2021) <u>Semi-Annual Reports:</u> Apr. 30 (2017 thru 2022) Oct. 30 (2017 thru 2021)	RWQCB - WDR No. 97-093
<u>Leachate Monitoring Wells (6)</u> <u>GR-1, GR-3, GR-6 thru GR-8:</u> Leachate liquid level measurements	Semi-Annually	<u>1st Semi-Annual Event:</u> Feb.1 thru Mar.31 (2018 thru 2022) <u>2nd Semi-Annual Event:</u> Aug.1 thru Sept.30 (2017 thru 2021)	Draft and Final Semi-Annual Monitoring & Analysis Reports (see below)		RWQCB - WDR No. 97-093
<u>Leachate Piezometers (5)</u> <u>P-1 thru P-5:</u> Leachate liquid level measurements				<u>1st Semi-Annual Event:</u> Apr.30 (2017 thru 2022)	
<u>Groundwater Monitoring Wells (7)</u> <u>G-2 thru G-8:</u> Water level measurements Sampling and Analysis				<u>2nd Semi-Annual Event:</u> Oct.30 (2017 thru 2021)	
<u>Surface Water Monitoring (2)</u> <u>SW-1 and SW-2:</u> Sampling and Analysis					
Seepage Monitoring and Site Inspections					

TABLE 3
Bedwell Bayfront Park Landfill - O & M of Leachate and GCCS
Summary of Activities, Schedules, and Deliverables

Item	Frequency	Activity Date	Deliverable ¹	Deliverable Date ¹	Agency / Permit No. ²
Semi-Annual Monitoring & Analysis Reports	Semi-Annually	4 to 6 weeks prior to due date	Draft & Final Reports	Apr 30 th and Oct 30 th ; Apr. 2017 thru Apr. 2022	
Annual Monitoring & Analysis Reports ³	Annually	4 to 6 weeks prior to due date	Draft & Final Reports	Apr 30 th ; Apr. 2017 thru Apr. 2022	
<p>Notes:</p> <ol style="list-style-type: none"> 1. ALL REPORTS will be submitted in DRAFT to the City for review, comment, and approval — a minimum of 3 to 4 weeks prior to the deliverable due date of the Final Report to the corresponding Agency / Authority. 2. Permitting Agency / Authority Acronyms are as follow: BAAQMD - Bay Area Air Quality Management District WBSD / SBSA - West Bay Sanitary District / South Bayside System Authority MWDP (WB120930) - Mandatory Wastewater Discharge Permit (West Bay 120930) RWQCB - WDR No. 97-093 - Regional Water Quality Control Board (Waste Discharge Requirements No. 97-093) 3. The Annual Monitoring & Analysis Reports will be submitted / combined with the Second Semi-Annual Reports. 4. The Semi-Annual Reports will include the Quarterly monitoring for Sanitary Sewer Manhole Monitoring at S-1. 					



Section 5.0 – Budget

5.0 - Proposed Budget

The table on the next page includes CB&I's proposed fees on an annual basis. On an annual basis, CB&I will perform the Scope of Services requested for a lump sum fee of \$159,200. On a monthly basis, this equates to \$13,266 monthly. For a five-year contract, the total fee would be \$796,000.

Note that the annual budget above includes:

- Two source tests (December 2017 and December 2021)
- Annual flow meter calibration check
- Weekly, monthly, quarterly monitoring, maintenance, and reporting tasks per scope.



PROJECT NUMBER:
 FUNDING NUMBER:
 PROJECT ESTIMATE:
 DETAIL BY TASK:
 QUANTITY:
 UNIT:

Project Estimate
Detail By Task
Quantity
Unit

JOB NUMBER: 2017-100117
 Estimate Date: 04/18/17
 Draw Path: Job Plans\1400000000\2017

Location	C&G Labor Rate	C&G Labor Unit Price	Contract Labor Rate	Contract Unit Price	1A - CEU - Lease/Use		1B - CEU - O&M		1A - Sampling - Lease/Use		1B - Sampling - O&M		1A - Reporting - Lease/Use		1B - Reporting - O&M		4 - Dr-Cell Underdrain/Repair Work		5 - Project Management / Material Training / P&LS Plan		Totals =			
					Tab-001		Tab-002		Tab-003		Tab-004		Tab-005		Tab-006		Tab-007		Tab-008		Tab-009		Tab-010	
					YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price
Water Table	1	12.00	1	12.00																				
Water M.C. Pipe 8"	1	180.00	1	180.00																				
Substrate Polyethylene	1	39.00	1	39.00																				
Geotextile Filter 8"	1	19.00	1	19.00																				
Reinforced 8"	1	99.00	1	99.00																				
Clay Filter 8"	1	18.00	1	18.00																				
Gravel 1/4" to 1/2"	1	80.00	1	80.00																				
Clay M.C. Pipe 8"	1	100.00	1	100.00																				
Total Labor					14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00	14	1,400.00		

Location	YMA Labor Rate	YMA Labor Unit Price	Contract Labor Rate	Contract Unit Price	1A - CEU - Lease/Use		1B - CEU - O&M		1A - Sampling - Lease/Use		1B - Sampling - O&M		1A - Reporting - Lease/Use		1B - Reporting - O&M		4 - Dr-Cell Underdrain/Repair Work		5 - Project Management / Material Training / P&LS Plan		Totals =			
					Tab-001		Tab-002		Tab-003		Tab-004		Tab-005		Tab-006		Tab-007		Tab-008		Tab-009		Tab-010	
					YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price	YMA Labor Hours	YMA Labor Price
Substrate Polyethylene	1	39.00	1	39.00																				
Geotextile Filter 8"	1	19.00	1	19.00																				
Reinforced 8"	1	99.00	1	99.00																				
Clay Filter 8"	1	18.00	1	18.00																				
Gravel 1/4" to 1/2"	1	80.00	1	80.00																				
Clay M.C. Pipe 8"	1	100.00	1	100.00																				
Total Expense					5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75	5	1,395.75		
Contract City Administ					4	400.00	4	400.00	4	400.00	4	400.00	4	400.00	4	400.00	4	400.00	4	400.00	4	400.00		
Total					9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75	9	1,795.75		

Contract City Administ
 Total Expense
 Contract Labor Rate
 Contract Unit Price
 YMA Labor Rate
 YMA Labor Unit Price



**CB&I Environmental & Infrastructure, Inc.
2017 - 2022 Fee Schedule**

<u>Title</u>	<u>Rate Range</u>	
	Low	High
Professional Level V		
Project Scientist	\$172.00	\$199.00
Engineer	\$193.00	\$202.00
Professional Level IV		
Client Program Manager	\$221.00	\$225.00
Project Manager	\$232.00	\$243.00
Project Scientist	\$152.00	\$159.00
Engineer	\$138.00	\$151.00
Designer	\$137.00	\$142.00
Technican	\$91.00	\$99.00
Administrator Assistant	\$79.00	\$89.00
Professional Level III		
Client Program Manager	\$181.00	\$194.00
Project Manager	\$185.00	\$193.00
Project Scientist	\$127.00	\$140.00
Engineer	\$115.00	\$126.00
Designer	\$114.00	\$120.00
Technician	\$74.00	\$80.00
Administrator Assistant	\$66.00	\$80.00
Professional Level II		
Client Program Manager	\$169.00	\$181.00
Project Manager	\$166.00	\$181.00
Engineer	\$94.00	\$103.00
Designer	\$90.00	\$98.00
Technican	\$80.00	\$67.00
Administrator Assistant	\$80.00	\$67.00
Professional Level I		
Client Program Manager	\$158.00	\$170.00
Project Manager	\$134.00	\$152.00
Engineer	\$75.00	\$82.00
Designer	\$73.00	\$80.00
Technican	\$63.00	\$55.00
Administrator Assistant	\$54.00	\$59.00

Depositions and expert witness testimony, including preparation time, will be charged at 1.5 times the above rates.

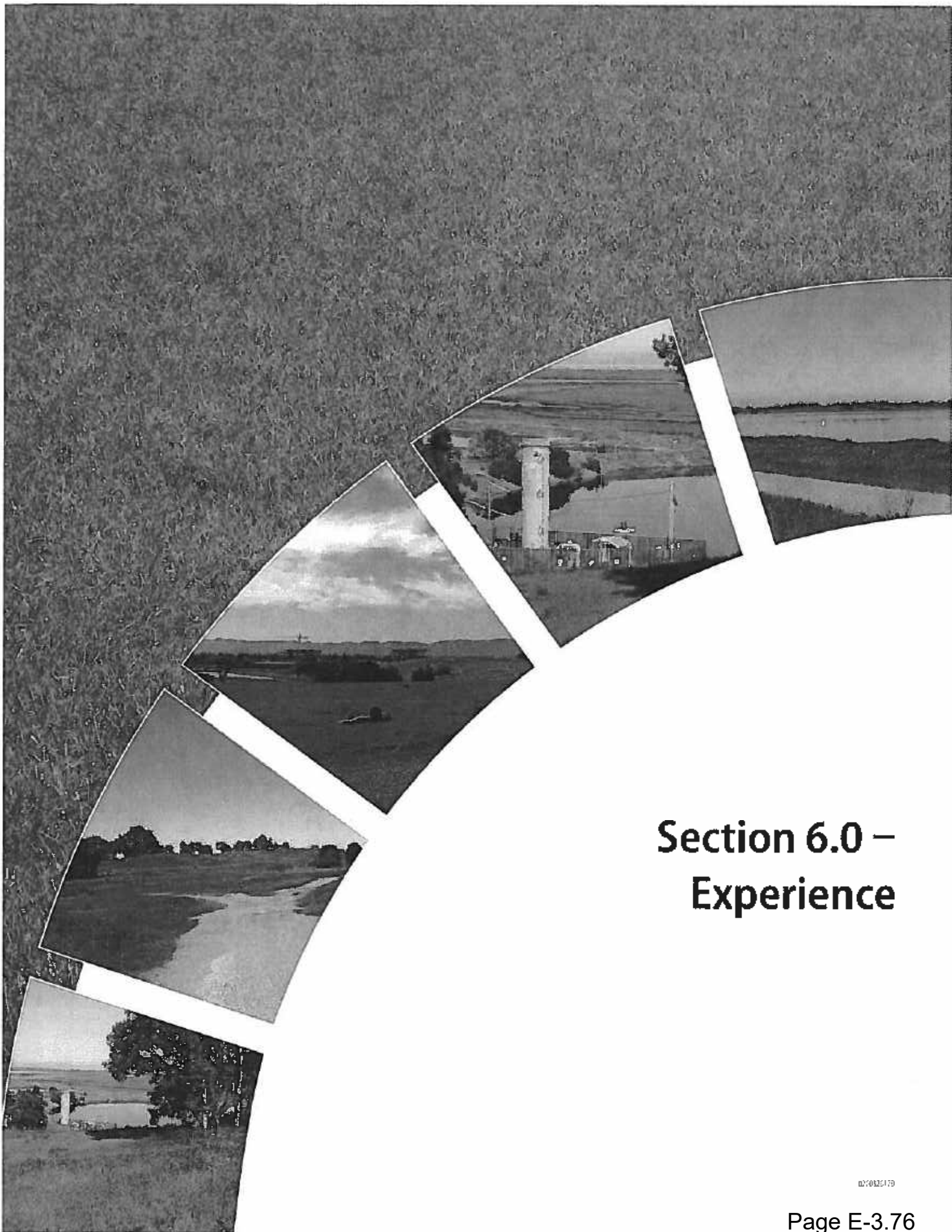


**CB&I Environmental & Infrastructure, Inc.
2017 - 2022 Fee Schedule**

<u>Title</u>	<u>Rate Range</u>
Vehicle (day) plus gas	\$25.00
Vehicle Expense (Cost +7.5%)	Cost 7.5%
Disposable Bailers (2")	\$8.00
Disposable Bailers (1")	\$7.00
Misc. Sampling Supplies (day)	\$45.00
Groundwater Sampling Tubing (foot)	\$0.35
Caution Tape (roll)	\$18.00
Encore Sampler (each)	\$8.00
QED 0.45 Micron Disposal Filters (each)	\$18.00
Steel Well Lock (each)	\$8.00
2" Grippers (each)	\$25.00
Disposable Camera (each)	\$10.00
Laptop Computer (day)	\$75.00
LCD Projector (day)	\$100.00
Projection Screen (day)	\$25.00
Digital Camera (day)	\$20.00
Camcorder (day)	\$15.00
Tripod (day)	\$15.00
Soil Probe (day)	\$25.00
Interface Probe (day)	\$45.00
Water Level Indicator (day)	\$45.00
Infrared Thermometer (day)	\$10.00
PID (day)	\$90.00
Slug Test Equipment (day)	\$125.00
Nasal Ranger Scentometer (day)	\$75.00
Air Compressor Controller Sampling System (day)	\$160.00
Cond./Temp/pH Meter (day)	\$35.00
Multi-Parameter Water Quality Meter (day)	\$80.00
GEM-5000 (day)	\$25.00
Drager Bellows Pump (day)	\$10.00
Water Purge Pump (day)	\$30.00
Lo-Flow Sampling Pump (Peristaltic Type) (day)	\$85.00
4-Gas Meter (day)	\$20.00
Tyvek Suit (Jump suit, gloves, boots) (day)	\$35.00
Hand Auger (day)	\$25.00
Sludge Judge (day)	\$35.00
Laser Level (day)	\$45.00
Field Boat (day)	\$50.00
Reimbursables, (Cost +7.5%)	Cost 7.5%

Fee Schedule Rates are subject to change without notice.

Monthly invoices are to be paid according to the contract.
Interest will be charged on late payments.



Section 6.0 – Experience

6.0 - Project Experience

CB&I has extensive project experience providing environmental monitoring, reporting, and O&M services at landfills across California and the U.S. We have provided below descriptions of relevant projects that we have completed within the past five (5) years or are currently providing services on. We encourage you to contact the included references to verify our capabilities.

American Canyon Landfill - Environmental Monitoring Services (Vallejo, CA) Client: Napa Vallejo Waste Management Authority

CB&I provides the following environmental monitoring services:

- Sampling 11 monitoring groundwater wells quarterly
- Sampling 2 surface water points quarterly
- Monitoring 7 LFG probes quarterly
- Sampling leachate collection system quarterly
- Contracting with analytical laboratory to perform necessary analysis
- Preparing quarterly monitoring reports



CB&I has been performing the groundwater monitoring and reporting for this landfill since the mid-1980s. We have also prepared all engineering and geological reports for the landfill since the early 1970s. CB&I is currently providing final landfill cover management and O&M of the LFG extraction system.

Relevant Experience: Groundwater, surface water, leachate, gas, and stormwater monitoring.

Dates of Service: 1985 - present

Key CB&I Staff: Darrell Thompson (Principal), J.C. Isham (Project Manager), Sheila Richgels (Sampling Coordinator), and Paul Weinhardt (Field Technician).

Client Contact: Rich Luthy - Executive Director
Napa-Vallejo Waste Management Authority
1195 Third Street, Napa, CA 94559
Phone: (707) 299-1314
rich.luthy@countyofnapa.org

**Upper Valley Compost Facility - Environmental Monitoring Services (Napa County, CA)
Client: Upper Valley Disposal & Recycling**

CB&I provides the following environmental monitoring services:

- Sampling 6 groundwater monitoring wells quarterly
- Monitoring stormwater
- Contracting with analytical laboratory to perform necessary analysis
- Preparing quarterly monitoring reports

CB&I has been performing all engineering and groundwater monitoring and reporting for this facility since 1992.



Relevant Experience: Groundwater and stormwater monitoring.

Dates of Service: 1992 - present

Key CB&I Staff: Darrell Thompson (Project Manager), J.C. Isham (Senior Technical Review), Sheila Richgels (Sampling Coordinator), and Paul Weinhardt (Field Technician).

Client Contact: Bob Pestoni
Upper Valley Disposal & Recycling
1285 Whitehall Lane, St. Helena, CA 94574
Phone: (707) 963-7319
bob@uvds.com



Bedwell Bayfront Park Landfill - Environmental Monitoring Services (Menlo Park, CA)
Client: City of Menlo Park

CB&I provides the following environmental monitoring services:

- Sampling 8 groundwater monitoring wells semiannually
- Sampling 2 surface water points semiannually
- Maintaining the continuous operation of 12 leachate extraction sumps
- Sampling leachate collection system quarterly
- Contracting with analytical laboratory to perform necessary analysis
- Preparing semi-annual monitoring reports

CB&I has been performing the groundwater monitoring and reporting for this landfill since the mid-1980s. We have also been providing all landfill engineering.

Relevant Experience: Groundwater surface water, and leachate monitoring.

Dates of Service: 1992 - present

Key CB&I Staff: Darrell Thompson (Project Manager), J.C. Isham (Senior Technical Review), Sheila Richgels (Sampling Coordinator), and Paul Weinhardt (Field Technician).

Client Contact: Azalea A. Mitch - Senior Civil Engineer
City of Menlo Park - Engineering Division
701 Laurel Street, Menlo Park, CA 94025
Phone: (650) 330-6742
aamitch@menlopark.org

**San Joaquin County Landfills - Environmental Monitoring Services (San Joaquin Co., CA)
Client: San Joaquin County**

CB&I performs quarterly monitoring at four landfills operated by San Joaquin County: North County Landfill, Foothill Landfill, Harney Lane Landfill, and Corral Hollow Landfill. CB&I has provided monitoring services to San Joaquin County for more than 25 years. Our services include:

- Sampling 7 to 10 monitoring wells per site
- Collect surface water samples at each site
- Contracting with analytical laboratory to perform necessary analysis
- Submitting all field and analytical data in tables to client
- Additional landfill design services at sites



CB&I has also performed troubleshooting and repairs to the LFG collection system at the Harney Lane Landfill, and performed LFG migration to groundwater studies at the Corral Hollow and Foothill Landfills.

We have assisted the County to negotiate evaluation monitoring programs, performed engineering feasibility studies, and prepared corrective action plans. CB&I has also provided landfill liner and LFG engineering to the County at its landfills.

Relevant Experience: Groundwater, surface water, leachate, and vadose zone sampling at the County's 4- landfill sites.

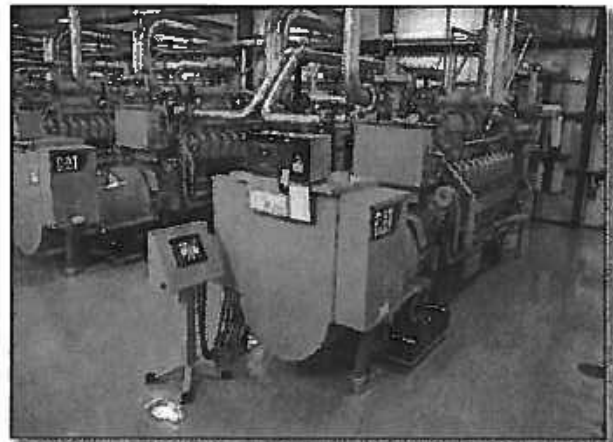
Dates of Service: 1999 - present

Key CB&I Staff: Darrell Thompson (Project Manager), J.C. Isham (Senior Technical Review), Sheila Richgels (Sampling Coordinator), and Paul Weinhardt (Field Technician).

Client Contact: Taj Bahadori - Senior Engineer
San Joaquin County - Department of Public Works
1810 E. Hazelton Ave, Stockton, CA 95201
Phone: (209) 953-7316
tbahadori@sjgov.org

JED LFGTE Utilization System - Operations, Maintenance, Monitoring (St. Cloud, FL)
Client: Waste Connections, Inc.

CB&I designed, constructed, owns and operates an \$18.7 million, 9.6 MegaWatt LFG-to-Energy (LFGTE) Utilization System Project on the JED Solid Waste Management Landfill Facility located in St. Cloud, Florida. CB&I shares a portion of power sale proceeds with Progressive Waste over the course of a 20-year contract.



Relevant Experience: GCCS operations, maintenance, wellfield tuning, troubleshooting, repairs, and enhancements for improved recovery.

Dates of Service: 2014 - present

Key CB&I Staff: Darrell Thompson (LFG Engineer)

Client Contact: Benjamin Gray
Waste Connections
1501 Omni Way, St. Cloud FL 34773
(407) 932-8672

Bedwell Bayfront Park Landfill– Gas Wellfield Evaluation and Recommendations
Client: City of Menlo Park, CA

The City of Menlo Park, CA hired CB&I to evaluate the entire LFG well field which consists of roughly 75 active wells that were installed in the 1980's and have had minimal maintenance done since installation. CB&I sounded all wells and conducted independent monitoring. The evaluation indicated that many of the wells are watered in or damaged due to settlement over time. CB&I prepared a phased approach to implementing improvements which will consist of dewatering pumps, decommissioning wells, replacing wells, and replacing well heads and vaults.



Relevant Experience: LFG well field system evaluation, troubleshooting, and recommendations for improvements.

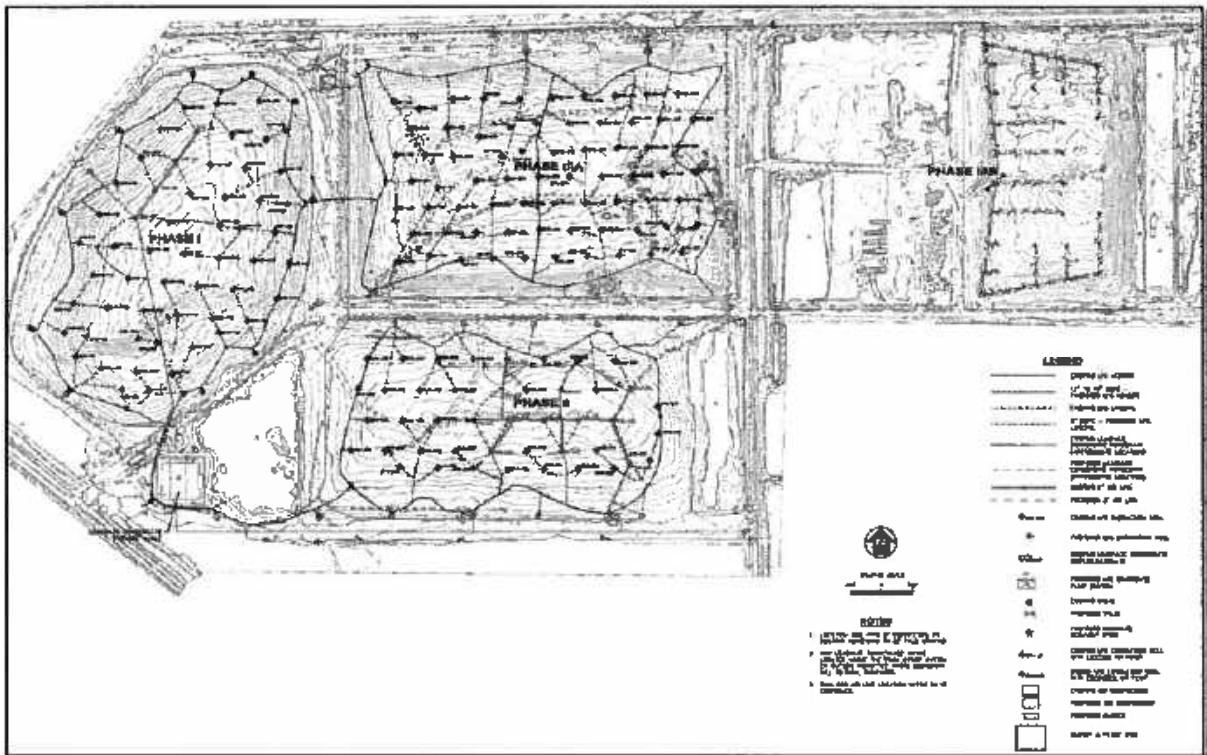
Dates of Service: 2014 - 2016

Key CB&I Staff: Darrell Thompson (Project Manager)

Client Contact: Azalea Mitch, PE - Civil Engineer
City of Menlo Park, CA
701 Laurel St., Menlo Park, CA 94025
(650) 330-6742
aamitch@menlopark.org

Jefferson Parish Sanitary Landfill - Comprehensive GCCS Services (Jefferson Parish, LA)
Client: Jefferson Parish, Louisiana

The Parish of Jefferson retained CB&I to redesign and permit the expansion of the Jefferson Parish Sanitary LFG GCCS. CB&I's services included design, permitting, preparation of the construction drawings and specifications, and installation. CB&I currently performs GCCS O&M, monitoring, reporting, permitting, maintenance, and repairs at this active facility in accordance with NSPS regulations.



Relevant Experience: GCCS compliance monitoring / reporting, O&M, permitting, and repair services.

Dates of Service: Current GCCS O&M: 1999 - present
 GCCS Design / Build: 7/2010 - 12/2010

Key CB&I Staff: Darrell Thompson (LFG Engineer)

Client Contact: Rick Buller, PE – Landfill Engineer
 Jefferson Parish Department of Environmental Affairs
 4901 Jefferson Highway, Ste. E, Jefferson, LA 70121
 Phone: (504) 736-6103
rbuller1@jeffparish.net

Google, Inc. – LFGTE Power Plant and Treatment System O&M
Client: Google, Inc.

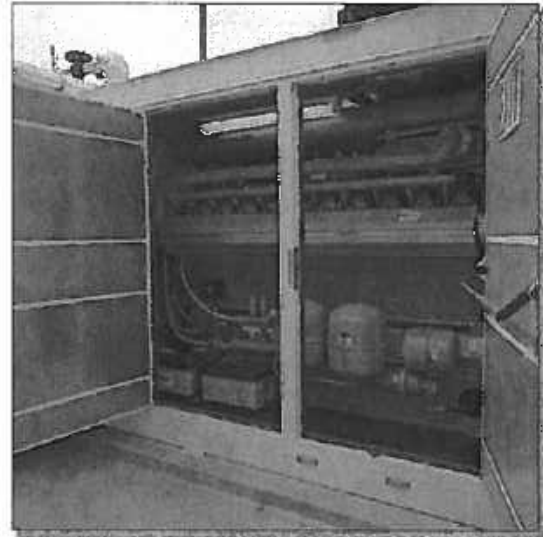
Google owns and contracts out to CB&I the O&M of three Jenbacher J320 engine/generators that are fueled from the City of Mountain View's closed landfill. The engines are installed at three different office buildings locations and were designed to offset the purchase of power from the utility.

The City of Mountain View operates an old closed landfill. The City would normally burn the gas in flares, but with the installation of the engines there was a two mile pipeline installed in the public streets of Mountain View, a new compressor station and process skid to dry the gas prior to entering the pipeline. CB&I operates the compressor and process skid to send gas to the engines.

Each engine is operated independently of each other depending upon the load of each building. Each engine can produce approximately 1 MW of electrical power.

The engines have operated above 95% on-line run time, not including routine scheduled maintenance. This is remarkable considering:

- CB&I does not operate the LFG collection system
- The gas blower is operated 2 miles away from the engines
- The engines produce most of the power that the buildings use, but there is some interconnection with power from the utility
- On one of the units, the building utilizes waste heat to heat water for the building, this process is integral to the engine operations, and
- CB&I provides all monitoring for air compliance from the pipeline to engine exhaust source testing



Relevant Experience: GCCS O&M, Monitoring, Reporting, Source Testing

Dates of Service: 2006 - present

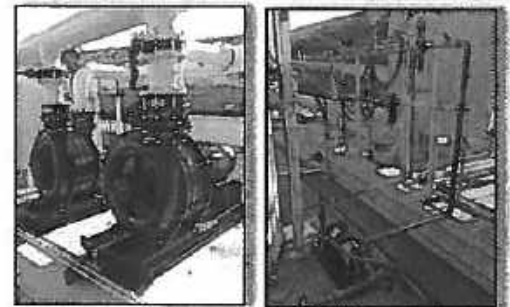
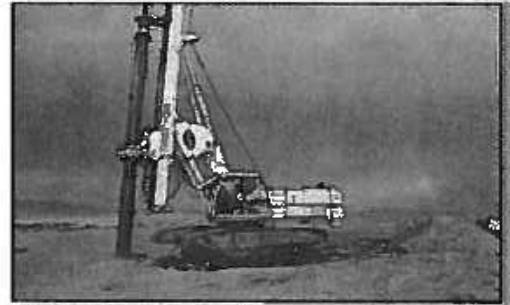
Key CB&I Staff: Darrell H. Thompson (Project Manager), Kirk Johnson, Kathleen Beresh

Client Contact: Tom Rea
 Google, Inc.
 650-253-6843
 trea@google.com

**Avenal Regional Landfill – GCCS Design, Permitting, CM/CQA, O&M (Avenal, CA)
Client: Waste Connections, Inc.**

CB&I provided comprehensive engineering services including siting, planning, design, permitting, construction CQA, compliance, and monitoring services to the Avenal Regional Landfill located in central California, in support of LFG GCCS upgrades. Recent LFG system upgrades included installation of thirteen (13) vertical gas extraction wells, four (4) horizontal gas collectors, lateral and header gas transmission piping, tie-ins to existing leachate collectors and gas vapor wells, and installation of a factory fabricated blower skid and flare stack. Specific CB&I services for this project included:

- Prepared preliminary and final design of GGCS
- Title V air monitoring and permitting
- Prepared construction bid documents for GCCS
- Designed and constructed the flare stack and blower (completed by LFG Specialties, a subsidiary of CB&I)
- Designed and permitted the GCCS condensate collection, conveyance, treatment and monitoring system.
- Provided bid assistance for the GCCS, and condensate handling, storage and treatment system.
- Provided construction quality assurance during all phases of construction.
- Provided project certification report with as-built records for the GCCS expansion.
- Developed the GCCS O&M Manual.

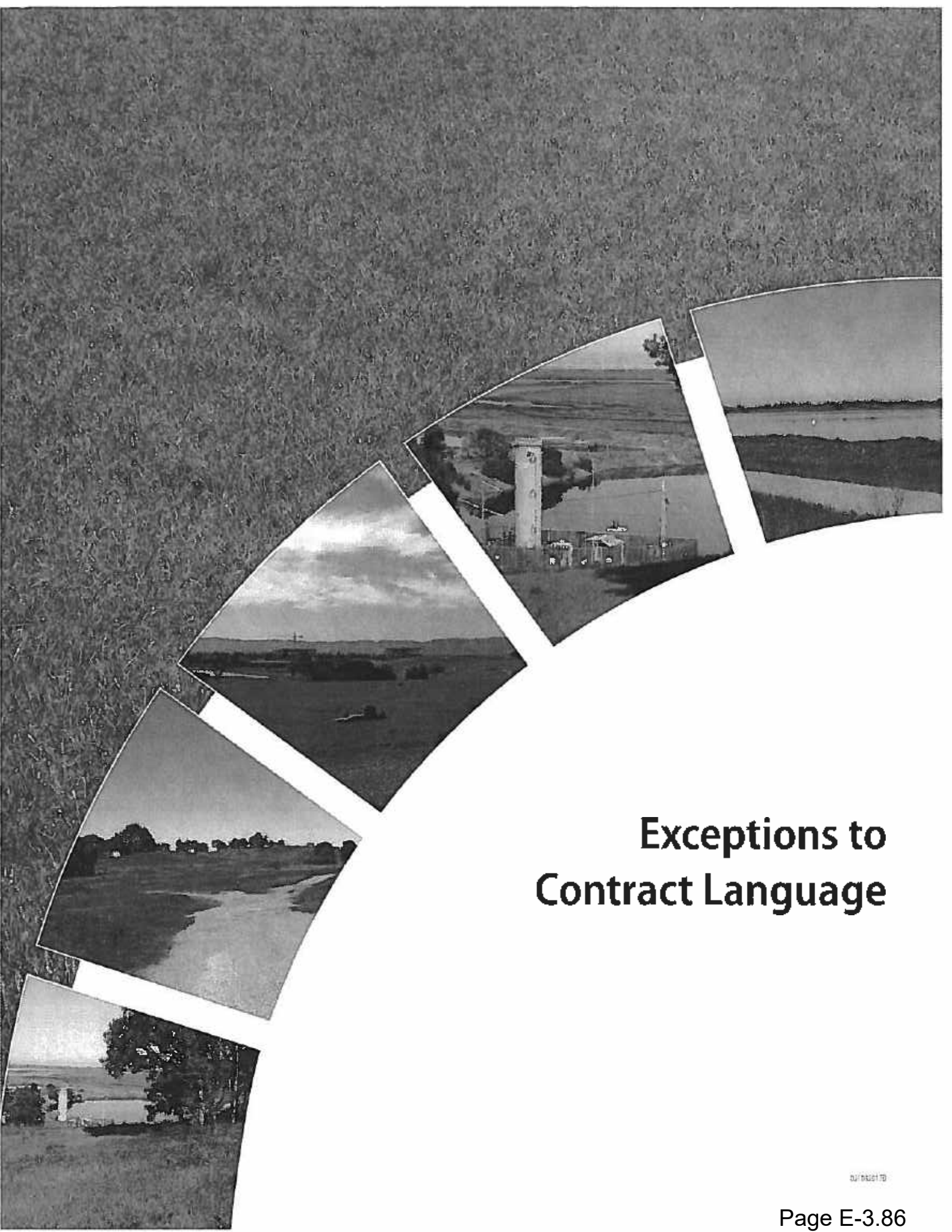


Relevant Experience: GCCS design, monitoring, permitting, construction / installation, and flare startup / source testing.

Dates of Service: 2015 - present

Key CB&I Staff: Darrell H. Thompson (Project Manager), and John Jowers (Engineer).

Client Contact: Tom Reilly, California Engineering Manager
Waste Connections, Inc.
1385 Promontory Point Drive, El Dorado Hills, CA 95762
Phone: (916) 549-0443
TomR@WasteConnections.com



Exceptions to Contract Language

04/18/2017

Requested Exceptions to the City of Menlo Park Agreement for Services. Note that these Exceptions have been previously agreed upon for existing Agreements with the City.

1. Insert our full name CB&I Environmental & Infrastructure, Inc.

~~2. Delete Paragraph 11-B.3~~

3. Replace Paragraph 10. Hold Harmless with:

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.

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.

AGREEMENT COVER SHEET

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



Contract #: 2117		
Project Manager: Azalea Mitch	Department: Public Works	Date: 3/16/2017
<input type="checkbox"/> Time Sensitive <input checked="" type="checkbox"/> New Agreement <input type="checkbox"/> Attest Only <input type="checkbox"/> Amendment Choose an item.		
First Party: CB&I Environmental & Infrastructure, Inc.	Type of Agreement: Maintenance	
Agreement or Project Title: Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems		
Purpose: Five year contract to provide the necessary services to operate and maintain the leachate system and Gas Collection and Control Systems at the Bedwell Bayfront Park Landfill in accordance with all regulatory requirements.		
Agreement Amount: \$1,046,000.00	Begin Date: 7/1/2017	End Date: 6/30/2022
Approved Budget: \$210,000	Budgeted YR: 2017-18	Available Budget: \$210,000
Account/Funding: 754 20502 5505 - \$160,000 754 20502 5871 - \$ 50,000		
Required Approval: <input type="checkbox"/> Department <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Council		
<input checked="" type="checkbox"/> Language Modifications <input checked="" type="checkbox"/> Approved by City Attorney		
Summary of Modifications: Added underlined sentence to Section 10. Hold Harmless.		
Attachments:		
<input checked="" type="checkbox"/> Two (2) Copies of Agreement	<input type="checkbox"/> Receive an electronic copy of the executed Agreement	
<input checked="" type="checkbox"/> Staff Report CC mtg 3-14-17	<input type="checkbox"/> Request to forward PO/Check Req to Finance	
<input type="checkbox"/> Prior Agreement/Amendments(s) for reference	<input type="checkbox"/> Other/Comment _____	
<input checked="" type="checkbox"/> PO/Check Req		

Approval:

Angela Qui
Supervisor

Justin Murphy
Department Head

[Signature]
Budget/Finance

[Signature]
City Attorney

Routing: Department, City Clerk, City Attorney, Finance, (City Manager), City Clerk, Department



STAFF REPORT

City Council

Meeting Date:

4/18/2017

Staff Report Number:

17-082-CC

Consent Calendar:

Authorize the City Manager to enter into an agreement with CB&I Environmental & Infrastructure, Inc. (CB&I) for the Operation and Maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems (gas system) for a period of five years in the amount of \$796,000 with an additional not to exceed \$250,000 for as-needed maintenance repairs

Recommendation

Staff recommends that the City Council authorize the City Manager to enter into an agreement with CB&I for the Operation and Maintenance of the Bedwell Bayfront Park leachate and gas collection systems for a period of five years in the amount of \$159,200 annually (total of \$796,000) with an additional not to exceed \$50,000 annually (total of \$250,000) for as-needed maintenance repairs. The contract amount will be included in the budget for fiscal year (FY) 2017-18.

Policy Issues

The contract is consistent with Goal LU (Land Use) of the General Plan Land Use Element which is intended to “promote the implementation and maintenance of sustainable development, facilities and services to meet the needs of Menlo Park’s residents, businesses, workers, and visitors.”

Background

The Bedwell Bayfront Park Landfill is a Class III non-hazardous solid waste management facility located at the east end of the City on San Francisco Bay at Bayfront Expressway and Marsh Road. The site is surrounded on three sides by the Don Edwards San Francisco Bay National Wildlife Refuge. Originally referred to as the Marsh Road Landfill, San Mateo County first established solid waste operations at the site in 1957. In 1968, the City of Menlo Park (City) took over the responsibility of the landfill until its closure in 1984. In 1982, the City began the development of Bedwell Bayfront Park on the 160 acre site, of which the landfill covers 155 acres.

To comply with Bay Area Air Quality Management District (BAAQMD) regulatory requirements and as part of the landfill closure plan, the City covered the refuse with clay. A landfill gas wellfield was installed in two phases, with the first phase built in 1984 and the second phase in 1987. Currently, the wellfield consists of 72 gas extraction wells and a network of gas collection pipes embedded just beneath the surface of the landfill cap. During that time, the City awarded a Gas Lease to Fortistar, a contract operator, to build, maintain and operate a gas to energy plant. Internal combustion engines were used to generate electricity from the landfill. The electricity was sold to Pacific Gas and Electric (PG&E). The gas to energy plant was decommissioned in 2013 when the contract with PG&E expired and due to equipment wear and a decrease in landfill gas production. The landfill gas is directed to a flare for combustion near the far end of the park. A

new flare was built in 2013 and the landfill gas is combusted in compliance with the BAAQMD permit. The gas system has continued to be operated by Fortistar, with their contract set to expire at the end of this fiscal year.

The leachate system consists of twelve extraction sumps located along the perimeter of the landfill and a monitoring network. In 1986 and 1987, seven leachate sumps were first installed, followed by the installation of five additional extraction sumps in 1998-99. In 1991, automated submersible pumps were installed in the older sumps, which originally consisted of gravel filled trenches with horizontal perforated piping at the base. The sumps installed in 1998-99 consist of gravel filled trenches with perforated piping at the base that slope toward risers equipped with automated submersible pumps and level control. Once the leachate is captured, it is discharged to the sanitary system, operated by the West Bay Sanitary District (WBSD), for conveyance to the wastewater treatment plant for treatment, which is operated by Silicon Valley Clean Water (SVCW) (formerly the South Bayside System Authority).

The leachate system is operated and monitored per the requirements of the Regional Water Quality Control Board (RWQCB). The City has the responsibility to monitor, collect samples and dispose of the leachate generated from the landfill. The monitoring system consists of seven groundwater monitoring wells, two surface water monitoring locations, six leachate wells, five piezometers, the twelve leachate extraction sumps and one leachate monitoring location at a sanitary sewer manhole. The operation and maintenance of the system has been contracted to CB&I since 1991. Their contract is set to expire at the end of this fiscal year.

The Bedwell Bayfront Park Landfill typically generates about 127 million standard cubic feet of landfill gas a year. About 3.5 million gallons of leachate are extracted from the landfill and discharged to the sanitary sewer annually.

Regulatory Requirements

The Bedwell Bayfront Park Landfill is operated and maintained according to the requirements placed by the following permits:

Leachate

- **Waste Discharge Requirements Order 97-073 (WDR):** The water quality monitoring and reporting requirements for the Bedwell Bayfront Park landfill leachate system are stipulated in Waste Discharge Requirements Order 97-073 (WDR), issued by RWQCB in 1997 with no expiration date.
- **Mandatory Wastewater Discharge Permit No. WB 120930 (MWDP):** Monitoring is required under the MWDP, a joint permit issued by the WBSD and SVCW for the conveyance of the leachate to the sanitary system operated by WBSD and for treatment at the wastewater treatment facility operated by SVCW in Redwood City. The current 5-year permit expires on September 29, 2017.

Gas

- **BAAQMD:** The monitoring and reporting requirements for the gas system at the landfill are contained in the annual permit issued by the Bay Area Air Quality Management District (BAAQMD) to regulate emission of landfill gas to the atmosphere (Permit to Operate Landfill with gas collection system, Multi-material Bayfront Park Landfill with Gas Collection System Abated by A3 Flare; Plant No. 3499; Expiration date: July 1, 2017). The permit requires regular monitoring of the gas collection system and flare station as well as annual reporting. The permit requires compliance with BAAQMD Regulations 8-34, 2-1, 2-5, 9-1, AB32 and others.

Other Landfill Permits

- **San Francisco Bay Conservation and Development Commission (BCDC):** Originally issued on December 24, 1970, the BCDC Permit No. 18-70 allowed for the development of the landfill by filling unfilled areas of the Bay and by allowing for the conversion of the closed landfill to a park. This permit was amended on September 19, 2008, to allow wetland mitigation funds to be used for habitat restoration instead of land acquisition. There are no monitoring or reporting requirements associated with this permit.
- **San Mateo County Environmental Health, Solid Waste Program:** San Mateo County inspects the landfill on a quarterly basis.

Analysis

In February of this year, staff issued a request for proposals (RFP) for the necessary services to operate and maintain the leachate and gas systems at the Bedwell Bayfront Park Landfill in accordance with all regulatory requirements. The scope of work included in the RFP was as follows:

Task 1 – Routine Monitoring and Operating Services

The Contractor shall be responsible for operating and conducting routine monitoring of the leachate and gas systems. In addition to the monitoring requirements, the Contractor shall be responsible for adjustments to the leachate and gas systems in case of system failure and needed repair work. The Contractor shall have the availability to arrive at the site and respond to equipment malfunctions and emergencies within 8 hours of the call-out service request.

Task 2 – Sampling and Analysis

The Contractor shall be responsible for the development of sampling protocols and complying with the analytical requirements as stipulated in all of the permits for the landfill. Analysis of constituents shall be conducted by certified laboratories. At a minimum, the Contractor shall be responsible for complying with the following permits and requirements.

Task 3 – Monitoring and Analysis Reports and Project Management

The Contractor shall be responsible for the preparation of all monthly, semiannual and annual reports as required by the City and the regulatory requirements outlined in the permits and for submitting these to the permit agencies on behalf of the City. All reports shall include a description of the site and landfill systems, evaluation criteria, explanation of any calculations, certified analytical results, monitoring and inspection summaries, field and laboratory records, maps and figures and any recommendations. All reports shall be submitted to the City for review prior their submittal to the permitting agencies.

Task 4 - Maintenance and Repair Work

The Contractor shall provide all the necessary labor, equipment and materials to perform maintenance and repair work on the leachate and gas systems on an on-call and as-needed basis. The work may be based on maintenance and repairs needs identified during routine inspections, system failures, and any other work requested by City staff.

Task 5 – Project Management

The Contractor shall provide project management support, as required, inclusive of the following:

- Coordination and meetings with City staff and permit agencies;
- Site visits with City staff;
- Assistance with and review of permit expiration dates, application renewal processes, monitoring and maintenance regulations; and

- Development of recommendations and cost estimates for improving the performance of the landfill systems.

The City received five proposals on March 8, 2017. These included CB&I, Geosyntec Consultants, SCS Engineers, Blue Flame Crew and Tetra Tech Inc. Staff reviewed the proposals and is recommending that CB&I is awarded the contract for the following reasons:

- CB&I provided the lowest bid; and
- The team has extensive experience operating and managing landfills, including both leachate and gas systems.

IMPACT ON CITY RESOURCES

The total annual cost for the operation and maintenance of the Bedwell Bayfront Park Landfill Leachate and Gas Collection and Control Systems is \$159,200 with an additional not to exceed \$50,000 for as-needed maintenance repairs. The total five year contract amounts to \$1,046,000. On an annual basis, this is an increase of \$27,085 a year (difference between \$159,200 and the current contract of \$132,115). However, the new scope of work includes regulatory requirements, which were not included in the past contract and which have been done by staff. To ensure that the leachate and gas systems are operated according to the most up to date regulatory requirements, the reporting requirements have been included as part of the scope of work for this contract. Landfill funds will be used to pay for the contract, which currently has a balance of over \$4M. The contract amount will be included in the budget for FY 2017-18 and would begin on July 1, 2017.

ENVIRONMENTAL REVIEW

Environmental review is not required for this item.

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. None

Report prepared by:

Azalea Mitch, Engineering Services Manager / City Engineer

Reviewed by:

Justin Murphy, Public Works Director

**APTIM**

4005 PORT
CHICAGO HWY
CONCORD, CA
94520

APTIM.com

MAY 19, 2022

ATTENTION: Mike Sartor

SUBJECT: Proposed Contract 2117 Extension

Mr. Sartor:

Aptim Environmental & Infrastructure, LLC. (APTIM) appreciates this opportunity to extend our services to the City of Menlo Park Department of Public Works (City) for operation, maintenance (O&M), and reporting of the Bedwell Bayfront Park Landfill (Landfill) leachate and gas collection and control systems, and groundwater monitoring and reporting services. We have the utmost confidence in our ability to continue to meet your goals and objectives based upon the experience of our local senior staff that has been conducting the scope of work for the past few years.

In addition, APTIM is prepared to provide O&M support to the pending GCCS reconstruction scheduled for the summer of 2022. Our project manager, Christopher M. Richgels, P.E., has known and worked with the Golder GCCS design team (Steve Nguyen and Andy Wang) for just a few decades now. APTIM will work closely with the Golder team and contractor to maintain flare operations while the system undergoes reconstruction.

APTIM is highly qualified to provide these services based on our over 30 years' experience in environmental landfill consulting, O&M of landfill leachate collection and recovery systems (LCRS) and gas collection and control systems (GCCS), WDR compliance, and landfill regulations for the Landfill.

As Senior Director of Operations for APTIM, Mr. Devin Moose is authorized to sign contracts binding the firm on its behalf.

Our attached scope description further elaborates on our Team's experience and our approach to continuing this project through June 2023. We look forward to continuing our services to the City. If you have any questions, please contact me at (630) 762-3308 or Chris Richgels at (916) 218-8375.

APTIM proposes to continue these services under Contract 2117 dated 5 April 2017

Sincerely,

Aptim Environmental and Infrastructure

Devin A. Moose
CSW OPERATIONS DIRECTOR

C (630) 762-3308
E devin.moose@aptim.com

Christopher M. Richgels, P.E.
PROJECT MANAGER

C (916) 218-8375
E christopher.richgels@aptim.com

Your Project Team

APTIM has assigned the following people to this project through 2023:

Christopher Richgels, PE, will serve as your Project Manager for the project. Mr. Richgels started his professional career in 1989 with Emcon Associates in San Jose, California and has managed private consultant design projects from conception through construction. He has over 33 years' experience in all aspects of solid waste facility management including GCCS development and expansion, groundwater remediation and monitoring.

Andrew Kowalski, Air Quality Permitting will serve as your Task Manager specializing in air quality permitting and compliance. Over the past year, Mr. Kowalski has assisted with preparation of the monthly and annual regulatory reports for the Landfill. In addition, Mr. Kowalski has experience managing data and compliance for landfills throughout the U.S., and actively manages data for more than 10 landfills. Mr. Kowalski has also supported clients with notice of violation response and follow-up compliance, onsite facility combustion source inventory/inspection, preparing environmental plans and reports, continuous emission monitoring (CEMS) quarterly data reconciliation reports, and EPA Method 9 visible emissions observations.

Scott Furlong, Regulatory Liaison and Air Quality Specialist serves as a Project Manager/Environmental Lead in the Solid Waste group. He is currently involved in project management and regulatory support for landfill gas projects and landfill NSPS/NESHAP compliance in PA, CA, and LA. He will provide review and technical oversight of all GCCS reporting prepared for the project.

Cassandra Tremblay, PG, your Project Geologist will continue her responsibilities ensuring the groundwater monitoring and reporting work is conducted in accordance with the latest Waste Discharge Requirements and will lead the preparation of groundwater monitoring reports for the Landfill. She will prepare the October semi-annual ground water and monthly leachate monitoring reports.

Dan Easter, PG, CEG will continue his responsibilities providing review and technical oversight of the leachate and groundwater monitoring reports. He is a Professional Geologist and Certified Engineering Geologist (California) with over 33 years of experience in project management, remedial investigations and removal actions, land-use planning, engineering geology, hydrogeology, riparian and coastal processes, geologic hazard assessments, and groundwater investigations. He has been responsible for design, implementation, and management of numerous site characterization, environmental monitoring, and remediation programs

Scott Bittinger, PG, your non-routine services geologist will prepare additional information requests for special analyses requested by the City or by the Regional Board. He is a Professional Geologist (California) with over 22 years in groundwater well design and installation, and of soil/soil vapor and groundwater cleanup projects. He will also provide backup for field support for landfill projects, including drilling and development oversight of new monitoring wells or other evaluation and investigation programs.

Sheila Richgels – Laboratory Coordination and Analysis Lead. She will continue coordination of environmental field sampling at the landfill. She brings over 30 years of experience in coordination environmental monitoring programs for dozens of landfills in northern



California. Her responsibilities include scheduling of all fieldwork, coordinating with the analytical laboratory, and reviewing all field paperwork for completeness and accuracy. Ms. Richgels is in charge of APTIM's field sampling staff for Northern and Central California.

Paul Weinhardt – Groundwater Monitoring Lead will continue to perform sampling/monitoring activities at the Landfill. Mr. Weinhardt has been providing superior field services for geologists and engineers for more than 25 years. His experience includes groundwater monitoring, operations and maintenance of groundwater and soil vapor extraction systems, soil sampling, lysimeter monitoring, leachate monitoring, and well development.

Pedro Ruiz - GCCS O&M, Monitoring and Leachate System Support Lead will provide groundwater monitoring support on this project. He is a Field Technician with 25 years of experience in the environmental field. His primary responsibilities include field operation and maintenance (O&M) of groundwater treatment systems. He is an experienced field technician with skills operating environmental sampling and monitoring instruments for air, soil, and water.

Michel Hills, Field Services Technician is a field technician with over 10 years of experience in the environmental field. His experience includes landfill GCCS O&M, environmental monitoring, sampling, O&M of groundwater treatment systems, installation of innovative remedial systems modifications of remedial systems, tank removals, and air, soil, groundwater, surface water sampling. Mr. Hills currently works closely with Mr. Richgels and Ruiz to perform field monitoring, sampling activities, routine O&M services, and on-call maintenance, repairs as needed at the Landfill.

Subcontractors

APTIM will continue our working relationship with :

Pace Analytical Laboratories, Inc. (Formerly BC Laboratories)

Pace Analytical Laboratories, Inc. (Pace) will continue to provide groundwater, surface water, and leachate analytical services to APTIM as the most reasonably priced and best qualified provider of such services for this project based on their current working long term relationship with APTIM. The selection of an analytical laboratory is an important consideration. High quality analytical data is necessary for compliance with the WDRs.

Blue Flame Environmental, Inc.

Blue Flame Environmental, Inc. (Blue Flame) will continue to provide APTIM flare inspection, operations and maintenance services through 2023. Blue Flame utilizes United States Environmental Protection Agency (EPA), CARB and BAAQMD approved test methods, with the goal of reporting accurate and defensible data that surpasses the expectations and requirements of our clients and applicable regulatory agencies. Blue Flame offers testing services that are extremely competitive by keeping overhead low, while heavily investing in new equipment.

Telstar Instruments, Inc.

Telstar Instruments, Inc. (Telstar) will provide APTIM annual flow meter calibration verification services at the enclosed flare station this fall. Telstar has been providing this service for the last 9 years. Telstar Instruments is a state certified instrumentation and controls integrator specializing in PLC_SCADA systems, measurement instrumentation, and automated process

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controls. Telstar provides complete onsite maintenance and calibration services, for all brands of PLC's, VFD's, process control instrumentation, radio telemetry, and SCADA systems.

Field Solutions Inc.

Field Solutions Inc. (FSI) will provide APTIM with surface emissions monitoring (SEM) on the landfill this fall as required by PTO A3499 FSI has been providing this service since 2019.

Scope of Work

APTIM provides below a detailed description of the scope of services to be extended and construction support.

Continuing O&M Services

Continued O&M services must comply with all regulatory and updated permit requirements shown below:

Leachate, Groundwater. and Surface Water:

- ▶ Waste Discharge Requirements Order 97-073 (WDR)
- ▶ Mandatory Wastewater Discharge Permit No. 170930 (MWDP)

GCCS:

- ▶ BAAQMD Permit to Operate No. A3499

Other Landfill Permits:

- ▶ San Francisco Bay Conservation and Development Commission (BCDC).
- ▶ San Mateo County Environmental Health, Solid Waste Program

Continuing Services Tasks

APTIM will provide extended services under six tasks as outlined below. Tasks 1 thru 4 and Task 6 will be billed as a lump sum monthly cost as is current practice. Task 5 will be billed separately on a time and expense basis under the contracted hourly and equipment rates.:

- ▶ Task 1 – Leachate & GCCS Routine Monitoring, Operating, and Maintenance Services
- ▶ Task 2 – Quarterly Groundwater Sampling and Analysis
- ▶ Task 3 – Groundwater Analysis Reports
- ▶ Task 4 – GCCS Reporting
- ▶ Task 5 – On-Call Maintenance and Repair Work
- ▶ Task 6 – Project Management

Task 1 Leachate & GCCS Routine Monitoring, Operating, and Maintenance Services

During this extended contract period APTIM will be responsible for operating and conducting routine monitoring of the leachate system and GCCS as detailed below under Subtasks 1 a and 1 b.

Subtask 1a - Leachate

Under Subtask 1a, APTIM will perform the following tasks on a monthly basis:

- ▶ Monitor and record:
 - › Flow at all leachate flow meters,
 - › Pump run-times,
 - › Piezometer levels,
 - › Sump levels, and
 - › Other pertinent parameters and activities.
- ▶ Monitor and adjust the leachate system in accordance with the flow requirements set in Permit MWDP No. 170930 based on field measurements.
 - › Observe and record maintenance and repair needs.
 - › Perform routine maintenance on the leachate system to ensure that it is operating efficiently.
 - › Observe and record major (non-routine) repair needs.
 - › Perform other necessary tasks as required to ensure regulatory compliance; and
 - › Provide all the monitoring and operating data for the monthly reports as described under Task 3.

Subtask 1b - GCCS

Under Subtask 1b, APTIM and Blue Flame will perform the following tasks:

- ▶ A minimum of monthly, monitor and adjust the GCCS components to ensure that the system is operated efficiently and in accordance with all permit requirements. This will meet permit and BAAQMD requirements.
- ▶ A minimum of monthly, adjust GCCS valves to ensure adequate gas flow, to reduce the migration of surface gases, and to minimize odors as needed. This will meet permit and BAAQMD requirements.
- ▶ A minimum of monthly, monitor gas wells, condensate traps, laterals headers, blowers, flare and other GCCS components. This will meet permit and BAAQMD requirements.
- ▶ Typically, on a weekly basis, APTIM and Blue Flame will monitor and record the flare operating parameters (temperature and pressure), gas quality (% methane, carbon dioxide, oxygen, balance), gas flow and temperature: blower operating parameters (temperature, pressure, valve positions, run time hours), condensate system conditions and will confirm that the flare operating parameters are being recorded on the continuous data recorder (Yokogawa). This will meet permit and BAAQMD requirements.
- ▶ Weekly conduct a general inspection of the flare station operations including:
 - › Alarm history.

- › Current operating conditions.
 - › Condensate management system functioning properly.
 - › Air compressor system functioning properly.
 - › Data recorder functioning properly.
 - › Sump pumps functioning properly.
 - › Check well field vacuum.
 - › Verify the City's SCADA system is receiving data.
 - › Check flow and vacuum historical data since previous week to determine if any variations or shutdowns occurred; and
 - › Other general operational parameters.
- ▶ A minimum of monthly, download and review the data from the continuous data recorded (Yokogawa) to ensure flare data is being recorded properly and operations are within the requirements of the permit and BAAQMD Rules and Regulations.
 - ▶ Measure and record on a monthly basis the static pressures, temperature, and percent content (methane, carbon dioxide, oxygen, balance) of the landfill gas at each of the wellheads as well as the liquid levels in the wellheads.
 - ▶ Calibrate on a monthly basis the analytical equipment.
 - ▶ Record / document all GCCS activities.
 - ▶ Inspect and maintain the flare in accordance with the manufacturer's requirements.
 - ▶ Perform routine maintenance on the GCCS to ensure that it is operating efficiently.
 - ▶ Observe and record major (non-routine) repair needs.
 - ▶ Ensure that the analytical equipment used is calibrated and certified.
 - ▶ Any other necessary tasks as required / as needed to ensure regulatory compliance; and
 - ▶ Provide all the monitoring and operating data for the monthly reports as described under Task 4.

APTIM will perform all GCCS sampling and analysis requirements pursuant to the BAAQMD through 2022. Specifically, APTIM will conduct surface emissions monitoring in September measuring the methane gas concentrations in parts per million off the surface of the Landfill within numbered grids. Exceedances will be flagged in the field and marked on the grid map. Then, prior to leaving the site, APTIM will notify the City of any exceedances such that the City may visit to investigate and schedule repairs. Since the site has historically not had emission issues, 10 and 30-day re-scans are not included in APTIM's cost proposal.

The flare gas flowmeter is calibrated on an annual basis. APTIM will provide this service in the fall per the historical schedule.

Flare source testing was recently conducted in January 2022. The source test is due every four (4) year in accordance with the BAAQMD Permit, thus will not be required again until January 2026. Flare source testing is not included in this scope of work.

In addition to the above monitoring activities, APTIM will perform adjustments to the leachate system and GCCS in case of system failure and needed repair work. APTIM will have the availability to arrive at the site and respond to equipment malfunctions and emergencies within 8 hours of the call-out service request.



Task 2 – Groundwater/Leachate Sampling and Analysis

APTIM will be responsible for the development of sampling protocols and complying with all sampling and analytical requirements required by the applicable Landfill permits. Analysis of constituents will be conducted by a certified laboratory (Pace Analytical Laboratories – formerly Pace).

APTIM will be responsible for complying with the water quality monitoring and reporting requirements required by WDR Order 97-073. These requirements include, but are not limited to:

WDR Order 97-073:

- ▶ Quarterly sampling and analysis of the leachate.
- ▶ Semi-annual sampling and analysis of the groundwater.
- ▶ Semi-annual sampling and analysis of the surface water.
- ▶ Semi-annual site inspections.
- ▶ Preparation and submittal of all monitoring reports to the applicable regulatory agencies on behalf of the City (as described under Task 3).

Further, APTIM will be responsible for complying with the leachate water quality monitoring and reporting requirements required by MWDP No. WB 120930. These requirements include, but are not limited to:

MWDP No. 170930:

- ▶ Quarterly sampling and analysis for specific constituents required by MWDP No. 170930; and
- ▶ Monthly flow measurements and reporting.

Task 3 – Groundwater/Leachate Monitoring Reports

Under Task 3 services, APTIM will prepare all monthly, semiannual, and annual monitoring reports as required by the City and in accordance with the regulatory requirements of the Landfill permits. APTIM will submit these reports to the applicable permit agencies on behalf of the City. All reports will include a description of the site and landfill systems, evaluation criteria, explanation of any calculations, certified analytical results, monitoring and inspection summaries, field and laboratory records, maps and figures, and any recommendations. All reports will be submitted in draft form to the City for review and comment, and subsequently finalized with any City comments prior to their submittal to the permitting agencies.

APTIM will be responsible for the preparation and submittal of all monitoring and analysis reports complying with the water quality reporting requirements contained in WDR Order 97-073 and MWDP No. WB 120930. Specifically, APTIM will provide the following:

WDR Order 97-073:

- ▶ Preparation and submittal of semi-annual reports due in April and October of each year. The October 2022 and April 2023 reports will be prepared under this scope.

MWDP No. 170930:

- ▶ Preparation and submittal of monthly leachate reports.

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Task 4 – GCCS Reporting

APTIM will continue preparation and submittal to the City of all monitoring and analysis reports complying with the GCCS reporting requirements of BAAQMD. Specifically, APTIM will be responsible for performing the following:

- ▶ Preparation and submittal of monthly reports that include a summary of the GCCS monitoring data and maintenance activities; and
- ▶ Maintaining accurate records and access to the records / monitoring data for a period of 5 years. Data storage should be duplicated by the City and conducted at the City offices.
- ▶ Preparation of annual compliance reporting in early 2023

Task 5 - On-Call Maintenance and Repair Work

APTIM will provide all the necessary labor, equipment, and materials to perform maintenance and repair work on the leachate system and GCCS on an on-call and as-needed basis. The work may be based on maintenance and repairs needs identified during routine inspections, system failures, and any other work requested by City Staff.

Office level non-routine work scope may include:

- ▶ Preparation of renewal application package for the leachate Mandatory Wastewater Discharge Permit with Silicon Valley Clean Water in September 2022. The last permissible automatic extension to permit 170930 occurred last year.
- ▶ Develop recommendations and cost estimates for improving the performance of the landfill environmental control systems.

APTIM will provide an estimated cost of the on-call work and will seek authorization from the City prior to proceeding.

Task 6 - Project Management

Under Task 6, APTIM will provide project management of the above tasks as required, and will include the following:

- ▶ Coordinate and conduct meetings with City staff and permit agencies.
- ▶ Conduct site visits with City staff.
- ▶ Assist with and review permit expiration dates, application renewal processes, monitoring, and maintenance regulations

GCCS Improvements

The City will be contracting for improvements to the GCCS wellfield and leachate control system this summer. APTIM will provide the services below on an on call, time-and-expense basis.

Task 7 – Wellfield Reconstruction Support

The City will be reconstructing the GCCS wellfield this summer. To maintain compliant GCCS operation will require extensive coordination between APTIM, the wellfield engineer (Golder Associates), the wellfield contractor, and the City (for flare shutdown notification).

APTIM will provide GCCS monitoring and new wellfield branch balancing as those installations are brought online by the contractor. APTIM's project manager will participate in construction

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status meetings to coordinate and schedule new wellfield branch start up procedures with monitoring and extraction well balancing.

APTIM will maintain communications with the City's SCADA management team to facilitate flare restart after shutdowns due to landfill gas flow impacts from site construction work. Typically, the flare has an auto-start system that will restart the flare in the event of a power failure. However, the flare may require some onsite management for restarts during gas flow failures. In the event of flare shutdowns due to construction, APTIM will prepare the necessary "breakdown" reports for submittal to the BAAQMD. APTIM will keep the BAAQMD advised as to reconstruction project status and wellfield replacement schedule.

Cost Estimate

APTIM's cost estimate for services extending beyond the expiration date of June 30, 2022 is presented below. Costs are presented in three levels: routine, non-routine on-call service, and construction support. This work would be conducted under the current contract as extended by the City.

Please note the twelve-month budget includes:

- ▶ 1 ea Surface emissions monitoring (September 2022).
- ▶ 1 ea Annual flow meter calibration check (Fall 2022)
- ▶ 2 ea Semi-annual groundwater sampling, laboratory analysis, and reporting event
- ▶ 2 ea Surface water sampling laboratory analysis and reporting event
- ▶ 4 ea Quarterly leachate sampling, laboratory analysis and reporting events
- ▶ 12 ea Monthly flare operations inspection and maintenance
- ▶ GCCS Weekly, monthly, quarterly monitoring, annual maintenance, and reporting tasks.

Also note cost for some of the above events are distributed over a twelve-month extended term. These distributed costs include preparation of the annual GCCS permit compliance and both semi-annual groundwater monitoring reports (October 2022, and April 2023).

APTIM's proposed routine service fee on a twelve-month basis from July 1, 2022 to June 30, 2023 is \$200,100. On a monthly bill cycle as currently done, this equates to \$16,675 billed monthly.

For the Task 5 non-routine services APTIM recommends budgeting \$50,000 over the twelve-month period from July 1, 2022 to June 30, 2023. APTIM assumes Task 7 construction support services will be required from July 1, 2022 to December 31, 2022. We recommend budgeting \$25,000 over this six-month period. These tasks would be billed for labor and expenses per the contacted labor hourly rate and equipment rate schedule. Subcontractor and other direct cost would be billed per expense plus a 7.5% markup per the current contract terms.



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-118-CC

Consent Calendar:

Adopt resolutions authorizing staff to submit applications to the Metropolitan Transportation Commission for the One Bay Area Grant Program

Recommendation

Staff recommends that the City Council adopt two resolutions (Attachments A and B) authorizing staff to submit two applications to the Metropolitan Transportation Commission (MTC) for the One Bay Area Grant third round (OBAG-3) to request funding for the Middle Avenue Pedestrian and Bicycle Undercrossing project (Undercrossing Project) and the El Camino Real Pedestrian Crossing Improvement project (Crossing Project.)

Policy Issues

This Project is consistent with the 2016 General Plan goal and policies. These policies seek to maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park. Both the Undercrossing Project and the Crossing Project are included in the City's capital improvement program and the Undercrossing Project is a City Council priority. The grant applications require a City Council resolution of support and commitment of matching funds.

Background

MTC is the Bay Area regional planning agency with authority over the distribution of select federal funding consistent with federal law. One Bay Area, the name of the regional transportation plan that is required under federal law, is in its third cycle. In each plan cycle, MTC, along with partner county congestion management authorities, has distributed federal transportation funding from the Federal Highway Administration to projects and programs that improve safety, spur economic development and help the Bay Area meet climate change and air quality improvement goals.

The OBAG-3 grant program is intended to invest funds in the transportation system at regional and local levels that are consistent with regional policies. In San Mateo County, the City/County Association of Governments (C/CAG) is the county congestion management agency, which will provide the first review of the OBAG-3 applications.

In past rounds of OBAG, the county congestion management authorities selected the local portion of the program. For OBAG-3, the county agencies will make recommendations, but MTC will have the sole authority to select projects. Federal law does not allow regional agencies like MTC to delegate authority over federal funding to other agencies. MTC has established target amounts for each of the nine counties, including \$32.6 million for San Mateo County. Because the funding will be ultimately distributed by MTC, projects in San Mateo County could receive more or less than the target.

Analysis

Criteria guiding selection of OBAG-3 projects include:

- Complement efforts to increase housing near established Priority Development Areas (PDA)
- Invest in pedestrian and bicycle infrastructure or advance complete streets principles
- Reduce single occupant vehicle travel and greenhouse gas emissions
- Reduce fatalities and serious injuries

In Menlo Park, the only designated PDA is the El Camino Real and Downtown Specific Plan area, which limits which projects can compete for OBAG-3 funds. In late June, staff submitted an Active Transportation Program grant application for improvements to Willow Road from US highway 101 to Bayfront Expressway, which does not have the same PDA requirements.

Staff are planning to submit two grant applications in the OBAG-3 cycle:

- The Undercrossing Project would construct a new grade separated undercrossing of the Caltrain tracks near Middle Avenue. This project is an established City Council priority that has a \$6.5 million funding gap. Recently, Congresswoman Anna Eshoo requested that this project be included as a member designated project in the fiscal year 2022-23 Federal budget. Given uncertainty about the Federal budget and rising construction costs, staff believes it is prudent to seek additional funding.
- The Crossing Project would construct intersection improvements at the three remaining El Camino Real intersections that do not have a pedestrian crossing on one leg of the intersection – at Roble Avenue, Ravenswood Avenue and Encinal Avenue. Adding crosswalks at these intersections requires replacing traffic signal equipment and adding or adjusting curb ramps, requiring substantial funding.

The OBAG-3 grant application deadline is July 1. CCAG will review the grant applications and pass nominations on to MTC by September 2022. Grant funds must be obligated by January 31, 2027, though staff anticipates requesting funding for these projects sooner.

Impact on City Resources

For the Undercrossing Project, staff is seeking \$5,000,000 in OBAG-3 funding (the maximum award.) The OBAG-3 grant requires a 20 percent match for projects that are not in a CCAG equity focus area. The City has already allocated substantial funding for the project and, in combination with other grant funds received, no additional City funding is requested at this time. Staff is currently working toward a construction on the Undercrossing Project in fiscal year 2024-25.

For the Crossing Project, staff is seeking \$2,000,000 out of a total cost of \$2,500,000 to complete the crosswalks at all three intersections. The City's contribution meet the 20% requirement. Currently, this City's capital improvement program includes approximately \$307,000 to design and construct the three new crossings, including approximately \$170,000 in funding for the design phase. The City's match for the project is expected to be funded from different sources including the Transportation Impact Fee and the Transportation Project (Minor) project. If successful, staff anticipates that the Crossing Project could be implemented in fiscal year 2023-24.

If the City is not successful with this grant opportunity, staff would continue to identify potential grant sources for these projects.

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 – Middle Avenue pedestrian and bicycle undercrossing
- B. Resolution – El Camino Real pedestrian crossings
- C. Map of the project location

Report prepared by:

Hugh Louch, Assistant Public Works Director - Transportation

Report reviewed by:

Nicole Nagaya, Public Works Director

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED
TO METROPOLITAN TRANSPORTATION COMMISSION AND COMMITTING
ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO
COMPLETE THE MIDDLE AVENUE PEDESTRIAN AND BICYCLE
UNDERCROSSING PROJECT**

WHEREAS, the City of Menlo Park (APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$5,000,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the Middle Avenue Pedestrian and Bicycle Undercrossing project (PROJECT) for the STP funding (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- The commitment of any required matching funds; and
- That the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- That the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- The assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- That the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- That the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- That APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED, by the Menlo Park City Council, that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and

BE IT FURTHER RESOLVED that APPLICANT will provide any required matching funds; and

BE IT FURTHER RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and

BE IT FURTHER RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

BE IT FURTHER RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and

BE IT FURTHER RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and

BE IT FURTHER RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

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-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE FILING OF AN APPLICATION FOR FUNDING ASSIGNED
TO METROPOLITAN TRANSPORTATION COMMISSION AND COMMITTING
ANY NECESSARY MATCHING FUNDS AND STATING ASSURANCE TO
COMPLETE THE EL CAMINO REAL PEDESTRIAN CROSSING
IMPROVEMENT PROJECT**

WHEREAS, the City of Menlo Park (APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for \$2,000,000 in funding assigned to MTC for programming discretion, which includes federal funding administered by the Federal Highway Administration (FHWA) and federal or state funding administered by the California Transportation Commission (CTC) such as Surface Transportation Block Grant Program (STP) funding, Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding, Transportation Alternatives (TA) set-aside/Active Transportation Program (ATP) funding, and Regional Transportation Improvement Program (RTIP) funding (herein collectively referred to as REGIONAL DISCRETIONARY FUNDING) for the El Camino Real Pedestrian Crossing Improvement project (PROJECT) for the STP funding (herein referred to as PROGRAM); and

WHEREAS, the United States Congress from time to time enacts and amends legislation to provide funding for various transportation needs and programs, (collectively, the FEDERAL TRANSPORTATION ACT) including, but not limited to the Surface Transportation Block Grant Program (STP) (23 U.S.C. § 133), the Congestion Mitigation and Air Quality Improvement Program (CMAQ) (23 U.S.C. § 149) and the Transportation Alternatives (TA) set-aside (23 U.S.C. § 133); and

WHEREAS, state statutes, including California Streets and Highways Code §182.6, §182.7, and §2381(a)(1), and California Government Code §14527, provide various funding programs for the programming discretion of the Metropolitan Planning Organization (MPO) and the Regional Transportation Planning Agency (RTPA); and

WHEREAS, pursuant to the FEDERAL TRANSPORTATION ACT, and any regulations promulgated thereunder, eligible project sponsors wishing to receive federal or state funds for a regionally-significant project shall submit an application first with the appropriate MPO, or RTPA, as applicable, for review and inclusion in the federal Transportation Improvement Program (TIP); and

WHEREAS, MTC is the MPO and RTPA for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) that sets out procedures governing the application and use of REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, APPLICANT is an eligible sponsor for REGIONAL DISCRETIONARY FUNDING; and

WHEREAS, as part of the application for REGIONAL DISCRETIONARY FUNDING, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- The commitment of any required matching funds; and
- That the sponsor understands that the REGIONAL DISCRETIONARY FUNDING is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional REGIONAL DISCRETIONARY FUNDING; and
- That the PROJECT will comply with the procedures, delivery milestones and funding deadlines specified in the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised); and
- The assurance of the sponsor to complete the PROJECT as described in the application, subject to environmental clearance, and if approved, as included in MTC's federal Transportation Improvement Program (TIP); and
- That the PROJECT will have adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and
- That the PROJECT will comply with all project-specific requirements as set forth in the PROGRAM; and
- That APPLICANT has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

WHEREAS, that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

WHEREAS, there is no legal impediment to APPLICANT making applications for the funds; and

WHEREAS, there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

WHEREAS, APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

WHEREAS, MTC requires that a copy of this resolution be transmitted to the MTC in conjunction with the filing of the application.

NOW, THEREFORE, BE IT RESOLVED, by the Menlo Park City Council, that the APPLICANT is authorized to execute and file an application for funding for the PROJECT for REGIONAL DISCRETIONARY FUNDING under the FEDERAL TRANSPORTATION ACT or continued funding; and

BE IT FURTHER RESOLVED that APPLICANT will provide any required matching funds; and

BE IT FURTHER RESOLVED that APPLICANT understands that the REGIONAL DISCRETIONARY FUNDING for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional REGIONAL DISCRETIONARY FUNDING; and

BE IT FURTHER RESOLVED that APPLICANT understands the funding deadlines associated with these funds and will comply with the provisions and requirements of the Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and APPLICANT has, and will retain the expertise, knowledge and resources necessary to deliver federally-funded transportation and transit projects, and has assigned, and will maintain a single point of contact for all FHWA- and CTC-funded transportation projects to coordinate within the agency and with the respective Congestion Management Agency (CMA), MTC, Caltrans, FHWA, and CTC on all communications, inquires or issues that may arise during the federal programming and delivery process for all FHWA- and CTC-funded transportation and transit projects implemented by APPLICANT; and

BE IT FURTHER RESOLVED that PROJECT will be implemented as described in the complete application and in this resolution, subject to environmental clearance, and, if approved, for the amount approved by MTC and programmed in the federal TIP; and

BE IT FURTHER RESOLVED that APPLICANT has reviewed the PROJECT and has adequate staffing resources to deliver and complete the PROJECT within the schedule submitted with the project application; and

BE IT FURTHER RESOLVED that PROJECT will comply with the requirements as set forth in MTC programming guidelines and project selection procedures for the PROGRAM; and

BE IT FURTHER RESOLVED that APPLICANT is an eligible sponsor of REGIONAL DISCRETIONARY FUNDING funded projects; and

BE IT FURTHER RESOLVED that APPLICANT is authorized to submit an application for REGIONAL DISCRETIONARY FUNDING for the PROJECT; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for REGIONAL DISCRETIONARY FUNDING for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution, and if approved, to include the PROJECT in MTC's federal TIP upon submittal by the project sponsor for TIP programming.

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-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

El Camino Real Project Locations Map





STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-119-CC

Consent Calendar:

Adopt a resolution of intention to abandon public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive (Menlo Uptown) associated with the proposed redevelopment of the project site

Recommendation

Staff recommends that the City Council adopt a resolution of intention (Attachment A) to abandon public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive. The project consists of 483 dwelling units, comprising 441 rental units and 42 for-sale condominium townhome units, and approximately 2,940 square feet of commercial space.

Policy Issues

The City is legally required to go through a multistep process as specified by the State of California Streets and Highways Code, Section 8300, in order to abandon public service easements. The resolution of intention commences the multistep process for abandonment.

Background

In September 2021, the City Council certified the final environmental impact report, and approved the use permit, architectural control, below market rate housing agreement, community amenities operating covenant, and vesting tentative map for the Menlo Uptown project located on three contiguous parcels at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive. The project demolished existing single-story office and industrial buildings and is currently constructing 441 rental units within two seven-story buildings and 42 for-sale condominium townhome units within six three-story buildings.

Analysis

Collectively, all easements proposed for abandonment are considered public service easements within the context of the Streets and Highways Code. Each of the easements are described in more detail as follows and as illustrated on Exhibit A to Attachment A:

- Along the southerly property line of the townhome development, there is a five-foot wide public utility easement proposed for abandonment. There is also a five-foot wide wire clearance easement (for overhead electrical wires) that is proposed for abandonment, which is immediately adjacent and parallel to the aforementioned public utility easement. Jointly, the two easements represent 10 feet of total width along the southerly property line of the townhome development.
- Along the easterly property line of the multifamily building B there is a 15-foot wide public utility easement proposed for abandonment.
- Along the shared parcel boundary between the townhome development and multifamily building A, a

total of 10 feet of existing public storm drain easement will remain.

Currently, the existing easements proposed for abandonment contain overhead electric and communications facilities. The applicant has obtained “no objection” letters for the easement abandonment from all relevant public utility agencies. The existing overhead electric and communication lines will be placed underground in a new easement and re-routed accordingly on the subject properties. The applicant will be prohibited from placing any permanent structures within the proposed utility easement.

Abandonment procedure

According to City practice, the applicable abandonment procedure is a three-step process that first involves City Council adoption of a resolution of intention to abandon public service easements. The resolution forward the abandonment request to the Planning Commission for its consideration and recommendation at its July 25, 2022, meeting and sets the time and date for the City Council public hearing for August 23, 2022 at 6 p.m. The Planning Commission will review the abandonment to determine if it conforms with the City’s General Plan and will forward its recommendation to the City Council for approval of the abandonment at a public hearing. Staff will advertise notices of the public hearing in the newspaper and at the site in accordance with the requirements of the Streets and Highways Code. An affidavit of posting will then be filed with the city clerk. Should the utility agencies, affected parties, Planning Commission, and City Council consider the abandonment favorably, a resolution ordering the vacation and abandonment of the easements at 141 Jefferson Drive, 180 Constitution Drive, and 186 Constitution Drive will be recorded. The resolution ordering the vacation and abandonment will only be recorded following the recordation of the new easements required for relocation and undergrounding of existing utilities.

Impact on City Resources

There is no direct impact on City resources associated with the actions in this staff report. The fee for staff time to review and process the abandonment has been paid by the applicant.

Environmental Review

The proposed public service easement abandonment is Categorically Exempt under Class 5, minor alterations in land use, of the current State of California Environmental Quality Act Guidelines. Environmental review of the project was subject to separate action, with the final environmental impact report certified by City Council September 14, 2021.

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 of intention

Report prepared by:
Eric Hinkley, Associate Engineer

Report reviewed by:

Staff Report #: 22-119-CC

Theresa Avedian, Senior Civil Engineer

Tanisha Werner, Assistant Public Works Director - Engineering

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DECLARING THE INTENTION OF SAID CITY TO ABANDON PUBLIC
SERVICE EASEMENTS WITHIN THE PROPERTIES AT 141 JEFFERSON
DRIVE, 180 CONSTITUTION DRIVE AND 186 CONSTITUTION DRIVE**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive shown in Exhibit A, which is attached and made apart thereto; and

WHEREAS, the Planning Commission is scheduled to review the proposed abandonment for consistency with the City's General Plan at its meeting on July 25, 2022; and

WHEREAS, the City Council will hold a Public Hearing on August 23, 2022 at approximately 6:00 p.m. as required by law to determine whether said public service easements shall be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that a Resolution of Intention of the City Council of the City of Menlo Park does hereby propose the abandonment of public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive, and 186 Constitution Drive.

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 of said City Council on the fourteenth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

- A. Abandonment of public service easements within the properties at 141 Jefferson Drive, 180 Constitution Drive and 186 Constitution Drive

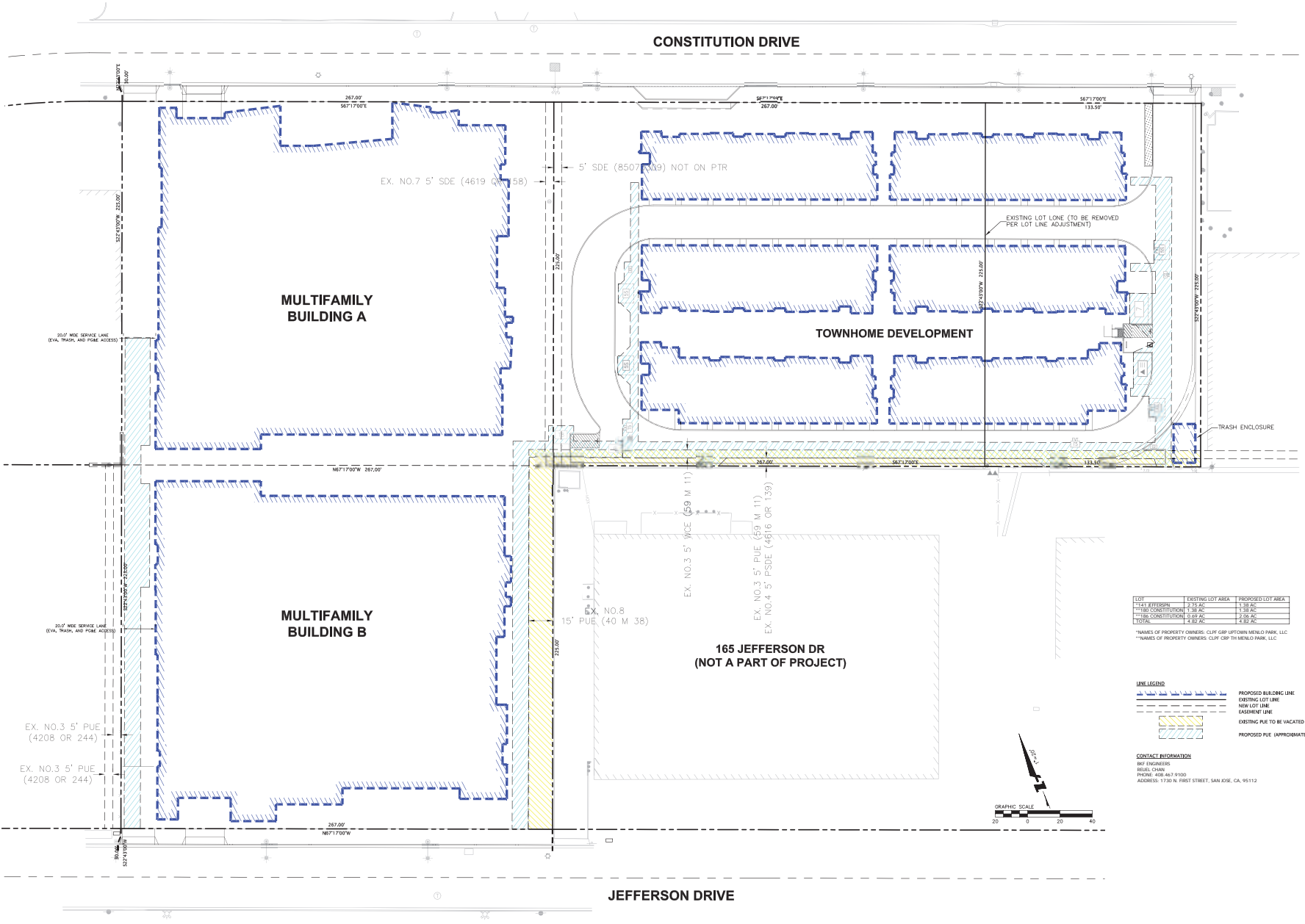


CALIFORNIA

MENLO UPTOWN
141 JEFFERSON DRIVE, 180 CONSTITUTION DRIVE, & 186 CONSTITUTION DRIVE
PUE SITE PLAN
SAN MATEO COUNTY

CITY OF MENLO PARK

Date:	6/20/2022
Scale:	1" = 20'
Author:	
Checked:	
Reviewed:	
Job No:	2205027

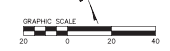


LOT	EXISTING LOT AREA	PROPOSED LOT AREA
**LOT 187 (PUE)	2.15 AC	1.38 AC
**TR. CONSTITUTION	1.38 AC	1.38 AC
**TR. CONSTITUTION	0.20 AC	2.26 AC
TOTAL	4.73 AC	5.32 AC

**NAMES OF PROPERTY OWNERS: CLIFF GRP UPTOWN MENLO PARK, LLC
 **NAMES OF PROPERTY OWNERS: CLIFF GRP TH MENLO PARK, LLC

LEGEND	
	PROPOSED BUILDING LINE
	EXISTING LOT LINE
	NEW LOT LINE
	EASEMENT LINE
	EXISTING PUE TO BE VACATED
	PROPOSED PUE (APPROXIMATE LOCATION)

CONTACT INFORMATION
 BKF ENGINEERS
 REUEL CHAN
 PHONE: 408-463-9100
 ADDRESS: 1730 N. FIRST STREET, SAN JOSE, CA, 95112



DATE PLOTTED: 6/20/2022 10:03:51 AM PLOT FILE: C:\Users\reuel.chan\AppData\Local\Temp\Drawings\2205027\141 Jefferson Drive, 180 Constitution Drive, & 186 Constitution Drive_PUE_Site_Plan.dwg



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-122-CC

Consent Calendar:

Adopt a resolution approving the fiscal year 2022-23 investment policy for the City and the former Community Development Agency of Menlo Park

Recommendation

Receive the Finance and Audit Committee's (FAC) recommendation and adopt a resolution approving the fiscal year 2022-23 investment policy for the City and the former Community Development Agency of Menlo Park.

Policy Issues

The investment policy provides guidelines for investing City and former Community Development Agency funds in accordance with State of California Government Code Section 53601 et seq.

Background

The investment of funds by a California local agency, including the types of securities in which an agency may invest, is governed by the California Government Code. The law requires that the legislative body of each agency adopt an investment policy, which may add further limitations than those established by the State. In addition, an agency's investment policy must be reviewed annually, and any changes must be adopted at a public meeting. The City of Menlo Park has had such a policy in place since 1990. The investment policy was last reviewed and updated by the City Council August 17, 2021 by Resolution No. 6651.

Annual adoption of the City's investment policy provides an opportunity to regularly review the policy to ensure its consistency with the overall objectives of safety, liquidity and yield, as well as its relevance to current law and economic trends. Early in each fiscal year, the City's investment adviser (Insight Investment) reviews the policy to ensure it is kept up to date and in compliance with applicable State statutes. Insight also makes recommendations for strategic changes to the investment policy to position the City's portfolio to maximize yield while maintaining safety and liquidity.

The annual review of the City's investment policy provides the opportunity to make modifications to reflect changes in the investment environment. The types of modifications will vary but are often focused on providing greater diversification to maintain a safe and liquid investment portfolio. Further, the annual review is also a good time to clarify certain terms, remove ambiguity in the policy language, and better reflect changes in current market trading technologies.

Analysis

At their June 2, 2022, special meeting, the FAC reviewed the current investment policy and investments as

presented by the City's investment adviser and staff. The FAC recommended adoption of the policy as presented in Attachment A. Since that time there have been minor changes to the current policy that are neither substantive nor material.

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
- B. Fiscal year 2022-23 investment policy for the City and the former Community Development Agency of Menlo Park

Report prepared by:
Marvin Davis, Interim Finance Director

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE INVESTMENT POLICY FOR THE CITY AND FORMER
COMMUNITY DEVELOPMENT AGENCY TO BECOME EFFECTIVE
IMMEDIATELY**

The City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore.

BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby adopt and approve the Investment Policy, attached hereto as Exhibit A.

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 of said City Council on the twenty-eighth day of June, 2022, 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 __ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

A. Investment Policy

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX



Purpose
<p>The City of Menlo Park (the “City”), incorporated in 1927, is located between San Francisco and Oakland on the North, and San Jose on the South. The city is governed by five members elected by district to City Council.</p> <p>The City Council has adopted this Investment Policy (the “Policy”) in order to establish the investment scope, objectives, delegation of authority, standards of prudence, reporting requirements, internal controls, eligible investments and transactions, diversification requirements, risk tolerance, and safekeeping and custodial procedures for the investment of the unexpended funds of the city. All such investments will be made in accordance with the Policy and with applicable sections of the California Government Code.</p> <p>This Policy was endorsed and adopted by the City Council of the City of Menlo Park on the twenty-eighth of June 2022. It replaces any previous investment policy or investment procedures of the city.</p>
Scope
<p>The provisions of this Policy shall apply to all financial assets of the city and the former Community Development Agency of Menlo Park as accounted for in the city’s comprehensive annual financial report, with the exception of bond proceeds, which shall be governed by the provisions of the related bond indentures or resolutions.</p> <p>All cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average balances relative to the total pooled balance in the investment portfolio. Investment income shall be distributed to the individual funds on a quarterly basis.</p>
Objectives
<p>The city’s funds shall be invested in accordance with all applicable municipal codes and resolutions, California statutes, and federal regulations, and in a manner designed to accomplish the following objectives, which are listed in priority order:</p> <ol style="list-style-type: none">1. Preservation of capital and protection of investment principal through diversification to mitigate risk.2. Maintenance of sufficient liquidity to meet anticipated cash flows.3. Attainment of a market value rate of return.
Delegation of authority
<p>The management responsibility for the city’s investment program is delegated annually by the City Council to the chief financial officer (the “CFO”) pursuant to California Government Code Section 53607. The City’s administrative services director or designee serves as the CFO. In the absence of the CFO, the finance and budget manager is authorized to conduct investment transactions. The CFO may delegate the authority to conduct investment transactions and to manage the operation of the investment portfolio to other specifically authorized staff members. The CFO shall maintain a list of persons authorized to transact securities business for the city. No person may engage in an investment transaction except as expressly provided under the terms of this Policy.</p> <p>The CFO shall develop written administrative procedures and internal controls, consistent with this Policy, for the operation of the city’s investment program. Such procedures shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, or imprudent actions by employees of the city.</p> <p>The city may engage the support services of outside investment advisors in regard to its investment program, so long as it can be clearly demonstrated that these services produce a net financial advantage or necessary financial protection of the city’s financial resources.</p>

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX

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Prudence

The standard of prudence to be used for managing the city's investments shall be California Government Code Section 53600.3, the prudent investor standard which states, "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency."

The city's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The city recognizes that no investment is totally without risk and that the investment activities of the city are a matter of public record. Accordingly, the city recognizes that occasional measured losses may occur in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the city.

The CFO and authorized investment personnel acting in accordance with written procedures and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that the deviations from expectations are reported in a timely fashion to the City Council and appropriate action is taken to control adverse developments.

Ethic and conflicts of interest

Elected officials and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees and investment officials shall disclose to the city manager any business interests they have in financial institutions that conduct business with the city and they shall subordinate their personal investment transactions to those of the city. In addition, the city manager, the assistant city manager and the administrative services director shall file a Statement of Economic Interests each year pursuant to California Government Code Section 87203 and regulations of the Fair Political Practices Commission.

Authorized securities and transactions

All investments and deposits of the city shall be made in accordance with California Government Code Sections 16429.1, 53600-53609 and 53630-53686, except that, pursuant to California Government Code Section 5903(e), proceeds of bonds and any moneys set aside or pledged to secure payment of the bonds may be invested in securities or obligations described in the ordinance, resolution, indenture, agreement, or other instrument providing for the issuance of the bonds.

Any revisions or extensions of these code sections will be assumed to be part of this Policy immediately upon being enacted. However, in the event that amendments to these sections conflict with this Policy or past city investment practices, the city may delay adherence to the new requirements when it is deemed in the best interest of the city to do so. In such instances, after consultation with the city's attorney, the CFO will present a recommended course of action to the City Council for approval.

The city has further restricted the eligible types of securities and transactions as follows:

1. United States treasury bills, notes, bonds, or strips with a final maturity not exceeding five years from the date of trade settlement.
2. Federal agency debentures, federal agency mortgage-backed securities, and mortgage-backed securities with a final maturity not exceeding five years from the date of trade settlement.
3. Federal instrumentality (government-sponsored enterprise) debentures, discount notes, callable securities, step-up securities, and mortgage-backed securities with a final maturity not exceeding five years from the date of trade settlement. Subordinated debt may not be purchased.
4. Medium-term notes issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Medium-term notes shall have a final maturity not exceeding five years from the date of trade settlement and shall be rated at least "A" or the equivalent by a nationally recognized statistical ratings organization (NRSRO), at the time of purchase.
5. Negotiable certificates of deposit with a maturity not exceeding five years from the date of trade settlement, in state or nationally chartered banks or savings banks that are insured by the FDIC, subject to the limitations of California Government Code Section 53638. Certificates of Deposits may be purchased only from financial institutions that meet the credit criteria set forth in the section of this Policy, "Selection of Banks and Savings Banks." Depending on their maturity, Negotiable Certificates of Deposit shall have a short-term rating of at least A-1+ or

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX

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the equivalent by a NRSRO at the time of purchase.

6. Non-negotiable certificates of deposit and savings deposits with a maturity not exceeding five years from the date of trade settlement, in FDIC insured state or nationally chartered banks or savings banks that qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5. Deposits exceeding the FDIC insured amount shall be secured pursuant to California Government Code Section 53652.
7. Municipal and State obligations:
 - A. Municipal bonds with a final maturity not exceeding five years from the date of trade settlement. Such bonds include registered treasury notes or bonds of any of the 50 United States and bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the states. Such obligations must be rated at least "A", or the equivalent, by a NRSRO at the time of purchase.
 - B. In addition, bonds, notes, warrants, or other evidences of indebtedness of any local agency in California, include bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the local agency, or by a department, board, agency, or authority of the local agency. Such obligations must be rated at least "A", or the equivalent, by a NRSRO at the time of purchase.
8. Prime commercial paper with a maturity not exceeding 270 days from the date of trade settlement with the highest ranking or of the highest letter and number rating as provided for by a NRSRO. The entity that issues the commercial paper shall meet all of the following conditions in either sub-paragraph A. or sub-paragraph B. below:
 - A. The entity shall (1) be organized and operating in the United States as a general corporation, (2) have total assets in excess of \$500 million, and (3) have debt other than commercial paper, if any, that is rated in at least the "A" category or the equivalent by an NRSRO.
 - B. The entity shall (1) be organized within the United States as a special purpose corporation, trust, or limited liability company, (2) have program-wide credit enhancements, including, but not limited to, over collateralization, letters of credit or surety bond, and (3) have commercial paper that is rated at least "A-1" or the equivalent or higher by a NRSRO.
9. Eligible banker's acceptances with a maturity not exceeding 180 days from the date of trade settlement, issued by a national bank with combined capital and surplus of at least \$250 million, whose deposits are insured by the FDIC, and whose senior long-term debt is rated at least "A" or the equivalent by a NRSRO at the time of purchase.
10. Repurchase agreements with a final termination date not exceeding 30 days collateralized by the U.S. Treasury obligations, federal agency securities, or federal instrumentality securities listed in items #1 through #3 above, with the maturity of the collateral not exceeding five years. For the purpose of this section, the term collateral shall mean purchased securities under the terms of the city's approved Master Repurchase Agreement. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the funds borrowed. Collateral shall be held in the city's custodian bank, as safekeeping agent, and the market value of the collateral securities shall be marked-to-the-market daily.

Repurchase agreements shall be entered into only with banks and with broker/dealers who are recognized as Primary Dealers with the Federal Reserve Bank of New York, or with firms that have a primary dealer within their holding company structure. Repurchase agreement counterparties shall execute a city approved Master Repurchase Agreement with the city. The CFO shall maintain a copy of the city's approved Master Repurchase Agreement along with a list of the banks and broker/dealers who have executed same.
11. State of California's Local Agency Investment Fund (LAIF), pursuant to California Government Code Section 16429.1
12. Money market funds registered under the Investment Company Act of 1940 which (1) are "no-load" (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in this Policy and (4) have a rating of at least "AAA" or the equivalent by at least two NRSROs.

Securities that have been downgraded to a level that is below the minimum ratings described herein may be sold or held at the city's discretion.

It is the intent of the city that the foregoing list of authorized securities and transactions be strictly interpreted. Any deviation from this list must be preapproved by resolution of the City Council.

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX

Investment diversification

The city shall diversify its investments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities. Nevertheless, the asset allocation in the investment portfolio should be flexible depending upon the outlook for the economy, the securities markets, and the city's anticipated cash flow needs.

Securities shall not exceed the following maximum limits as a percentage of the total portfolio:

Type of security	Maximum percentage of the total portfolio
U.S. Treasury obligations	100%
Federal agency securities	100%†
Federal instrumentality securities†	100% †
Repurchase agreements	100%
Local government investment pools	100%
Aggregate amount of Certificates of deposit, negotiable and non-negotiable	25%
Aggregate amount of prime commercial paper*	25%
Aggregate amount of money market funds *	20%
Aggregate amount of municipal bonds*	30%
Aggregate amount of eligible banker's acceptances*	15%
Aggregate amount of medium-term notes*	30%

† No more than 20% of the city's total portfolio shall be invested in mortgage-backed securities.

*No more than 5% of the city's total portfolio shall be invested in any one issuer/financial institution and/or its affiliates.

Portfolio maturities and liquidity

To the extent possible, investments shall be matched with anticipated cash flow requirements and known future liabilities. The city will not invest in securities maturing more than five years from the date of trade settlement unless the City Council has, by resolution, granted authority to make such an investment at least three months prior to the date of investment. The sole maturity distribution range shall be from zero to five years from the date of trade settlement.

Selection of broker/dealers

The CFO shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the city to purchase securities only from those authorized firms. To be eligible, a firm must be licensed by the State of California as a broker/dealer as defined in Section 25004 of the California Corporations Code.

The city may engage the services of investment advisory firms to assist in the management of the portfolio and investment advisors may utilize their own list of approved Broker/Dealers. The list of approved firms shall be provided to the city on an annual basis or upon request.

In the event that an external investment advisory firm is not used in the process of recommending a particular transaction, each authorized broker/dealer shall be required to submit and annually update a city approved Broker/Dealer Information Request form which includes the firm's most recent financial statements. The CFO shall maintain a list of the broker/dealers that have been approved by the city, along with each firm's most recent broker/dealer information request form. The city may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in Item 8 of the authorized securities and transactions section of this Policy.

Competitive transactions

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded.

If the city is offered a security for which there is no other readily available competitive offering, the CFO will then document quotations for comparable or alternative securities.

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX

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Selection of banks and savings banks

The CFO shall maintain a list of authorized banks and savings banks that are approved to provide banking services for the city. To be eligible to provide banking services, a financial institution shall qualify as a depository of public funds in the State of California as defined in California Government Code Section 53630.5 and must be a member of the FDIC. The city shall utilize S & P Global Financial ratings to perform credit rating analyses on banks seeking authorization. The analysis shall include a composite rating and individual ratings of liquidity, asset quality, profitability and capital adequacy. Annually, the CFO shall review the most recent credit rating analysis reports performed for each approved bank. Banks that in the judgment of the CFO no longer offer adequate safety to the city shall be removed from the city's list of authorized banks. Banks failing to meet the criteria outlined above, or in the judgment of the CFO no longer offer adequate safety to the city, will be removed from the list. The CFO shall maintain a file of the most recent credit rating analysis reports performed for each approved bank. Credit analysis shall be performed on a semi-annual basis.

Safekeeping and custody

The CFO shall select one or more financial institutions to provide safekeeping and custodial services for the city, in accordance with the provisions of Section 53608 of the California Government Code. Custodian banks will be selected on the basis of their ability to provide services for the city's account and the competitive pricing of their safekeeping related services. The CFO shall maintain a file of the credit rating analysis reports performed semi- annually for each approved financial institution. A Safekeeping Agreement approved by the city shall be executed with each custodian bank prior to utilizing that bank's safekeeping services.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. All securities shall be perfected in the name of the city. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities purchased by the city will be delivered by book entry and will be held in third-party safekeeping by a city approved custodian bank, or its Depository Trust Company (DTC) participant account.

Portfolio performance

The investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the city's investments shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the portfolio's actual weighted average effective maturity. When comparing the performance of the city's portfolio, its rate of return will be computed net of all fees and expenses.

Portfolio review and reporting

Credit criteria and maximum percentages listed in this section refer to the credit of the issuing organization and/or maturity at the time the security is purchased. The city may, from time to time, be invested in a security whose rating is downgraded below the minimum ratings set forth in this Policy. In the event a rating drops below the minimum allowed rating category for that given investment type, the administrative services director shall notify the city manager and/or designee and recommend a plan of action. Appropriate documentation of such a review, along with the recommended action and final decision shall be retained for audit.

Quarterly, the CFO shall submit to the City Council a report of the investment earnings and performance results of the city's investment portfolio. The report shall include the following information:

1. Investment type, issuer, date of maturity, par value and dollar amount invested in all securities, and investments and monies held by the city;
2. A description of the funds, investments and programs;
3. A market value as of the date of the report (or the most recent valuation as to assets not valued monthly) and the source of the valuation;
4. A statement of compliance with this Policy or an explanation for non-compliance; and
5. A statement of the ability to meet expenditure requirements for six months, as well as an explanation of why money will not be available if that is the case.

Policy review

This Policy shall be adopted by resolution of the City Council annually. It shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity, yield and diversification and its relevance to current law and economic trends. Any amendments to the Policy shall be reviewed by the City's Finance and Audit Committee prior to being forwarded to the City Council for approval.

INVESTMENT POLICY

City Council Policy #CC-22-020

Adopted June 28, 2022

Resolution No. XXXX

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Procedure history		
Action	Date	Notes
Procedure adoption	January 14, 1997	Resolution No. 4784
Procedure adoption	February 17, 1998	Resolution No. 4871
Procedure adoption	February 2, 1999	Resolution No. 5064
Procedure adoption	May 9, 2000	Adopted by minute order
Procedure adoption	February 13, 2001	Resolution No. 5283
Procedure adoption	February 5, 2002	Resolution No. 5362
Procedure adoption	June 24, 2003	Resolution No. 5457
Procedure adoption	June 20, 2004	Resolution No. 5545
Procedure adoption	August 15, 2005	Resolution No. 5616
Procedure adoption	July 25, 2006	Resolution No. 5960
Procedure adoption	July 31, 2007	Resolution No. 5759
Procedure adoption	September 23, 2008	Resolution No. 5825
Procedure adoption	September 1, 2009	Resolution No. 5886
Procedure adoption	August 31, 2010	Resolution No. 5957
Procedure adoption	September 27, 2011	Resolution No. 6028
Procedure adoption	September 18, 2012	Resolution No. 6103
Procedure adoption	October 15, 2013	Resolution No. 6171
Procedure adoption	August 19, 2014	Resolution No. 6221
Procedure adoption	August 25, 2015	Resolution No. 6286
Procedure adoption	September 13, 2016	Resolution No. 6343
Procedure adoption	August 20, 2019	Adopted by minute order
Procedure adoption	August 11, 2020	Adopted by minute order
Procedure adoption	August 17, 2021	Resolution No. 6651
Procedure adoption	June 28, 2022	Resolution No. XXXX



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-120-CC

Public Hearing:

Adopt a resolution overruling protests, ordering the improvements, confirming the diagram/area of assessment and ordering the levy and collection of assessments for Landscaping Assessment District for fiscal year 2022-23

Recommendation

Staff recommends that the City Council adopt a resolution (Attachment A) overruling protests, ordering the improvements, confirming the diagram/area of assessment, and ordering the levy and collection of assessments and increasing the tree assessment by three percent, which amounts to an increase of \$2.57 per single family equivalent (SFE) per year and the sidewalk assessment by three percent, which amounts to an increase of \$1.38 per SFE per year for the Landscaping Assessment District (District) for fiscal year 2022-23.

Policy Issues

The funds collected through the District are used for the maintenance of the City's trees and sidewalks. If the City Council does not adopt the resolution required for the collection of the assessments, the lack of adequate funding would impact the high level of service required for the proper care and maintenance of the City's trees and sidewalks.

Background

In 1983, the City of Menlo Park established a District for the proper care and maintenance of City street trees. In 1990, the City added an assessment for the repair and maintenance of sidewalks and parking strips in the public right-of-way that were damaged by City street trees. Funds generated by the District are also used for street sweeping services. Each year, the City must act to continue the collection of assessments. On May 24, 2022, the City Council adopted Resolution No. 6733 preliminarily approving the engineer's report and Resolution No. 6739 stating its intention to order the levy and collection of assessments for the District for fiscal year 2022-23 (Attachment B.) Attachment B includes a typographical correction to the assessment amount increase on Table 5 of the staff report from May 24, 2022, where the increases were shown incorrectly by four to six cents.

Analysis

To cover the tree maintenance program's budget for fiscal year 2022-23, the engineer's report proposes an assessment of \$88.72 per SFE per year. This reflects a three percent increase from last year's assessment of \$86.15 (an increase of \$2.57.) The increase accounts for additional tree care required due to pests and disease, and higher tree-pruning and street sweeping costs.

The engineer’s report also proposes a sidewalk assessment of \$47.40 per SFE per year. This reflects a three percent increase from last year’s assessment of \$46.02 (an increase of \$1.38.) The increase addresses the annual sidewalk replacement needs and the current back log. The assessments are subject to an annual adjustment based on the engineering news record construction cost index for the San Francisco Bay Area. The three percent increase from last year’s assessment is less than the maximum assessment authorized rate of \$124.73 per SFE for tree maintenance and \$55.69 per SFE for sidewalk maintenance. Although staff does not recommended the implementing the maximum rate, if City Council chose to implement it, the increase would be legally permissible without additional ballot proceedings.

The action taken by the City Council May 24, 2022, initiated the period in which any property owners can protest the amount of their proposed assessments. No protests have been received as of the date of this staff report. Before taking any final action, the City Council must conduct the public hearing and give direction regarding any protests received. If a majority protest has not been filed, the City Council may adopt a resolution confirming the diagram/area of assessment and assessment, as appearing in the engineer’s report. If the City Council confirms and approves the assessments by adopting the resolution, the levies will be submitted to the county controller for inclusion on the property tax roll for fiscal year 2022-23.

Impact on City Resources

Funding for the District’s tree maintenance, street sweeping and sidewalk repair programs come from a variety of sources, including the carry-over of unspent funds from prior years, annual tax assessment revenues, Measure M and contributions from the general fund (described in the following paragraph.) If the City Council does not order the rate increase, levy and collection of assessments, the impact on City resources would be \$1,117,059.38 (the total amount of the proposed tree and sidewalk assessments) or result in a corresponding decrease in service levels to maintain street trees, street sweeping and sidewalks.

Table 1: Landscape assessments Proposed fiscal year 2022-23 budget	
Projected beginning fund balance	\$364,341.56
Estimated revenues:	
Landscape assessment revenue	\$1,117,059.38
General fund contribution	\$591,505.00
Measure M funds	\$140,000.00
Total	\$1,848,564.38
Estimated expenses:	
Street tree maintenance	\$1,039,967.00
Debris removal (including street sweeping services)	\$285,669.00
Sidewalk, curb, gutter parking strip repair/replacement	\$550,000.00
Administration and County assessment fees	\$163,052.00
Total	\$2,038,688.00
Projected ending fund balance	\$174,217.94

It is reasonable to assume that a portion of the usage and enjoyment of the improvements is for the greater public, since the District results in preservation of the City's tree canopy, provision of safe walking facilities, and debris removal by street sweeping. Therefore, the general fund must contribute a portion of the total cost of the program. An estimate of 25 percent contribution by the general fund was established by the City and assessment engineer when the assessment was created in 1998 and must occur annually. For fiscal year 2022-23, the minimum general fund contribution requirement is \$509,672, which is 25 percent of the anticipated program expenses of \$2,038,688. The City contributions from the general fund and general capital fund for fiscal year 2022-23 will meet this required amount. The entire program budget for fiscal year 2022-23 is included in Attachment B. In summary, the funding sources and amounts for fiscal year 2022-23 include \$341,505 from the general fund for trees, \$250,000 from the general capital fund for the sidewalk repair program, and \$140,000 from Measure M funds. The program fund balance would be used to backfill the shortfall between assessment revenue and total costs.

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 a legal notice in The Examiner, a local newspaper, June 17 and June 24, 2022, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution
- B. Staff report dated May 24, 2022

Report prepared by:
Esther Jung, Associate Transportation Engineer

Report reviewed by:
Tanisha Werner, Assistant Public Works Director – Engineering
Nicole H. Nagaya, Public Works Director

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
OVERRULING PROTESTS, ORDERING THE IMPROVEMENTS, CONFIRMING
THE DIAGRAM AND ORDERING THE LEVY AND COLLECTION OF
ASSESSMENTS AND INCREASING THE TREE ASSESSMENT AND THE
SIDEWALK ASSESSMENT BY THE ENGINEERING NEWS RECORD
CONSTRUCTION COST INDEX FOR THE CITY OF MENLO PARK
LANDSCAPING ASSESSMENT DISTRICT FOR FISCAL YEAR 2022-23**

WHEREAS, on the eighth day of March, 2022, said City Council adopted Resolution No. 6714, describing improvements and directing preparation of the engineer's report for the City of Menlo Park Landscaping District for fiscal year 2022-23, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972; and

WHEREAS, on the twenty-fourth day of May, 2022, said City Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 6733 including (1) plans and specifications of the existing improvements and the proposed new improvements; (2) estimate of costs; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

WHEREAS, said City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said City Council pursuant to the requirements of said Act, appointed Tuesday, the twenty-eighth day of June, 2022, at the hour of 6:00 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; and

WHEREAS, on the twenty-eighth day of June, 2022, at the hour of 6:00 p.m., or as soon thereafter as the matter may be heard, by virtual meeting available, the Public Hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, persons interested, objecting to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or to the proposed assessment or diagram or to the engineer's estimate of costs thereof, filed written protests with the City Clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and

things pertaining to the continuation and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and considered by said City Council.

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

1. That a majority protest, pursuant to the Act, was not filed, and therefore the protests against said improvements, including the maintenance or servicing, both, thereof, or to the extent of the assessment district, or to the proposed continued assessment or diagram, or to the engineer's estimate of costs thereof, for fiscal year 2022-23 be, and each of them are hereby overruled.
2. That the public interest, convenience, and necessity require and said City Council does hereby order the continuation and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in said engineer's report and made a part hereof by reference thereto.
3. That the City of Menlo Park Landscaping District and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in Menlo Park, California, and are more particularly described by reference to a map thereof on file in the office of the City Clerk of said City. Said map indicates by a boundary line the extent of the territory included in said District and the general location of said District.
4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district-contained in said report, be, and they are hereby, finally adopted and approved.
5. 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 it is hereby, finally adopted and approved.
6. That the public interest and convenience require, and said City Council does hereby order the improvements to be made as described in, and in accordance with, said engineer's report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in Resolution No. 6739 therein 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 it 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, finally approved and confirmed.
8. That the continued assessment of the total amount of the costs and expenses of the said 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, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.

9. Based on the oral and documentary evidence, including the engineer's report, offered and received at the hearing, this City Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the continued assessment apportioned against the lots and parcels of land, respectively, and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.
10. That 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, and therefore, the assessments are not being increased above their authorized maximum amounts.
11. That said engineer's report for fiscal year 2022-23 be, and the same is hereby, finally adopted and approved as a whole.
12. That the City Clerk shall forthwith file with the Auditor of San Mateo County the said continued assessment, together with said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
13. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the engineer's report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the continued assessment as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, revised, or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this City Council.
14. That the San Mateo County Controller and the San Mateo County Tax Collector apply the City of Menlo Park Landscaping District assessments to the tax roll and have the San Mateo County Tax Collector collect said continued assessments in the manner and form as with all other such assessments collected by the San Mateo County Tax Collector.

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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 of said City Council on the twenty-eighth day of June, 2022, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-eighth day of June, 2022.

Judi A. Herren, City Clerk

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STAFF REPORT

City Council Meeting Date: 5/24/2022
Staff Report Number: 22-098-CC

Consent Calendar: Adopt a resolution of preliminary approval of the engineer's report for the Menlo Park Landscaping Assessment District and adopt a resolution of intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2022-23

Recommendation

Staff recommends that the City Council:

1. Adopt a resolution (Attachment A), the preliminary approval of the engineer's report for the Landscaping Assessment District for fiscal year 2022-23, which proposes: an increase to the tree assessment by approximately three percent, resulting in \$88.72 per single family equivalent per year and an increase to the sidewalk assessment by approximately three percent, resulting in \$47.40 per single family equivalent per year; and
2. Adopt a resolution (Attachment B), the intention to order the levy and collection of assessments for the Landscaping Assessment District for fiscal year 2022-23 pursuant to the Landscaping and Lighting Act of 1972 and set the date for the public hearing for June 28, 2022.

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 \$1,117,000. This represents the total amount of the proposed tree and sidewalk assessments. Without the levy, 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 39 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 to increase landscape assessment fees. Proposition 218 requires that property owners be given written notice and the opportunity to protest before increasing any property-related fees. The landscape assessment fee increase ballot measure was approved by voters. The approval of this ballot measure resulted in an increased assessment and frequency of the tree trimming/evaluation schedule, from once every seven years to once every five 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 purposes, 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 breaks through and uplifts the sidewalk. Without a proactive saw cutting and/or sidewalk removal and replacement program, the sidewalks will deteriorate, become tripping hazards, and be 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, budget 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. On March 8, 2022, the City Council adopted resolution No. 6714 directing the preparation of an engineer's report for the Landscaping Assessment District for fiscal year 2022-23. 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 budget 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 2022-23 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 2022-23, West Coast Arborists requested a five 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 2022-23 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. Based on estimates from City/County Association of Governments, Measure M funding is anticipated to decrease by \$6,000 in fiscal year 2022-23.

As shown in Table 1, a fund balance of approximately \$288,000 is projected to be carried over from fiscal year 2021-22. 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 usually equivalent. However, in the fiscal year 2022-23, the estimated expense for the street tree maintenance includes costs for purchase of tree chipper truck and tree forestry truck, approved by the City Council October 26, 2021. The estimated costs for tree chipper truck and tree forestry truck are \$151,000 and \$343,000, respectively, and 50 percent of the total costs are budgeted to be addressed by the landscape assessment.

Table 1: Tree maintenance assessments Proposed fiscal year 2022-23 budget	
Projected beginning fund balance	\$288,317.99
Estimated revenues:	
Tree assessment revenue	\$794,064.41
General fund contribution	\$341,505.00
Measure M funds	\$140,000.00
Total	\$1,275,569.41
Estimated expenses:	
Street tree maintenance	\$1,039,967.00
Debris removal (including street sweeping services)	\$285,669.00
Administration and County assessment fees	\$163,052.00
Total	\$1,488,688.00
Projected ending fund balance	\$75,199.40

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 2022-23 (3% increase)		
Property type	Properties with trees	Properties without trees
Single family	\$88.72 per parcel	\$44.36 per parcel
R-2 zone, in use as single family	\$88.72 per parcel	\$44.36 per parcel
Condominium/townhouse	\$79.85 per unit \$399.24 max. per project	\$39.92 per unit \$199.62 max per project
Other multifamily	\$70.98 per unit \$354.88 max per project	\$35.49 per unit \$177.44 max. per project
Commercial	\$88.72 per 1/5 acre \$443.60 max. per project	\$44.36 per 1/5 acre \$221.80 max. per project
Industrial	\$88.72 per 1/5 acre \$443.60 max. per project	\$44.36 per 1/5 acre \$221.80 max. per project
Parks, educational	\$88.72 per parcel	\$44.36 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 2022-23, 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 2022-23. 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’s existing contract with Golden Bay Construction will expire at the end of next fiscal year. As a result, staff will enter a bidding process in the fiscal year 2022-23 and anticipates the contract cost to increase by approximately 10 percent due to the rising materials and labor costs in recent years. During the fiscal year 2021-22, approximately 55 to 60 locations were replaced. 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 in reducing the number of backlogged locations, approximately 30 locations identified from previous years remain. Staff is recommending a three percent increase to the sidewalk repair assessment to continue addressing ongoing sidewalk maintenance.

Table 3: Sidewalk, curb, gutter, parking strip assessment rates Proposed fiscal year 2022-23 (3% increase)	
	Assessment rate
Parcels with trees	
Sidewalks, curbs, gutters	\$47.40 (per parcel)
Parking strips and gutters	\$47.40 (per parcel)
Curbs and/or gutters only	\$31.76 (per parcel)
No improvements	\$15.64 per parcel)
Parcels without trees	
Parcels with or without improvements	\$15.64 (per parcel)

Table 4: Sidewalk assessments Proposed fiscal year 2022-23 budget	
Projected beginning fund balance	\$76,023.57
Estimated revenues:	
Sidewalk assessment revenue	\$322,994.98
General fund contribution	\$250,000.00
Total	\$572,994.98
Estimated expenses:	
Sidewalk, curb, gutter parking strip repair/replacement	\$550,000.00
Total	\$550,000.00
Projected ending fund balance	\$99,018.55

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 2022-23, 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 2022-23 and the proposed rates for fiscal year 2022-23 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 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 2022-23**

Assessment	Fiscal year 2021-22 rate	Percent increase	Fiscal year 2022-23 rate	Amount increase	Maximum allowable assessment
Tree assessment	\$86.15	3.0%	\$88.72	-\$2.51 \$2.57	\$124.73
Sidewalk assessment	\$46.02	3.0%	\$47.40	-\$1.34 \$1.38	\$55.69

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 28, 2022. 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 2022-23.

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 \$1,117,059.38 (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 of preliminary approval of the engineer's report
- B. Resolution of intention to order the levy and collection of assessments
- C. Engineer's report dated May 2022

Report prepared by:

Esther Jung, Associate Transportation Engineer

Reviewed by:

Tanisha Werner, Assistant Public Works Director – Engineering

Nicole H. Nagaya, Public Works Director

RESOLUTION NO. XXXX

**RESOLUTION OF PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT
FOR THE CITY OF MENLO PARK LANDSCAPING DISTRICT FOR FISCAL
YEAR 2022-23**

WHEREAS, on the eighth day of March, 2022, the Menlo Park City Council did adopt Resolution No. 6714, directing preparation of the Engineer's Report for the City of Menlo Park Landscaping District (District) for Fiscal Year 2022-23, 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. 6714 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. 6714 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. 6714.

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-fourth of May, 2022, 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 ___ of May, 2022.

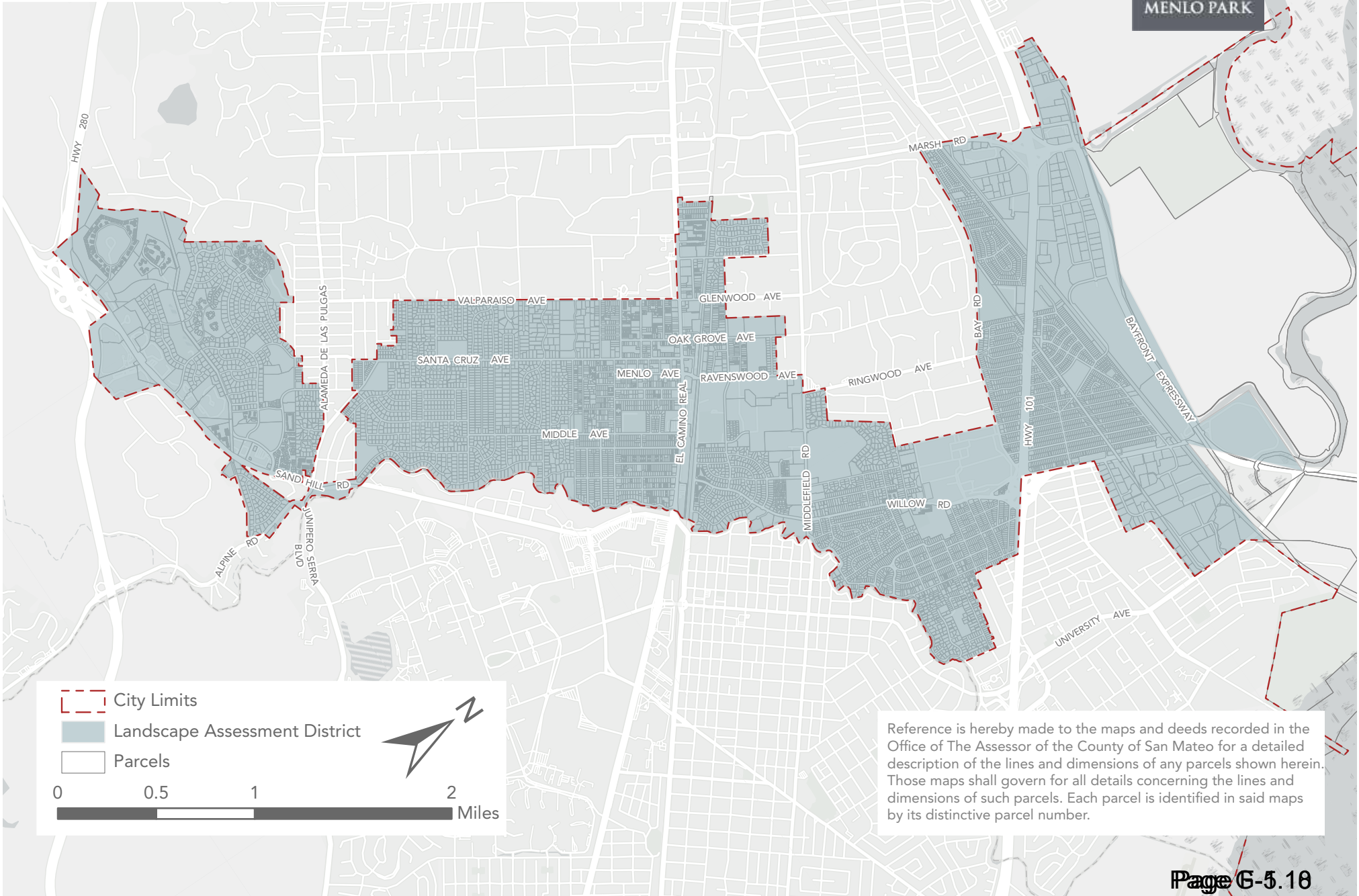
Judi A. Herren, City Clerk

Exhibits:

A. Exterior boundaries of the District



Landscape Assessment District



RESOLUTION NO. XXXX

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 2022-23 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, pursuant to Resolution No. 6714 directing the preparation of the Engineer's Report for Fiscal Year 2022-23 for the City of Menlo Park Landscaping District, adopted on March 8, 2022, 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. 6714, 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 2022-23 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 2022-23 by 3.00 percent. Including the authorized annual adjustment, the maximum authorized assessment rate for street tree maintenance for Fiscal Year 2022-23 is \$124.73 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2022-23 is \$88.72 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 2022-23 by 3.00 percent. Including the authorized annual adjustment, the maximum authorized assessment rate for sidewalk maintenance for Fiscal Year 2022-23 is \$55.69 per single family equivalent benefit unit, and the assessment rate per single family equivalent benefit unit for Fiscal Year 2022-23 is \$47.40, which is less than the maximum authorized rate;

5. Notice is hereby given that Tuesday, the twenty-eighth day of June, 2022, at the hour of 6:00 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 City 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 twenty-fourth day of May, 2022, 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 ___ of May, 2022.

Judi A. Herren, City Clerk

Exhibits:

- A. City of Menlo Park Landscaping District

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.

FY 2022-23

ENGINEER'S REPORT

City of Menlo Park

Landscaping Assessment District

June 2022

Engineer of Work:



4745 Mangels Boulevard
Fairfield, California 94534
707.430.4300

www.sci-cg.com
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City of Menlo Park

Menlo Park City Council

Mayor Betsy Nash

Vice Mayor Jen Wolosin

Council Member Drew Combs

Council Member Ray Mueller

Council Member Cecilia Taylor

Interim 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 XIID 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 2020 to December 2021, the ENR Index increased 8.05%. 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 2022-23 are \$124.73 for trees and \$55.69 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 2021-22. 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 2022-23 the proposed assessments for tree maintenance are proposed to increase 3.00% from fiscal year 2021-22, and the assessments for sidewalk maintenance are proposed to increase 3.00%. The proposed rates are \$88.72 per Single Family Equivalent (SFE) for tree maintenance and \$47.40 per

SFE for sidewalk maintenance. The comparison of actual rates levied in fiscal year 2021-22 and the proposed rates for fiscal year 2022-23 are shown below.

Sidewalk Maintenance

FY 2021-22 Rate	ENR Increase Applied	FY 2022-23 Rate	Increase
\$46.02	3.00%	\$47.40	\$1.38

Tree Maintenance

FY 2021-22 Rate	ENR Increase Applied	FY 2022-23 Rate	Increase
\$86.15	3.00%	\$88.72	\$2.58

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 28, 2022. At this hearing, the Council will consider approval of a resolution confirming the continuation of the assessments for fiscal year 2022-23. If so confirmed and approved, the assessments will be submitted to the County Controller for inclusion on the property tax roll for Fiscal Year 2022-23.

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 XIIC and XIID 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 \$2,038,362. Of this total budget amount, the City will contribute \$250,000 from sources other than the assessments for sidewalk repair and \$341,505 for street tree maintenance. These contributions by the City, as well as \$140,000 in funds from Measure M, total \$731,505, equating to approximately 35.9% of the total budget for maintenance and more than offset the cost of the general benefits resulting from 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-

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.

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

Property Type	2022-23 Assessment Rates	
Parcels with Trees	Assessment Rate	
Single Family	\$88.72	(per Parcel)
R-2 Zone, in use as single family	\$88.72	(per Parcel)
Condominium/Townhouse	\$79.85	(per Unit, \$399.24 max. per Project)
Other Multi-family	\$70.98	(per Unit, \$354.88 max. per Project)
Commercial	\$88.72	(per 1/5 acre, \$443.60 max. per Project)
Industrial	\$88.72	(per 1/5 acre, \$443.60 max. per Project)
Parks, Educational	\$88.72	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
Parcels without Trees		
Single Family	\$44.36	(per Parcel)
R-2 Zone, in use as single family	\$44.36	(per Parcel)
Condominium/Townhouse	\$39.92	(per Unit, \$199.62 max. per Project)
Other Multi-family	\$35.49	(per Unit, \$177.44 max. per Project)
Commercial	\$44.36	(per 1/5 acre, \$221.8 max.)
Industrial	\$44.36	(per 1/5 acre, \$221.8 max.)
Parks, Educational	\$44.36	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)

Figure 3 – Sidewalk, Curb, Gutter, Parking Strip Assessments

Property Type	2022-23 Assessment Rates	
Parcels with Trees	Assessment Rate	
Sidewalks, curbs, gutters	\$47.40	(per Parcel)
Parking strips and gutters	\$47.40	(per Parcel)
Curbs and/or gutters only	\$31.76	(per Parcel)
No improvements	\$15.64	(per Parcel)
Miscellaneous, Other	\$0.00	(per Parcel)
Parcels without Trees		
Parcels with or without improvements	\$15.64	(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 XIID 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. 2022-23 Budget</i>
Street Tree Program	\$ 1,039,967.00
Street Sweeping	\$ 285,669.00
Sidewalk Program	\$ 550,000.00
Incidental Expenses	\$ 163,052.00
TOTAL BUDGET	\$2,038,688
Plus:	
Projected Fund Balance	\$ 174,217.94
Less:	
City Contribution for General Benefits	(\$731,505.00)
Contribution from Carry-Over Fund Balances	\$ (364,341.56)
NET AMOUNT TO ASSESSMENTS	\$ 1,117,059.38

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 2021-22 was \$86.14 for tree maintenance and \$46.02 for Sidewalk maintenance. The change in the ENR from December 2020 to December 2021 was 8.05%. Therefore, the maximum authorized assessment rate for Fiscal Year 2022-23 has been increased from \$121.10 to \$124.73 per single family equivalent benefit unit for tree maintenance, and from \$54.07 to \$55.69 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 2022-23 at the rate of \$88.72 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 2022-23 for sidewalk maintenance is \$47.40 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 2022-23. 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.

May 16, 2022

Engineer of Work

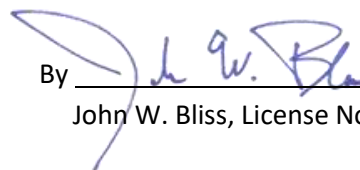
By  _____
John W. Bliss, License No. C52091



Figure 5 – Engineer’s Cost Estimate, Fiscal Year 2022-23

Fiscal Year 2022-23 CITY OF MENLO PARK LANDSCAPING ASSESSMENT DISTRICT ENGINEER'S COST ESTIMATE		
A. Tree Maintenance		
Salaries & Benefits	\$	409,592.00
Operating Expense	\$	44,200.00
Fixed Assets & Capital Outlay	\$	251,500.00
Vehicle & Equipment Maintenance	\$	16,000.00
Professional Services (Tree Spraying, Tree Trimming, Misc.)	\$	318,675.00
Subtotal - Tree Maintenance		\$ 1,039,967.00
B. Debris Removal		
Salaries & Benefits	\$	74,669.00
Street Sweeping Contract	\$	211,000.00
Subtotal - Debris Removal		\$ 285,669.00
C. Sidewalk, Curb, Gutter, Parking Strip Repair/Replacement		
Construction Costs	\$	550,000.00
Subtotal - S/W,C,G, & PS Repair/Replace		\$ 550,000.00
Subtotal Tree/Debris/Reforestation/Sidewalk		\$ 1,875,636.00
D. Incidentals		
Indirect Costs & Administration	\$	148,052.00
County Collection Fees	\$	15,000.00
Subtotal - Incidentals		\$ 163,052.00
Total Cost		\$ 2,038,688.00

Engineer's Cost Estimate, Fiscal Year 2022-32 (continued)											
Projected Fund Balance	\$	174,217.94									
Tree Maintenance Ending Fund Balance	\$	(288,317.99)									
Less General Fund Contribution	\$	(341,505.00)									
Measure M	\$	(140,000.00)									
Sidewalk Fund Ending Balance	\$	(76,023.57)									
Less General Fund CIP Contribution to Sidewalk Fund	\$	(250,000.00)									
Net to Assessment	\$	1,117,059.38									
Revenue											
Single Family Equivalent Benefit Units - Trees		8,950.23									
Single Family Equivalent Benefit Units - Sidewalks		6,814.24									
		<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="text-align: right; border-bottom: 1px solid black;">2022-23</th> <th style="text-align: right; border-bottom: 1px solid black;">2021-22</th> </tr> </thead> <tbody> <tr> <td>Assessment Rate for Tree Fund/ SFE</td> <td style="text-align: right;">\$88.72</td> <td style="text-align: right;">\$86.15</td> </tr> <tr> <td>Assessment Rate for Sidewalk Fund/ SFE</td> <td style="text-align: right;">\$47.40</td> <td style="text-align: right;">\$46.02</td> </tr> </tbody> </table>		2022-23	2021-22	Assessment Rate for Tree Fund/ SFE	\$88.72	\$86.15	Assessment Rate for Sidewalk Fund/ SFE	\$47.40	\$46.02
	2022-23	2021-22									
Assessment Rate for Tree Fund/ SFE	\$88.72	\$86.15									
Assessment Rate for Sidewalk Fund/ SFE	\$47.40	\$46.02									
Revenue for Tree Fund		\$794,064.41									
Revenue for Sidewalk Fund		\$322,994.98									
Total Revenue *		\$1,117,059.38									
<p>* Total revenue is slightly less than SFEs times the assessment rate because all combined assessments are rounded down to the even penny.</p>											

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 2022-23

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.



LANDSCAPE ASSESSMENT DISTRICT

Public Hearing





LANDSCAPE ASSESSMENT DISTRICT

- Funds collected are used for maintenance of
 - City street trees
 - sidewalks damaged due to City street trees
 - street sweeping
- District established in 1983 and updated in 1990
- Engineer's Report proposes
 - 3% increase for Tree maintenance (\$2.57 per Single Family Equivalent)
 - 3% increase for Sidewalk maintenance (\$1.38 per Single Family Equivalent)
- Annual action required by City to continue collection of assessments

Slide 2

CDM8

The CC can also modify the project - deny the appeal and modify the Planning Commission approval

Chow, Deanna M, 8/26/2018



PROCESS



3 Steps	Date
City Council initiated the LAD proceedings and adopted a resolution describing the improvements and directing preparation of the engineer's report	March 8, 2022
City Council adopted 1) a resolution giving preliminary approval of the engineer's report and 2) a resolution of intent to order the levy and collection of assessments	May 24, 2022
City Council holds a public hearing to consider resolution overruling protests and ordering the levy and collection of assessments	June 28, 2022



THANK YOU



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-121-CC

Public Hearing:

Certificate of sufficiency of the petition for the proposed initiative measure entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes"

Recommendation

Staff recommends that the City Council accept the certification of the sufficiency of the petition for the proposed initiative measure entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes."

Policy Issues

Pursuant to California Elections Code section 9114, this report constitutes the City Election Official's certification of the results of the examination of the petition for the proposed initiative measure entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes" ("Proposed Initiative.") The results of the examination of the petition from the County of San Mateo Assessor-County Clerk-Recorder's Office is attached hereto as Attachment A. The city clerk, acting as the City's Elections Official, has determined that the proposed initiative qualifies for the ballot.

Background

On April 15, 2022, initiative proponents Timothy Yaeger and Nicole Chessari submitted a Notice of Intent to Circulate a Petition with the City's Elections Official with a request that a ballot title and summary be prepared for the measure. In response, a Ballot Title and Summary was prepared by the city attorney pursuant to Elections Code section 9203 (Attachment B.) The Ballot Title and Summary was submitted to the proponents April 30, 2022. The proponents published the Notice of Intent in The Examiner – Redwood City Tribune May 4, 2022, pursuant to Elections Code section 9205 and filed an Affidavit of Publication with the city clerk May 10, 2022, pursuant to Elections Code section 9206.

The Petition regarding the Proposed Initiative was filed with the city clerk May 24, 2022, bearing 2,976 unverified signatures. Per the Elections Code, the city clerk's office, in conjunction with the County of San Mateo's Office of the Assessor-County Clerk-Recorder & Elections ("County"), examined the signatures the proponents had collected to verify the sufficiency of the Petition.

By letter dated June 15, 2022, the County notified the City that “of the 2,976 signatures submitted” in support of the Proposed Initiative, “2,369 were checked and 2,011 signatures were verified as valid.” The 2,011 verified signatures exceed the minimum of 1,984 signatures required to qualify the Proposed Initiative for the ballot (Attachment A.)

Analysis

Because the Petition has been signed by the requisite number of voters, the city clerk has determined that the Proposed Initiative qualifies for the ballot.

Because the Proposed Initiative qualifies for the ballot, Elections Code section 9215 requires the City Council to take one of the following three actions, which are described in greater detail in Agenda Item No. F-3.

- A. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or
- B. Submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405; or
- C. Order a report pursuant to Elections Code section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the Council, the Council is required to either adopt the ordinance within 10 days or order an election pursuant to subdivision (b.)

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 is an organizational structure change that 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. Certificate of sufficiency of the petition for the Proposed Initiative
- B. City Attorney Ballot Title and Summary

Report prepared by:
Judi A. Herren, City Clerk

Report reviewed by:
Nira F. Doherty, City Attorney



OFFICE OF
**ASSESSOR-COUNTY CLERK-
RECORDER & ELECTIONS**
COUNTY OF SAN MATEO

MARK CHURCH
CHIEF ELECTIONS OFFICER &
ASSESSOR-COUNTY CLERK-RECORDER

June 15, 2022

Ms. Judi A Herren, City Clerk
City of Menlo Park
City Hall – 2nd Floor
701 Laurel St
Menlo Park, CA 94025

Dear Ms. Herren,

We have completed the review of signatures on the “Menlo Park Neighborhood Protection and General Plan Consistency Initiative” requested and filed by you on May 25, 2022. Of the 2,976 signatures submitted, 2,369 were checked and 2,011 signatures were verified as valid.

The billing for our services will be sent separately.

If you have any questions regarding this matter, please feel free to call Hillary O'Connor at 650.312.5294.

Sincerely,

MARK CHURCH

A handwritten signature in black ink, appearing to read "Jim Irizarry".

By:
Jim Irizarry, Assistant Chief Elections Officer &
Assistant Assessor-County Clerk-Recorder



Petition Result Breakdown

2022 Menlo Park Neighborhood Protection Plan

Menlo Park Neighborhood Protection and General Plan Consistency Initiative

Signatures Required	1984		
Raw Count	2,976		
Sample Size	2,976	<i>Percent of Sigs</i>	<i>Percent of</i>
Sigs Checked	2,369	<i>Checked</i>	<i>Sample Size</i>
Sigs Not Checked	607		20.4 %
Sigs Valid	2,011	84.9 %	67.6 %
Sigs Invalid	358	15.1 %	12.0 %
Duplicated	2	0.1 %	0.1 %
Non-duplicate Invalids	356	15.0 %	12.0 %

RESULT ABBR	RESULT DESCRIPTION		
Approved	Approved	2,011	84.9 %
1 - NotReg	Not Registered	156	6.6 %
7 - RegDiffAdd	Registered at a Different Address	21	0.9 %
3 - OutOfDist	Out of District	97	4.1 %
2 - CantID	Cannot Identify	13	0.5 %
15 - Cancelled	Cancelled Status	2	0.1 %
11 - Duplicate	Signed more than once	2	0.1 %
9 - NoSig	No Signature	2	0.1 %
6 - Sig No Match	Signatures Don't Match	20	0.8 %
14 - Reg Late	Registered Late	2	0.1 %
13 - NoResAdd	No Residence Address Given	5	0.2 %
12 - Wrong County	Page Filed in Wrong County	1	0.0 %
EC 100	Address Printed by Other Than Voter	36	1.5 %
13 - Incomp Add	Incomplete Address	1	0.0 %

STATISTICS SUMMARY	Value	% Raw	% Req		
Pages Processed	108	100.0 %			
Total Checked	2369	79.6 %	119.4 %		
Uncorrected Valid	2011	67.6 %	101.4 %	Min Required (95%):	1884.8
Duplicate Adjustment	0			Min Required to pass	
Estimated Valid	2011	67.6 %	101.4 %	Based on Sample (110%):	2182.4



April 29, 2022

SENT VIA E-MAIL AND NEXT DAY DELIVERY

Timothy Newton Yaeger
387 Hedge Road
Menlo Park, CA 94025
tim@yaegerhaus.com

Nicole Chessari
1008 Greenwood Drive
Menlo Park, CA 94025
nicole.chessari@gmail.com


RE: Ballot Title and Summary

Dear Mr. Yaeger and Ms. Chessari,

Pursuant to Elections Code section 9203, attached please find the City Attorney's ballot title and summary for the proposed measure that was submitted by you on April 15, 2022.

Please contact me if you have any questions.

Sincerely,

DocuSigned by:

39280A20D0BE491...

Judi A. Herren
City Clerk
City of Menlo Park

jaherren@menlopark.org
650-330-6621

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The City Attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

Title

A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.

Summary

Through the General Plan and Zoning Ordinance, the City Council of the City of Menlo Park has designated certain property in the City of Menlo Park for single family detached homes. Under the General Plan, many such properties have a “Very Low Density Residential” or “Low Density Residential” land use designation.

The Citizen-Sponsored Initiative proposes an amendment to the Land Use Element of the General Plan that would prohibit the City Council of the City of Menlo Park from (1) changing the General Plan designation of properties that were designated Very Low Density Residential or Low Density Residential as of April 15, 2022; and (2) re-zoning properties that were zoned Residential Estate (R-E), Residential Estate Suburban (R-E-S), Single Family Suburban Residential (R-1-S), Single Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single Family Urban Residential (R-1-U), or Single-Family Urban Residential (Lorelei Manor) (R-1-U (LM)) as of April 15, 2022.

Under the Citizen-Sponsored Initiative, properties designated Very Low Density Residential or Low Density Residential, and properties zoned R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U, or R-1-U (LM) as of April 15, 2022 could only be re-designated or re-zoned for other uses or denser residential uses by a majority vote of the people of the City of Menlo Park at a regular election.

The “Very Low Density Residential” designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses at a maximum density of 2.9 units per acre. Properties with a “Very Low Density Residential” designation are zoned Residential Estate (R-E) or Residential Estate Suburban (R-E-S).

The “Low Density Residential” designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses at a maximum density of 8.9 units per acre. Properties with a “Low Density Residential” designation are zoned Single Family Suburban Residential (R-1-S), Single Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single Family Urban Residential (R-1-U), or Single Family Urban Residential (Lorelei Manor) (R-1-U (LM)).

Most of the property in the City of Menlo Park designated Very Low Density Residential or Low Density Residential is improved with single family homes. However, certain properties with

these land use designations currently have other uses (such as public utilities, private schools, churches, child care centers, and a fire station) or are unimproved.

The Citizen-Sponsored Initiative only impacts properties designated Very Low Density Residential or Low Density Residential, and properties zoned R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U, and R-1-U (LM) as of April 15, 2022. It does not impact the City Council's authority to re-designate or re-zone properties that had other designations and zoning on April 15, 2022.



STAFF REPORT

City Council
Meeting Date: 6/28/2022
Staff Report Number: 22-129-CC

Public Hearing: **Determination of action, pursuant to Elections Code Section 9215, regarding the proposed initiative measure entitled “A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes”**

Recommendation

Staff recommends the City Council take one of the following actions as required by California Elections Code section 9215:

- A. Adopt an ordinance of the City Council of the City of Menlo Park adopting the citizen sponsored initiative measure to amend the Land Use Element of the General Plan to prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for single family detached homes (Attachment A); or
- B. Adopt a resolution of the City Council of the City of Menlo Park adopting the citizen sponsored initiative measure to amend the Land Use Element of the General Plan to prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for single family detached homes; establishing the schedule for submission of ballot arguments; and authorizing and requesting the County of San Mateo conduct the election (Attachment B); or
- C. Order a report pursuant to Elections Code section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the City Council, the City Council is required to either adopt the ordinance within 10 days or order an election pursuant to subdivision (b.)

Background

Through the General Plan and Zoning Ordinance, the City Council of the City of Menlo Park has designated certain property in the City of Menlo Park for single family detached homes. Under the General Plan, many such properties have a “Very Low Density Residential” or “Low Density Residential” land use designation.

The Citizen-Sponsored Initiative proposes an amendment to the Land Use Element of the General Plan that would prohibit the City Council of the City of Menlo Park from (1) changing the General Plan designation of properties that were designated Very Low Density Residential or Low Density Residential as of April 15, 2022; and (2) re-zoning properties that were zoned Residential Estate (R-E), Residential Estate Suburban (R-E-S), Single Family Suburban Residential (R-1-S), Single Family Suburban Residential (Felton Gables) (R-1-S (FG), Single Family Urban Residential (R-1-U), or Single-Family Urban Residential (Lorelei Manor) (R-1-U (LM) as of April 15, 2022.

Under the Citizen-Sponsored Initiative, properties designated Very Low Density Residential or Low Density Residential, and properties zoned R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U or R-1-U (LM) as of April 15, 2022,

could only be re-designated or re-zoned for other uses or denser residential uses by a majority vote of the people of the City of Menlo Park at a regular election.

The “Very Low Density Residential” designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses at a maximum density of 2.9 units per acre. Properties with a “Very Low Density Residential” designation are zoned Residential Estate (R-E) or Residential Estate Suburban (R-E-S.)

The “Low Density Residential” designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses at a maximum density of 8.9 units per acre. Properties with a “Low Density Residential” designation are zoned Single Family Suburban Residential (R-1-S), Single Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single Family Urban Residential (R-1-U), or Single Family Urban Residential (Lorelei Manor) (R-1-U (LM.))

Most of the property in the City of Menlo Park designated Very Low Density Residential or Low Density Residential is improved with single family homes. However, certain properties with these land use designations currently have other uses (such as public utilities, private schools, churches, child care centers and a fire station) or are unimproved.

The Citizen-Sponsored Initiative only impacts properties designated Very Low Density Residential or Low Density Residential, and properties zoned R-E, R-E-S, R-1-S, R-1-S (FG), R-1-U and R-1-U (LM) as of April 15, 2022. It does not impact the City Council’s authority to re-designate or re-zone properties that had other designations and zoning April 15, 2022.

Analysis

On April 15, 2022, the petition for the Proposed Initiative was filed with the city clerk of the City of Menlo Park (Elections Code § 9208) within the required time following the publication date. The city clerk determined that the proponents submitted 2,011 valid signatures, which exceeded the minimum number of 1,984 signatures required.

The city clerk initiated the review of the petition, according to required Election Code provisions, including format, content, circulation dates and circulator’s declaration.

Signature verification is performed by the County of San Mateo, Office of the Assessor-County Clerk-Recorder and Elections (County.) Having completed the comprehensive review of signatures, by letter dated July 15, 2022, the County signed a certification on sufficiency and notified the proponents of the certification.

Based on the validation of the petition format and content (Elections Code § 9239) along with the signature verification (Elections Code §§ 9215, 9240), the city clerk certified the petition as sufficient to qualify as an initiative petition for the ballot.

Following certification of the signatures, Elections Code sections 9211, 9114, and 9115 require that the petition be brought to the City Council at the City Council’s next regular meeting.

Elections Code Section 9215 requires that the City Council choose from one of the following courses of action:

- A. Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented; or

- B. Submit the ordinance, without alteration, to the voters pursuant to Elections Code section 1405; or
- C. Order a report pursuant to Elections Code section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the City Council, the City Council is required to either adopt the ordinance within 10 days or order an election pursuant to subdivision (b.)

Each of these actions is discussed in greater detail below:

Adopt the ordinance

If the City Council proceeds with adopting the proposed ordinance without alteration (Attachment A), it would be considered adopted June 28, 2022, and would be effective 30 days from this meeting date. Per Elections Code section 9217, “No ordinance that is either proposed by initiative petition and adopted by the vote of the legislative body of the city without submission to the voters, or adopted by the voters, shall be repealed or amended except by a vote of the people, unless provision is otherwise made in the original ordinance.” If the City Council elects this option, 30 days following adoption of the ordinance, the General Plan would be amended in the manner set forth in the Proposed Initiative.

Submit ordinance to the voters

If the City Council submits the ordinance to the voters, the City is required to place the measure on the City’s next regular election which would be November 8, 2022 (Elections Code §§ 9215, 1405(a.) (Attachment B.) The Elections Code also authorizes the City Council to schedule a special election to submit an initiative measure to the voters in some circumstances. However, the City Council does not have that option in this case because there are no eligible special election dates between now and the November 8, 2022 general election.

The City of Menlo Park, together with many other jurisdictions in the County of San Mateo, requests election services from the County of San Mateo to consolidate election costs. In so doing, the City realizes significant savings in personnel time and costs associated with running a municipal election. However, to have the County assist with the City’s municipal election, the Elections Code requires that the City Council request such assistance via resolution.

The resolution attached as Attachment B orders the Proposed Initiative submitted to the voters at the November 8, 2022 general election, and requests that the County assist with and conduct the election. The resolution also establishes the following ballot language to be submitted to the voters:

Shall the measure, which prohibits the City Council of the City of Menlo Park from re-zoning or re-designating certain properties that were zoned and designated for single family detached homes as of April 15, 2022, be adopted?	YES
	NO

If the City Council elects this option, the ballot language, above, along with the complete text of the Proposed Initiative would be placed on the November 8, 2022 ballot. This measure will require the approval of a majority vote of the City of Menlo Park voters voting on the measure to become effective. If it is approved the measure would become effective ten (10) days following the date the vote is declared by the City Council in accordance with Elections Code section 9217.

Order a report

The City Council also has the option to order a report pursuant to Elections Code section 9212 that provides:

- A. During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215 (i.e., the two options above), the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:
 - 1. Its fiscal impact.
 - 2. Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
 - 3. Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
 - 4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - 5. Its impact on the community's ability to attract and retain business and employment.
 - 6. Its impact on the uses of vacant parcels of land.
 - 7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - 8. Any other matters the legislative body requests to be in the report.
- B. The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

If the City Council orders the report pursuant to Elections Code section 9212, the report would need to be presented to the City Council no later than July 28, 2022. Within 10 days of the report being presented to the City Council, the City Council is required to either adopt the ordinance (Attachment A) or order an election (Attachment B.)

The Elections Code section 9212 report could be prepared by City staff or City consultants. In 2014, the City Council authorized \$150,000 for the report on the Specific Plan ballot measure. Currently, there is no allocation in the proposed FY 2022-23 budget for such consultant services. Should the City Council wish to provide direction to the city manager regarding engagement of such consultant services, the City Council could recommend an amendment to the FY 2022-23 budget which the City Council will be considering and voting on at the June 28, 2022, City Council meeting. Due to the statutory deadline to return with the report within 30 days, staff does not anticipate returning to City Council with a request for authorization to engage a consultant and anticipates that the retention of a consultant would be within the city manager's spending authority. Staff anticipates that even if a consultant is utilized to assist in the drafting of the report, staff, the city manager's office, and the city attorney's office will assist in the drafting and/or review of the report.

Impact on City Resources

According to the San Mateo County Chief Elections Officer and Assessor-County Clerk-Recorder for election services, the estimated cost of consolidated election services for one ballot measure is approximately between \$36,000 and \$43,200. The estimated cost of consolidated election services for the three City Council seats and one ballot measure is approximately between \$72,300 and \$86,800. Funds are included in the proposed fiscal year 2022-23 budget.

Environmental Review

The proposed actions are not projects under California Environmental Quality Act (CEQA) Guidelines Section 15378 (b)(3.) A project under CEQA does not include “[t]he submittal of proposals to a vote of the people of the state or a particular community that does not involve a public agency sponsored initiative.” (Stein v. City of Santa Monica (1980) 110 Cal. App.3d 458; *Friends of Sierra Madre v. City of Sierra Madre* (2001) 25 Cal. 4th 165.)

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. An ordinance of the City Council of the City of Menlo Park Adopting the Citizen Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for single family detached homes
- B. A resolution of the City Council of the City of Menlo Park Adopting the citizen sponsored initiative measure to amend the Land Use Element of the General Plan to prohibit the City Council of the City of Menlo Park from re-designating or re-zoning certain properties designated and zoned for Single family detached homes; establishing the schedule for submission of ballot arguments; and authorizing and requesting the County of San Mateo conduct the election

Report prepared by:
Nira F. Doherty, City Attorney

Report reviewed by:
Judi A. Herren, City Clerk

ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE CITIZEN-SPONSORED INITIATIVE MEASURE TO AMEND
THE LAND USE ELEMENT OF THE GENERAL PLAN TO PROHIBIT THE CITY
COUNCIL OF THE CITY OF MENLO PARK FROM RE-DESIGNATING OR RE-
ZONING CERTAIN PROPERTIES DESIGNATED AND ZONED FOR SINGLE
FAMILY DETACHED HOMES**

WHEREAS, on April 15, 2022, a Notice of Intent to Circulate a Petition was filed with the City's Elections Official with a request that a title and summary be prepared for the measure; and

WHEREAS, the City Attorney provided a title and summary for the proposed Initiative to the proponents; and

WHEREAS, the Petition regarding the Initiative was filed with the Election's Official on May 24, 2022, bearing 2,976 unverified signatures; and

WHEREAS, to qualify for the ballot, proponents were required to obtain 1,984 valid signatures on the Petition; that number representing ten percent (10%) of the registered voters of the City; and

WHEREAS, the County Elections Division has examined the records of voter registration and has certified that the Petition contains more than the requisite number of valid signatures to qualify for election; and

WHEREAS, the City Elections Official (City Clerk) certified the sufficiency of the signatures on June 28, 2022; and

WHEREAS, having obtained sufficient signatures, Elections Code section 9215 provides that the City Council is required to either (1) adopt the ordinance, without alteration, at the meeting at which the certification of the petition is presented (June 28, 2022), or within 10 days after it is presented, (2) submit the ordinance, without alteration, to the voters, pursuant to Elections Code section 1405, or (3) order a report pursuant to Elections Code section 9212; and

WHEREAS, the City Council of the City of Menlo Park desires to adopt the Initiative entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes."

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park does hereby adopt the Initiative entitled "A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes," which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park does hereby direct that the City of Menlo Park General Plan be amended as set forth in the text of the Initiative attached hereto as Exhibit A.

I, Judi A. Herren, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Ordinance of the City Council of the City of Menlo Park was duly and regularly passed and adopted at a meeting by said City Council on the twenty-eighth day of June, 2022, 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 ___ day of ___ 2022.

APPROVED:

Betsy Nash, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits:

A. Text of the measure

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of Menlo Park do ordain as follows:

SECTION 1. Title.

A Citizen—Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re—Designating or Re—Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.

SECTION 2. Findings and Purpose.

- A. Findings. The people of the City of Menlo Park (“City”) find and declare the following:
1. Menlo Park is a vibrant city that is prized for its livable residential neighborhoods, active commercial districts, and hub of investment and scientific innovation.
 2. The City’s General Plan notes that the “existing pattern of land use in Menlo Park . . . is highly valued by the community.” Accordingly, the General Plan designates certain areas of the City for Very Low Density and Low Density Residential and this is an important part of the City’s existing pattern of land use.
 3. The Land Use Element of the City’s General Plan is organized around nine (9) “Guiding Principles.” These Guiding Principles were established by the Menlo Park community to “describe the kind of place that community members want Menlo Park to be.” Those principles include “protecting the character of residential neighborhoods.” Guiding Principle 7—“Complete Neighborhoods and Commercial Corridors”—provides that “Menlo Park neighborhoods are complete communities, featuring well integrated and designed development along vibrant commercial corridors with a live-work-play mix of community-focused businesses that conveniently serve adjacent neighborhoods while respecting their residential character.”
 4. The People of Menlo Park further express their strong desire that the City pursue opportunities to develop badly-needed housing, including affordable housing, that is consistent with the residential character of these neighborhoods (in compliance with any applicable, controlling state law requirements and mandates, which may allow for multiple units of low-density housing on lots with “single family” zoning), rather than converting residential properties in these neighborhoods to different uses such as industrial, commercial, office, mixed use, or high-density residential, which would create traffic and otherwise strain the infrastructure of existing neighborhoods that were designated as low density, residential-only uses.
 5. Accordingly, the people of the City of Menlo Park desire to amend the General Plan to enact new policies to ensure that, as the City continues to grow and attract new industry, businesses, and residents, new development remains consistent the General Plan’s stated goal of protecting the existing pattern of land use in the City and the character of its existing residential neighborhoods.
 6. This Initiative will only impact those properties that are designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022. It will not impact properties that are not designated, as of April 15, 2022, Very Low Density Residential or Low Density Residential and/or zoned with a corresponding zoning designation. The relevant very low and low density residential land use designations are provided in Section 3, below, and the relevant very low and low density residential zoning designations are attached hereto for informational purposes as Exhibit B. In order to illustrate the location of properties in the City currently assigned these very low and low density residential zoning designations, a map showing the City’s zoning, as depicted on

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

the “General Plan Land Use and Zoning Map” available on the City’s website as of April 14, 2022, is attached hereto for informational purposes as Exhibit A.

7. Implementation of this Initiative will protect the public health, safety and welfare, and the quality of life for the people of the City of Menlo Park.

- B. **Purpose.** The people of the City of Menlo Park declare that our purpose and intent in enacting this Initiative is to make amendments to the City’s General Plan to expressly prohibit the City from redesignating property designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022, without a vote of the people of the City of Menlo Park.

SECTION 3. Amendments to the Land Use Element of the General Plan of the City of Menlo Park.

The Land Use Element of the General Plan of the City of Menlo Park is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text; text in regular type or **bold type** reflects the existing General Plan text and is provided for informational/reference purposes):

- A. The “Land Use Designations” Section of the Land Use Element is hereby amended as follows:

Very Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 2.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Very Low Density Residential and/or zoned Residential Estate (R-E) or Residential Estate Suburban (R-E-S), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 8.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Low Density Residential and/or zoned Single-Family Suburban Residential (R-1-S), Single-Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single-Family Urban Residential (R-1-U), or Single-Family Urban Residential (Lorelei Manor) (R-1-U (LM)), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

SECTION 4. Internal Consistency.

It is the intent of the people of the City of Menlo Park that the amendments contained in Section 3 of this Initiative be read and construed in full harmony with the rest of the General Plan of the City of Menlo Park. To the extent that any provisions of the Menlo Park Municipal Code, including the Zoning Regulations of the City of Menlo Park, or any other ordinances of the City may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 5. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of Menlo Park. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the effective date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions included in Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

SECTION 6. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of properties subject to this Initiative in any manner whatsoever that would frustrate the purpose and intent of this Initiative (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to the future use and development of properties subject to this Initiative and said other measure or measures shall be rendered void and without any legal effect with respect to such properties. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

or inconsistent requirement(s) to properties subject to this Initiative (e.g., the other measure impacts only properties that are not subject to this Initiative because of their land use designation and/or zoning), then it is the voters' intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 7. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. The people of the City of Menlo Park expressly acknowledge the preemptive nature of certain state laws, including the law colloquially known as "SB 9," which may allow for multiple units of low-density housing on lots with "single family" zoning, and nothing herein is intended to be or shall be construed as an attempt to conflict with such laws to the extent that those laws may apply to properties covered by this Initiative. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Menlo Park indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. In order to protect the General Plan policies adopted by this Initiative from interference by the City Council or otherwise, this Initiative is expressly retroactive to April 15, 2022.

SECTION 8. Amendment.

The amendments to the General Plan of the City of Menlo Park set forth in Section 3 of this Initiative may be amended or repealed only by a majority of the voters of the City voting in a regular election held in accordance with state law.

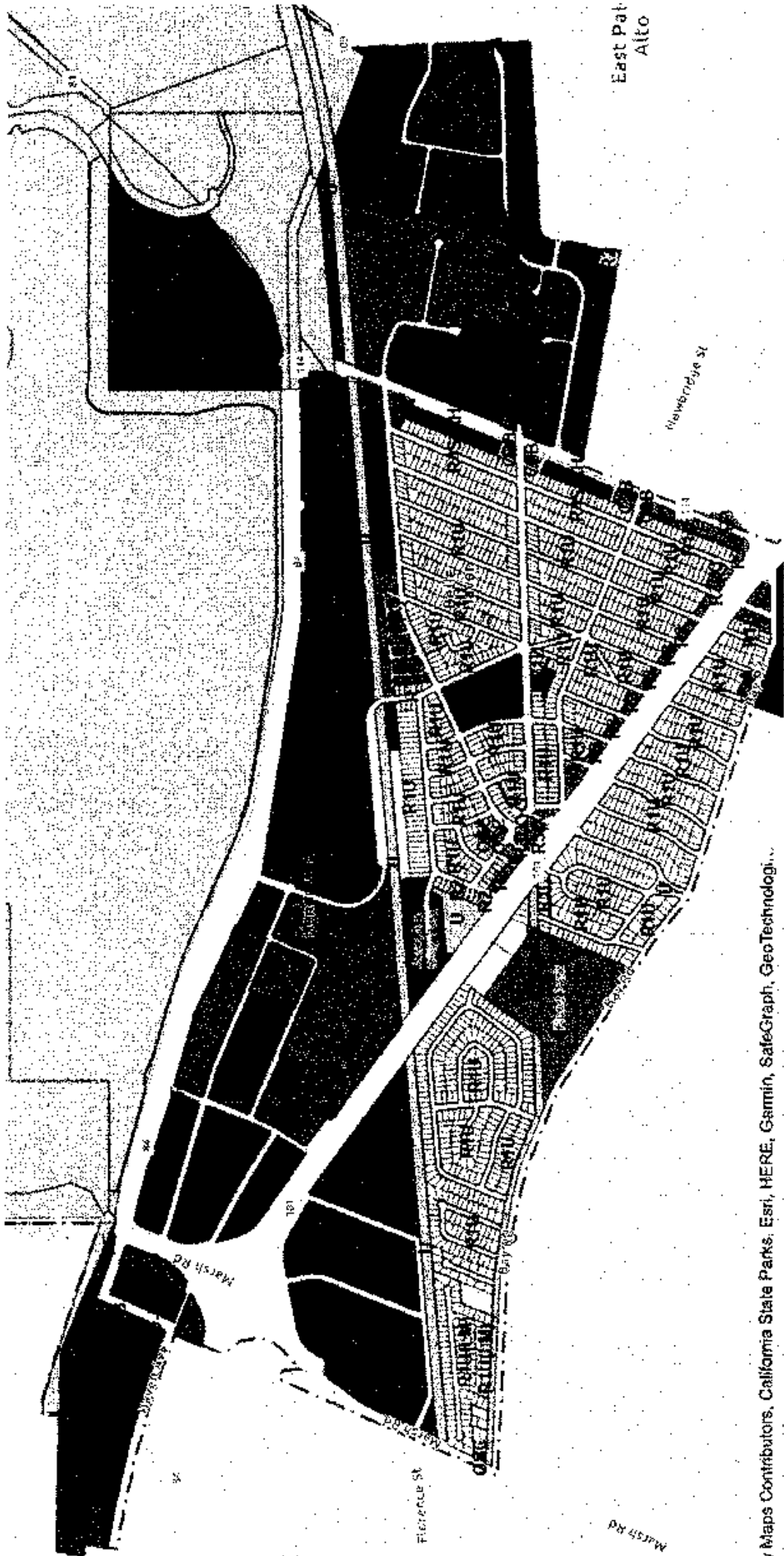
SECTION 9. Exhibit List.

The following exhibits are attached to this Initiative and incorporated herein:

- Exhibit A:** Map showing the City's zoning, as depicted on the "General Plan Land Use and Zoning Map" available on the City's website as of April 14, 2022 (Informational Purposes)
- Exhibit B:** Relevant Very Low and Low Density Residential Zoning Designations (Informational Purposes)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 1 OF 4

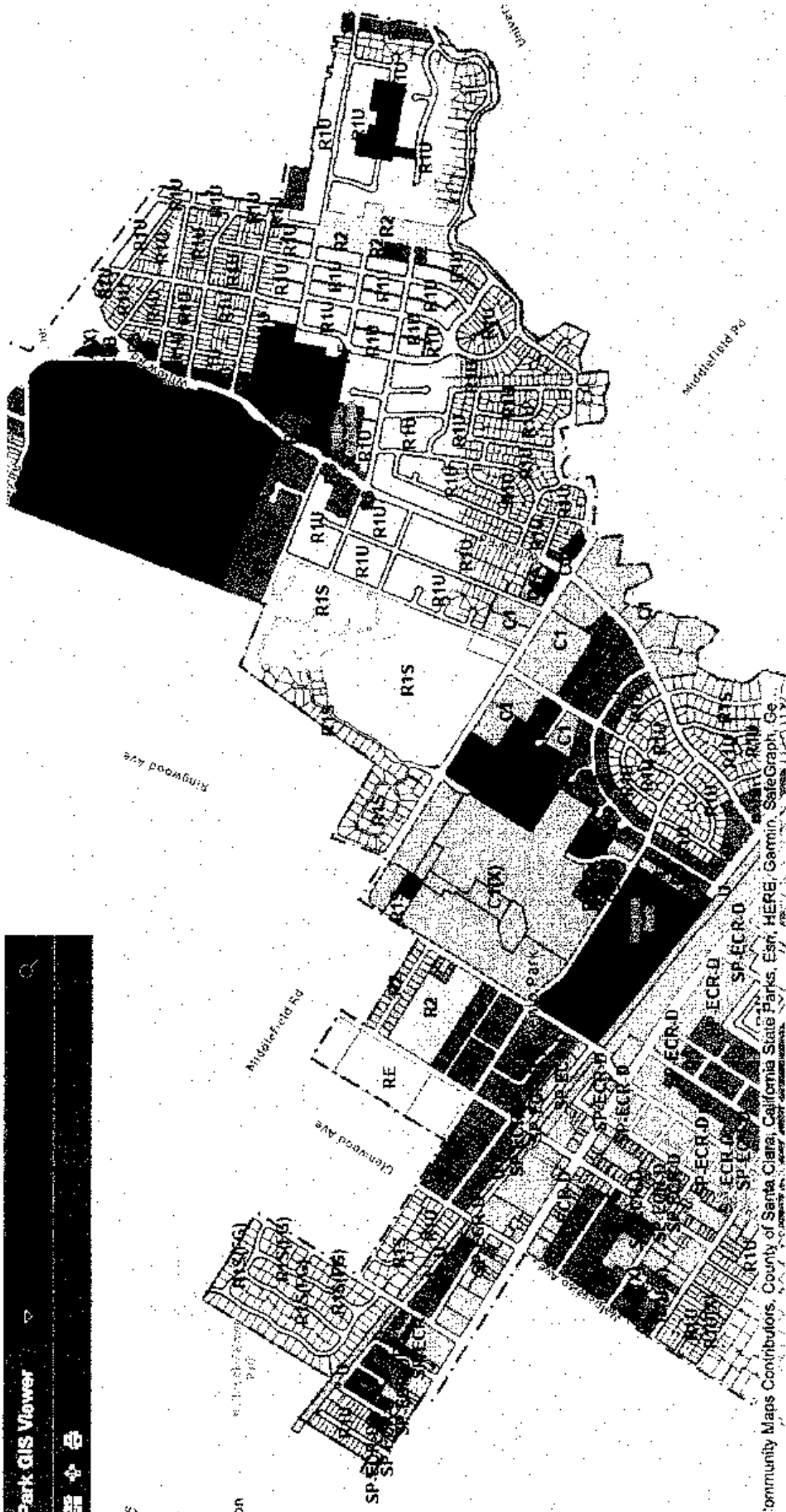


City Maps Contributors, California State Parks, Esri, HERE, HERE, Garmin, SafeGraph, GeoTechnology

INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 2 OF 4

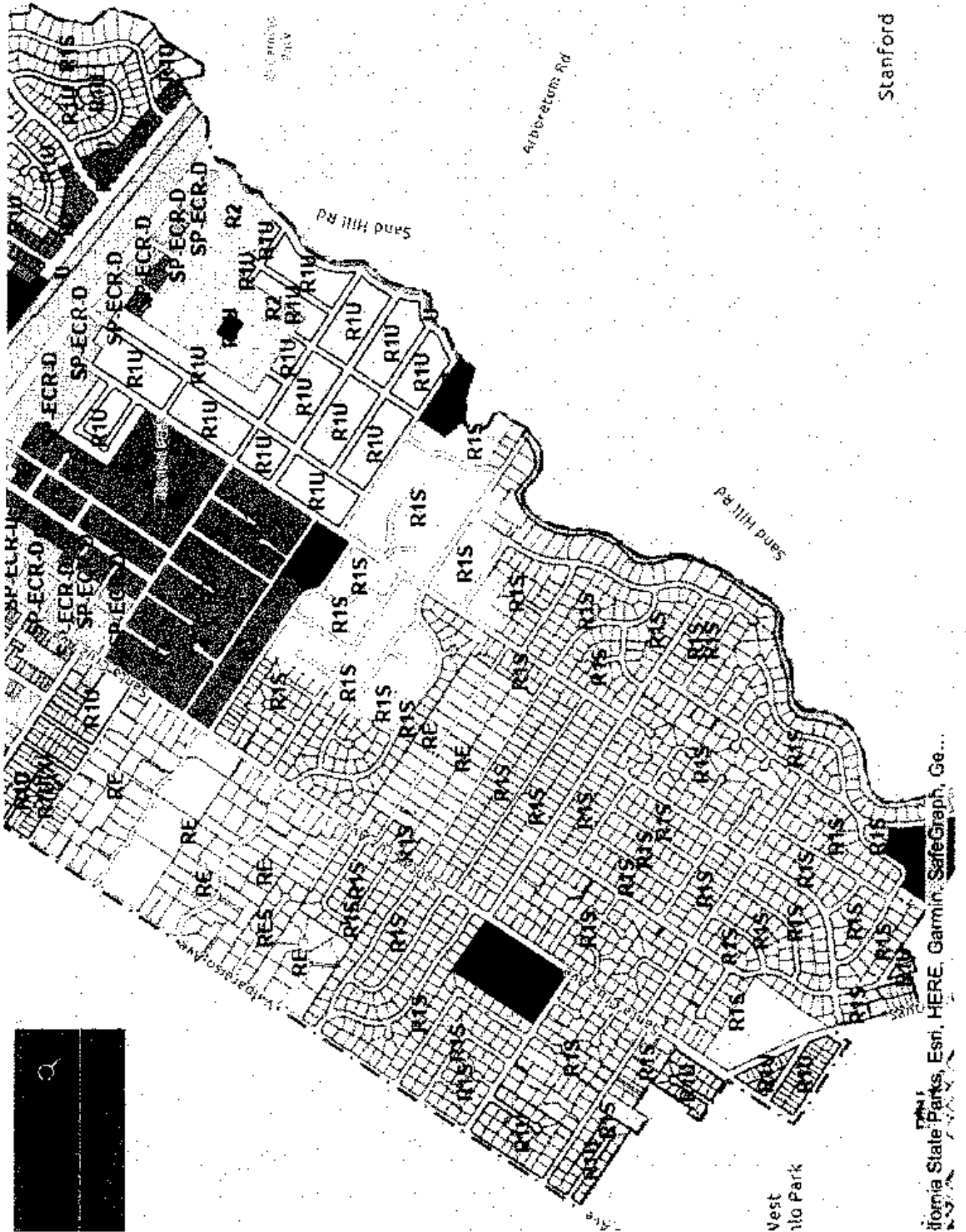


INFORMATIONAL PURPOSES

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INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 3 OF 4



Stanford

INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E RESIDENTIAL ESTATE DISTRICT

Chapter 16.10

R-E RESIDENTIAL ESTATE DISTRICT

Sections:

- 16.10.010 Permitted uses.
- 16.10.020 Conditional uses.
- 16.10.030 Development regulations.

16.10.010 Permitted uses.

The following uses are permitted in the R-E district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 5, 2014; Ord. 1005 § 4 (part), 2014; Prior code § 30.402(A)).

16.10.020 Conditional uses.

Conditional uses allowed in the R-E district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 4 (part), 2014; Ord. 850 § 2 (part), 1993; prior code § 30.402(B)).

16.10.030 Development regulations.

Development regulations in the R-E district are as follows:

- (1) Minimum lot area: twenty thousand (20,000) square feet;
- (2) Minimum land area per dwelling unit: twenty thousand (20,000) square feet;
- (3) Minimum lot dimensions:
 - (A) One hundred ten feet (110') width,
 - (B) One hundred thirty feet (130') depth;

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E RESIDENTIAL ESTATE DISTRICT

- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Thirty feet (30') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty percent (30%);
- (6) Floor Area Limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more

than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) } \times \text{ the floor area limit}}{\text{Length (average of both sides)}}$$

- (7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;
 - (A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),
 - (B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');
- (8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 2, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (A), 3 (part), 1989; Prior code § 30.402(C)).

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Chapter 16.12

R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Sections:

- 16.12.010 Permitted uses.
- 16.12.020 Conditional uses.
- 16.12.030 Development regulations.

16.12.010 Permitted uses.

The following uses are permitted in the R-E-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 6, 2014; Ord. 1005 § 5 (part), 2014; Prior code § 30.403(A)).

16.12.020 Conditional uses.

Conditional uses allowed in the R-E-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 5 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.403(B)).

16.12.030 Development regulations.

Development regulations in the R-E-S district are as follows:

- (1) Minimum lot area: fifteen thousand (15,000) square feet; provided, however, that lots of less than fifteen thousand (15,000) square feet may be permitted, but only in an approved subdivision with the following conditions:

- (A) No lot shall be less than eleven thousand (11,000) square feet in area,

- (B) The average lot size in the subdivision shall not be less than fifteen thousand (15,000) square feet;

- (2) Minimum land area per dwelling unit: fifteen thousand (15,000) square feet;

- (3) Minimum lot dimensions:

- (A) One hundred feet (100') width,

- (B) One hundred feet (100') depth;

- (4) Minimum yards:

- (A) Twenty feet (20') front,

- (B) Twenty feet (20') rear,

- (C) Twenty-five feet (25') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');

- (5) Maximum building coverage:

- (A) Single-story development:

- (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),

- (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,

- (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),

- (B) Development of two (2) or more stories: thirty percent (30%);

- (6) Floor Area Limit (FAL):

- (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:

- (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,

- (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

feet shall be two thousand eight hundred (2,800) square feet,

(iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,

(B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line)} \times \text{the floor area limit}}{\text{Length (average of both sides)}}$$

(7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28');

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 3, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (B), 3 (part), 1989; Prior code § 30.403(C)).

Chapter 16.14

R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

Sections:

- 16.14.010 Permitted uses.
- 16.14.020 Conditional uses.
- 16.14.030 Development regulations.

16.14.010 Permitted uses.

The following uses are permitted in the R-1-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 7, 2014; Ord. 1005 § 6 (part), 2014; Prior code § 30.404(A)).

16.14.020 Conditional uses.

Conditional uses allowed in the R-1-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 6 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.404(B)).

16.14.030 Development regulations.

Development regulations in the R-1-S district are as follows:

- (1) Minimum lot area: ten thousand (10,000) square feet;
- (2) Minimum land area per dwelling unit: ten thousand (10,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Eighty feet (80') width,
 - (B) One hundred feet (100') depth;

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten feet (10') side, except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
- (6) Floor area limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may

be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

- (7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;
 - (A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),
 - (B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');
- (8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 4, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (C), 3 (part), 1989; Prior code § 30.404(C)).

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-S (FG) SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

Chapter 16.15

**R-1-S (FG) SINGLE-FAMILY SUBURBAN
RESIDENTIAL DISTRICT (FELTON
GABLES)**

Sections:

- 16.15.010 Permitted uses.
- 16.15.020 Conditional uses.
- 16.15.030 Development regulations.

16.15.010 Permitted uses.

The following uses are permitted in the R-1-S (FG) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 8, 2014; Ord. 1005 § 7 (part), 2014; Ord. 801 § 1 (part), 1989).

16.15.020 Conditional uses.

Conditional uses allowed in the R-1-S (FG) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 7 (part), 2014).

16.15.030 Development regulations.*

Development regulations in the R-1-S (FG) district shall be the same as those in the R-1-S district except for the following:

* Code reviser's note: These provisions were previously numbered as Section 16.15.020. The section has been editorially renumbered to avoid duplication and for consistency with numbering in other chapters.

(1) Maximum building coverage: thirty-five percent (35%);

(2) Maximum floor area limit (FAL): two thousand eight hundred (2,800) square feet plus twenty percent (20%) times (lot area minus seven thousand (7,000) square feet);

(3) Daylight Plane. A daylight plane for the main dwelling unit shall begin at each side property line, shall extend directly upwards above the natural grade of each side property line for a distance of twenty (20) feet minus the width of the adjacent required yard, and shall then slope inwards towards the interior of the lot at a thirty-four (34) degree angle. As used in this section, the natural grade of a side property line is the average grade of the highest and lowest points of the natural grade of the lot at the side property line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, antennas, flues, and solar collectors.

Gables and dormers may intrude into the daylight plane of a lot that is ten thousand (10,000) square feet or less. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required side setback to no permitted intrusion in the case of an eight (8) foot required side setback. Thus the permitted intrusion will be six (6) feet, eight (8) inches in the case of a six (6) foot required side setback, five (5) feet in the case of a six and one-half (6.5) foot required side setback, and three (3) feet, four (4) inches in the case of a seven (7) foot required side setback. Calculations of the permitted intrusion shall include fractional computations when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one (1) side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:

(A) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(B) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed thirty (30) feet; and

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-S (FG) SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

(C) The triangle must be entirely within the maximum building height. (Ord. 1018 § 2, 2016; Ord. 1006 § 19, 2014; Ord. 938 § 5, 2005; Ord. 801 § 1 (part), 1989. Formerly 16.15.020).

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(Meade Park Supp. No. 51, 9-17)

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INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT

Chapter 16.16

R-1-U SINGLE FAMILY URBAN
RESIDENTIAL DISTRICT

Sections:

- 16.16.010 Permitted uses.
- 16.16.020 Conditional uses.
- 16.16.030 Development regulations.

16.16.010 Permitted uses.

The following uses are permitted in the R-1-U district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 9, 2014; Ord. 1005 § 8 (part), 2014; Prior code § 30.405(A)).

16.16.020 Conditional uses.

Conditional uses allowed in the R-1-U district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 8 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.405(B)).

16.16.030 Development regulations.

Development regulations in the R-1-U district are as follows:

- (1) Minimum lot area: seven thousand (7,000) square feet;
- (2) Minimum land area per dwelling unit: seven thousand (7,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Sixty-five feet (65') width,

- (B) One hundred feet (100') depth;
- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten percent (10%) of minimum lot width for sides but not less than five feet (5') or more than ten feet (10'), except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
 - (6) Floor area limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

(7) **Maximum Height of Structures.** Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28');

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) **Daylight Plane.** The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938, § 6, 2005; Ord. 822 §§ 1, 2 (part), 1991; Ord. 790 §§ 2 (D), 3 (part), 1989; Prior code § 30.405(C)).

Chapter 16.17

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

Sections:

- 16.17.010 Permitted uses.
- 16.17.020 Conditional uses.
- 16.17.030 Development regulations.

16.17.010 Permitted uses.

The following uses are permitted in the R-1-U (LM) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 10, 2014; Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.020 Conditional uses.

Conditional uses allowed in the R-1-U (LM) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.030 Development regulations.

Development regulations in the R-1-U (LM) district are as follows:

- (1) Minimum lot area: four thousand nine hundred (4,900) square feet for lots in existence prior to June 1, 2006 and a minimum of seven thousand (7,000) square feet for any lot created or subdivided after June 1, 2006;

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

(2) Minimum land area per dwelling unit: four thousand nine hundred (4,900) square feet;

(3) Minimum lot dimensions:

(i) Forty feet (40') width;

(ii) Seventy-five feet (75') depth;

(4) Minimum yards:

(i) Below ground:

a. Fifteen feet (15') front;

b. Fifteen feet (15') rear;

c. Five feet (5') interior sides, except that an interior side yard of three feet (3') may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;

d. Twelve feet (12') street sides of corner lots;

(ii) Above ground:

a. Twenty feet (20') front;

b. Twenty feet (20') rear;

c. Five feet (5') for ground floor interior sides, except that a ground floor interior side yard of three feet (3') for up to a maximum twenty-foot (20') length may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;

d. Ten feet (10') for second floor interior sides;

e. Twelve feet (12') for street sides of corner lots;

(iii) Yard encroachments: Permitted yard encroachments are as follows:

a. Architectural features on the single-family dwelling, such as cornices, eaves, canopies, fireplaces and bay windows in accordance with the following:

1. Where the required yard is twelve feet (12') or greater, cornices, eaves, canopies, fireplaces, and bay windows seven feet (7') or less in length and which do not provide foundation may extend up to a maximum of three feet (3') into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;

2. Where the required yard is five feet, (5') cornices, eaves, canopies, fireplaces, and bay windows four feet (4') or less in length and which do not provide foundation may extend up to a maximum of eighteen inches (18") into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;

3. Where the required yard is less than five feet (5'), no yard encroachments are permitted;

b. Porches, decks, landing places or stairways, if open and uncovered, may project a maximum of five feet (5') into any required above ground front or rear yard;

c. Balconies may be permitted in accordance with Section 16.60.020;

(5) Maximum impervious surface area: Seventy-five percent (75%) of the lot area;

(6) Maximum building coverage:

(i) Single-story development:

a. Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%);

b. Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;

c. Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%);

(ii) Development of two (2) or more stories: Thirty-five percent (35%);

(7) Floor Area Limit (FAL):

(i) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:

a. FAL for lots with an area of between four thousand nine hundred (4,900) and seven thousand

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

(7,000) square feet shall be two thousand eight hundred (2,800) square feet;

b. FAL for lots with greater than seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet;

(ii) The maximum second floor FAL shall be forty percent (40%) of the maximum FAL allowed on the property, except that a second floor FAL of fifty percent (50%) may be allowed subject to written approval of all owner(s) of contiguous properties or a use permit in accordance with Chapter 16.82;

(8) Horizontal wall length of second floor side wall: thirty feet (30') unless articulated by a minimum three foot (3') step back in wall alignment for a minimum of five feet (5'), except that the wall may extend on a continuous plane beyond thirty feet (30') subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the extended side wall or a use permit in accordance with Chapter 16.82;

(9) Second floor windows: Second floor windows and windows located in stair landings, except those fronting on a public street, shall either have a minimum five foot (5') sill height as measured from the finished floor level of the second floor or stair landing or shall use fixed textured or other image-distorting glass for the portion of the window placed less than five feet (5') above the finished floor level of the second floor or stair landing. Subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the second floor or stair landing windows or a use permit in accordance with Chapter 16.82, these window requirements may be modified or eliminated;

(10) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit:

(i) One-story single-family development: Twenty feet (20');

(ii) Two-story single-family development: Twenty-eight feet (28');

(11) Daylight Plane. A daylight plane for the main dwelling unit shall begin a minimum of five (5) feet from the side property line and extend directly upwards from the grade of the property for a distance of fifteen (15) feet, six (6) inches (vertical plane), and then slope inwards towards the interior of the lot at a forty-five (45) degree angle. The vertical plane may be extended to a maximum height of nineteen (19) feet, six (6) inches above grade subject to written approval of the owner(s) of contiguous property abutting the extended vertical plane or a use permit in accordance with Chapter 16.82. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, flues and eave overhangs. Solar collectors and antennas may intrude subject to written approval of the owner(s) of contiguous property abutting the intrusion or a use permit in accordance with Chapter 16.82;

Gables and dormers may intrude into the daylight plane. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required above ground side yard to no permitted intrusion at an eight (8) foot required above-ground side yard. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. The intrusion shall be measured along the uppermost horizontal roofline of the gable or dormer. The gable or dormer intrusion must not extend beyond a triangle in the plane of the building face described as follows:

(i) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(ii) The aggregate length of the bases of all triangles intruding into the daylight planes must not exceed thirty (30) feet, of which no more than twelve (12) feet may occur at an interior side yard;

(iii) The triangle is limited to a maximum peak height of twenty-four (24) feet above grade;

(12) Mechanical equipment, ground mounted: Mechanical equipment may be constructed with or

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

subsequent to the construction of a single-family dwelling subject to the following requirements when ground mounted:

(i) The mechanical equipment shall be located in the rear half of the lot, except that equipment that is screened from view may be located in the front half of the lot subject to written approval of the owner(s) of contiguous property abutting the location of the equipment or a use permit in accordance with Chapter 16.82;

(ii) The mechanical equipment shall be located a minimum of five feet (5') from any property line;

(iii) The mechanical equipment shall not exceed fifty (50) dBA as measured at the nearest property line;

(13) Parking: Two (2) spaces per single-family dwelling, at least one (1) of which shall be a covered space in accordance with the following:

(i) A covered space is a paved and accessible space covered by a solid roof for the storage of automobiles including garages and carports. The space shall have clear interior dimensions of nine feet (9') in width by nineteen feet (19') in depth;

(ii) An uncovered space is an accessible space paved or surfaced with an all-weather, weed-free, fire-resistant surface for the parking of an automobile. The space shall be eight feet, six inches (8' 6") in width by eighteen feet, six inches (18' 6") in depth, with a one-foot (1') increase in width if adjacent to an obstruction located less than three feet (3') from the required space;

(iii) Tandem parking within a fully enclosed garage may be used to meet the parking requirement. An uncovered space shall not be in tandem with any other required space;

(iv) The required parking shall not be located in a required front yard;

(v) The required parking shall be located a minimum of three feet (3') from any side or rear property line;

(14) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 1006 § 20, 2014; Ord. 948 § 3 (part), 2006).

RESOLUTION NO. XXXX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF MENLO PARK A CITIZEN-SPONSORED INITIATIVE MEASURE TO AMEND THE LAND USE ELEMENT OF THE GENERAL PLAN TO PROHIBIT THE CITY COUNCIL OF THE CITY OF MENLO PARK FROM RE-DESIGNATING OR RE-ZONING CERTAIN PROPERTIES DESIGNATED AND ZONED FOR SINGLE FAMILY DETACHED HOMES, AT THE CONSOLIDATED GENERAL ELECTION ON TUESDAY NOVEMBER 8, 2022; ESTABLISHING THE SCHEDULE FOR SUBMISSION OF BALLOT ARGUMENTS; AND AUTHORIZING AND REQUESTING THE COUNTY OF SAN MATEO CONDUCT THE ELECTION

WHEREAS, on April 15, 2022, a Notice of Intent to Circulate a Petition was filed with the City's Elections Official with a request that a title and summary be prepared for the measure; and

WHEREAS, the City Attorney provided a title and summary for the proposed Initiative to the proponents; and

WHEREAS, the Petition regarding the Initiative was filed with the Election's Official on May 24, 2022 bearing 2,976 unverified signatures; and

WHEREAS, to qualify for the ballot, proponents were required to obtain 1,984 valid signatures on the Petition; that number representing ten percent (10%) of the registered voters of the City; and

WHEREAS, the County Elections Division has examined the records of voter registration and has certified that the Petition contains more than the requisite number of valid signatures to qualify for election; and

WHEREAS, the City Elections Official (City Clerk) certified the sufficiency of the signatures on June 28, 2022; and

WHEREAS, Elections Code section 9215 provides that the City Council is required to either request a report on the proposed ordinance, submit the proposed ordinance to the voters at an election, or adopt the proposed ordinance without alteration; and

WHEREAS, the City Council of the City of Menlo Park desires to submit the Initiative to the voters at the general election to be held on November 8, 2022; and

WHEREAS, the City Council desires to consolidate the general municipal election for the Initiative described herein with the Statewide General Election to be held on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED:

Section 1. Call for Election. That pursuant to the requirements of the California Elections

Code, Sections 306, 9215, and 9222, there is called and ordered to be held in the City of Menlo park, a regular municipal election for the purpose of submitting to the voters of the City of Menlo park a citizen initiative entitled “A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.” As required by Elections Code section 13247, the abbreviated form of the initiative to appear on the ballot is specified below in Section 2 of this Resolution. The voter initiative shall be entitled “A Citizen-Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re-Designating or Re-Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.” The City’s designated elections official is hereby authorized and directed to make any changes to the proposition, text of the ballot label below or this resolution as required to conform to any requirements of law.

Section 2. Ballot Language. The following question shall be submitted to the voters on the ballot:

Shall the measure, which prohibits the City Council of the City of Menlo Park from re-zoning or re-designating certain properties that were zoned and designated for single family detached homes as of April 15, 2022, be adopted?	YES
	NO

This question requires the approval of a majority vote of the City of Menlo Park voters voting on the measure at the election to become effective. If the Initiative is so approved by the City of Menlo Park voters, then the Ordinance attached hereto as Exhibit A shall become effective ten (10) days following the date the vote is declared by the City Council in accordance with Elections Code section 9217.

Section 3. Text of Measure. The complete text of the Measure to be submitted to the voters for approval is attached to this resolution as Exhibit A. The text of the measure shall be printed in the ballot materials and be available for public inspection in the City Clerk’s office and on the City’s website at www.menlopark.org.

Section 4. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Menlo Park, in accordance with of the California Elections Code section 12111 and California Government Code section 6061.

Section 5. Request to Consolidate and Conduct Election and Canvass Returns.

(a) Pursuant to Elections Code commencing with Section 10400, the City Council hereby requests, consents, and agrees that the County of San Mateo shall take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the City Council. Pursuant to Elections Code Section 10002, the Board of Supervisors of San Mateo County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election. The City hereby agrees to reimburse San Mateo County in full for any services performed by each for the City upon presentation of an invoice to the City.

(b) The election on the Initiative shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided herein. The election shall be held in accordance with the Elections Code of the State of California. As required by Elections Code section 10403, the City of Menlo Park acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418 of the Elections Code.

(c) The election on the Initiative shall be held in the City of Menlo Park in the County of San Mateo on November 8, 2022, as required by law, and the Board of Supervisors of San Mateo County is authorized to canvass the returns of the election with respect to the votes cast in the City of Menlo Park and certify the results to the City Council of the City of Menlo Park.

(d) At the next regular meeting of the City Council of the City Menlo Park occurring after the returns of the election for the Initiative have been canvassed and the results have been certified to the City Council, or at a special meeting called for such purpose if required by law, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 6. Submission of Ballot Arguments. The City Council hereby adopts provisions for the filing of ballot arguments and rebuttal arguments for the Initiative set forth in California Elections Code sections 9282 *et seq.* All arguments for and against the measure shall be filed with the City Clerk pursuant to the timelines set forth in the County of San Mateo's Election Calendar for the November 8, 2022 General Election which is attached hereto as Exhibit B. All arguments for and against the measure shall be signed, with printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

Section 7. Impartial Analysis. In accordance with California Elections Code section 9280, the City Council directs the City Clerk to transmit a copy of the Initiative to the City Attorney, who shall prepare an impartial analysis showing the effect of the measure on the existing law and the operation of the measure. The City Attorney's impartial analysis may not exceed 500 words.

Section 8. Services of City Clerk. The City Clerk is hereby authorized and directed to take all steps necessary to place the measure on the ballot, including giving further or additional notice of the election as required by law, and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request. As required by Elections Code section 12111, the City Clerk shall cause a synopsis of the measure to be published in a newspaper of general circulation at least one time not later than one week before the November 8, 2022 election. The notice shall be headed "Measure to Be Voted On" and be in the form described in Elections Code section 12111.

Section 9. Canvass Returns of the Election. The San Mateo County Elections Department is hereby authorized to canvass the returns of the election, including this ballot measure.

Section 10. Filing of Copy of Resolution. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Election Department of the County of San Mateo

Section 11. Election Held Pursuant to Law. In all particulars not recited in this resolution, the

election shall be held and conducted as provided by law for holding municipal elections.

Section 12. Effective Date. This Resolution shall take effect upon its adoption.

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 of said City Council on the twenty-eighth day of June, 2022, 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 __ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

- A. Text of the measure
- B. County elections calendar

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The people of the City of Menlo Park do ordain as follows:

SECTION 1. Title.

A Citizen—Sponsored Initiative Measure to Amend the Land Use Element of the General Plan to Prohibit the City Council of the City of Menlo Park from Re—Designating or Re—Zoning Certain Properties Designated and Zoned for Single Family Detached Homes.

SECTION 2. Findings and Purpose.

- A. Findings. The people of the City of Menlo Park (“City”) find and declare the following:
1. Menlo Park is a vibrant city that is prized for its livable residential neighborhoods, active commercial districts, and hub of investment and scientific innovation.
 2. The City’s General Plan notes that the “existing pattern of land use in Menlo Park . . . is highly valued by the community.” Accordingly, the General Plan designates certain areas of the City for Very Low Density and Low Density Residential and this is an important part of the City’s existing pattern of land use.
 3. The Land Use Element of the City’s General Plan is organized around nine (9) “Guiding Principles.” These Guiding Principles were established by the Menlo Park community to “describe the kind of place that community members want Menlo Park to be.” Those principles include “protecting the character of residential neighborhoods.” Guiding Principle 7—“Complete Neighborhoods and Commercial Corridors”—provides that “Menlo Park neighborhoods are complete communities, featuring well integrated and designed development along vibrant commercial corridors with a live-work-play mix of community-focused businesses that conveniently serve adjacent neighborhoods while respecting their residential character.”
 4. The People of Menlo Park further express their strong desire that the City pursue opportunities to develop badly-needed housing, including affordable housing, that is consistent with the residential character of these neighborhoods (in compliance with any applicable, controlling state law requirements and mandates, which may allow for multiple units of low-density housing on lots with “single family” zoning), rather than converting residential properties in these neighborhoods to different uses such as industrial, commercial, office, mixed use, or high-density residential, which would create traffic and otherwise strain the infrastructure of existing neighborhoods that were designated as low density, residential-only uses.
 5. Accordingly, the people of the City of Menlo Park desire to amend the General Plan to enact new policies to ensure that, as the City continues to grow and attract new industry, businesses, and residents, new development remains consistent the General Plan’s stated goal of protecting the existing pattern of land use in the City and the character of its existing residential neighborhoods.
 6. This Initiative will only impact those properties that are designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022. It will not impact properties that are not designated, as of April 15, 2022, Very Low Density Residential or Low Density Residential and/or zoned with a corresponding zoning designation. The relevant very low and low density residential land use designations are provided in Section 3, below, and the relevant very low and low density residential zoning designations are attached hereto for informational purposes as Exhibit B. In order to illustrate the location of properties in the City currently assigned these very low and low density residential zoning designations, a map showing the City’s zoning, as depicted on

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the “General Plan Land Use and Zoning Map” available on the City’s website as of April 14, 2022, is attached hereto for informational purposes as Exhibit A.

7. Implementation of this Initiative will protect the public health, safety and welfare, and the quality of life for the people of the City of Menlo Park.

- B. Purpose. The people of the City of Menlo Park declare that our purpose and intent in enacting this Initiative is to make amendments to the City’s General Plan to expressly prohibit the City from redesignating property designated in the City’s General Plan as Very Low Density Residential or Low Density Residential, and/or zoned with a corresponding zoning designation, as of April 15, 2022, without a vote of the people of the City of Menlo Park.

SECTION 3. Amendments to the Land Use Element of the General Plan of the City of Menlo Park.

The Land Use Element of the General Plan of the City of Menlo Park is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text; text in regular type or **bold type** reflects the existing General Plan text and is provided for informational/reference purposes):

- A. The “Land Use Designations” Section of the Land Use Element is hereby amended as follows:

Very Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 2.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Very Low Density Residential and/or zoned Residential Estate (R-E) or Residential Estate Suburban (R-E-S), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

Low Density Residential. This designation provides for single family detached homes, secondary dwelling units, public and quasi-public uses, and similar and compatible uses. Density shall be a maximum of 8.9 units per acre and floor areas shall be limited to those identified in the applicable zoning district, which is typically 2,800 square feet plus 25 percent of the lot area over 7,000 square feet for lots 5,000 square feet or greater in area.

In order to ensure consistency with the General Plan’s goal of protecting the character of existing residential neighborhoods, properties designated Low Density Residential and/or zoned Single-Family Suburban Residential (R-1-S), Single-Family Suburban Residential (Felton Gables) (R-1-S (FG)), Single-Family Urban Residential (R-1-U), or Single-Family Urban Residential (Lorelei Manor) (R-1-U (LM)), as of April 15, 2022, shall not be redesignated or rezoned except by a vote of the people of the City of Menlo Park at a regular election.

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SECTION 4. Internal Consistency.

It is the intent of the people of the City of Menlo Park that the amendments contained in Section 3 of this Initiative be read and construed in full harmony with the rest of the General Plan of the City of Menlo Park. To the extent that any provisions of the Menlo Park Municipal Code, including the Zoning Regulations of the City of Menlo Park, or any other ordinances of the City may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 5. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of Menlo Park. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the effective date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions included in Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

SECTION 6. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of properties subject to this Initiative in any manner whatsoever that would frustrate the purpose and intent of this Initiative (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to the future use and development of properties subject to this Initiative and said other measure or measures shall be rendered void and without any legal effect with respect to such properties. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional

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or inconsistent requirement(s) to properties subject to this Initiative (e.g., the other measure impacts only properties that are not subject to this Initiative because of their land use designation and/or zoning), then it is the voters' intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 7. Interpretation and Severability.

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. The people of the City of Menlo Park expressly acknowledge the preemptive nature of certain state laws, including the law colloquially known as "SB 9," which may allow for multiple units of low-density housing on lots with "single family" zoning, and nothing herein is intended to be or shall be construed as an attempt to conflict with such laws to the extent that those laws may apply to properties covered by this Initiative. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Menlo Park indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. In order to protect the General Plan policies adopted by this Initiative from interference by the City Council or otherwise, this Initiative is expressly retroactive to April 15, 2022.

SECTION 8. Amendment.

The amendments to the General Plan of the City of Menlo Park set forth in Section 3 of this Initiative may be amended or repealed only by a majority of the voters of the City voting in a regular election held in accordance with state law.

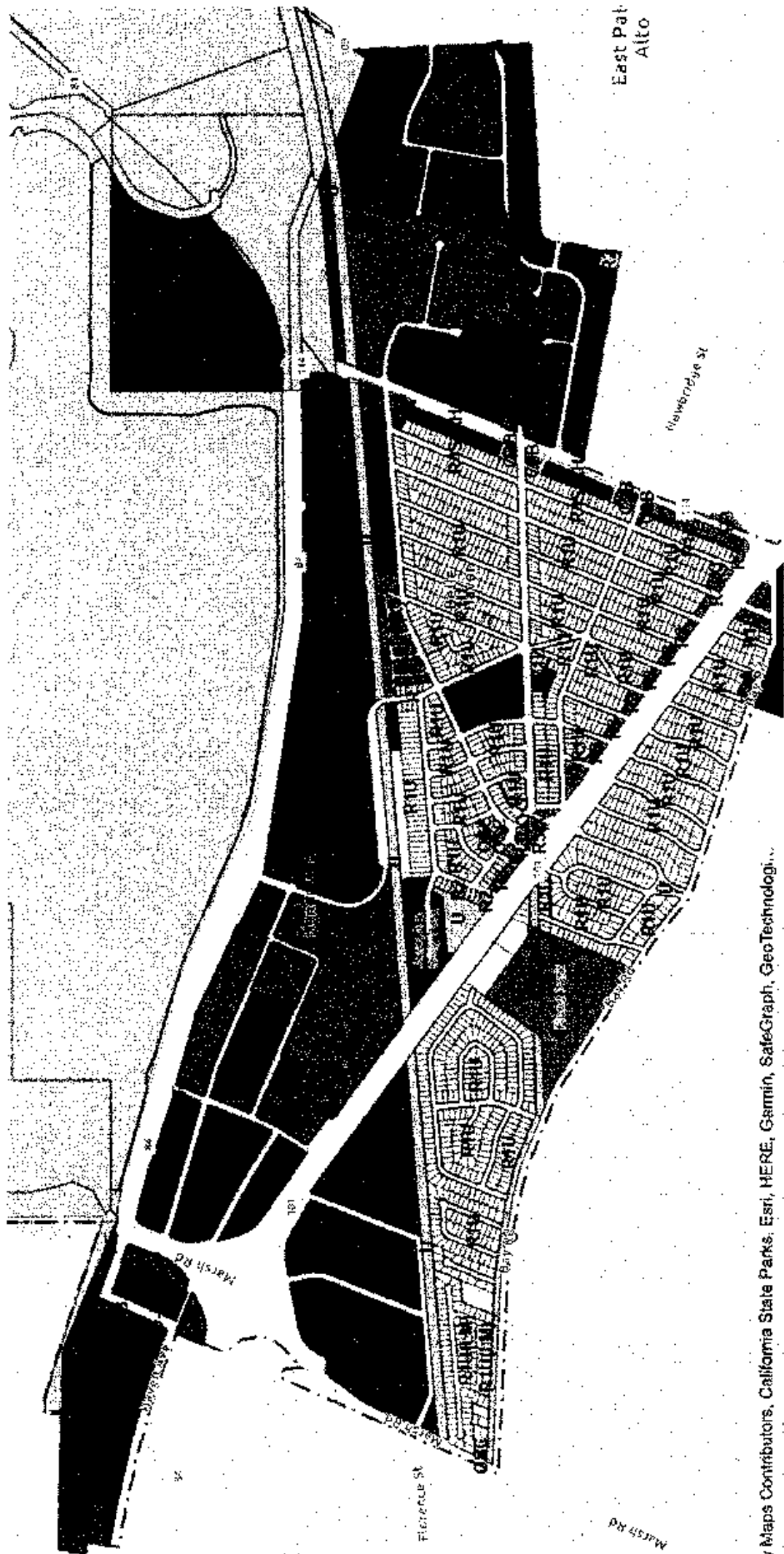
SECTION 9. Exhibit List.

The following exhibits are attached to this Initiative and incorporated herein:

- Exhibit A:** Map showing the City's zoning, as depicted on the "General Plan Land Use and Zoning Map" available on the City's website as of April 14, 2022 (Informational Purposes)
- Exhibit B:** Relevant Very Low and Low Density Residential Zoning Designations (Informational Purposes)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 1 OF 4

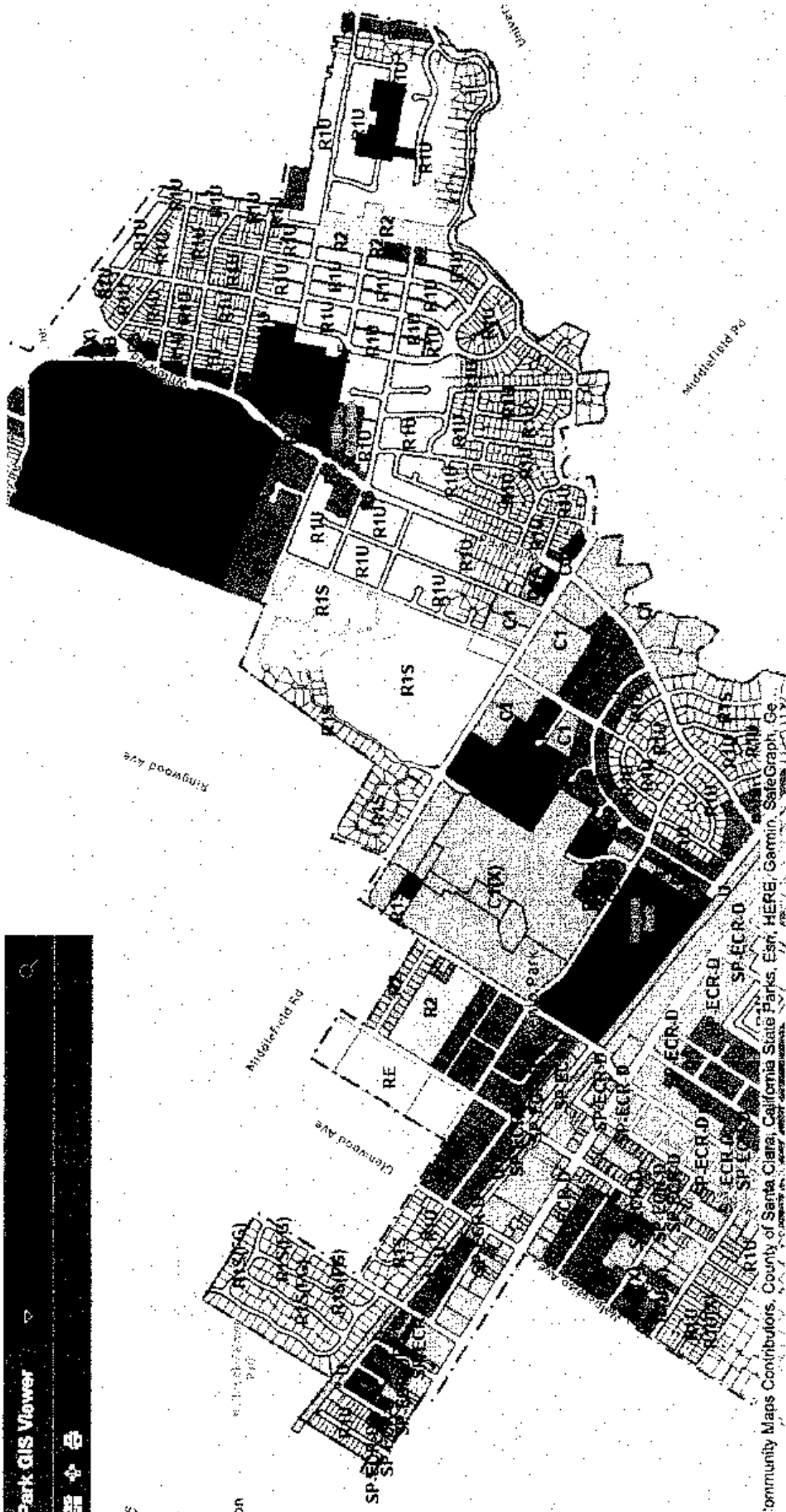


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INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

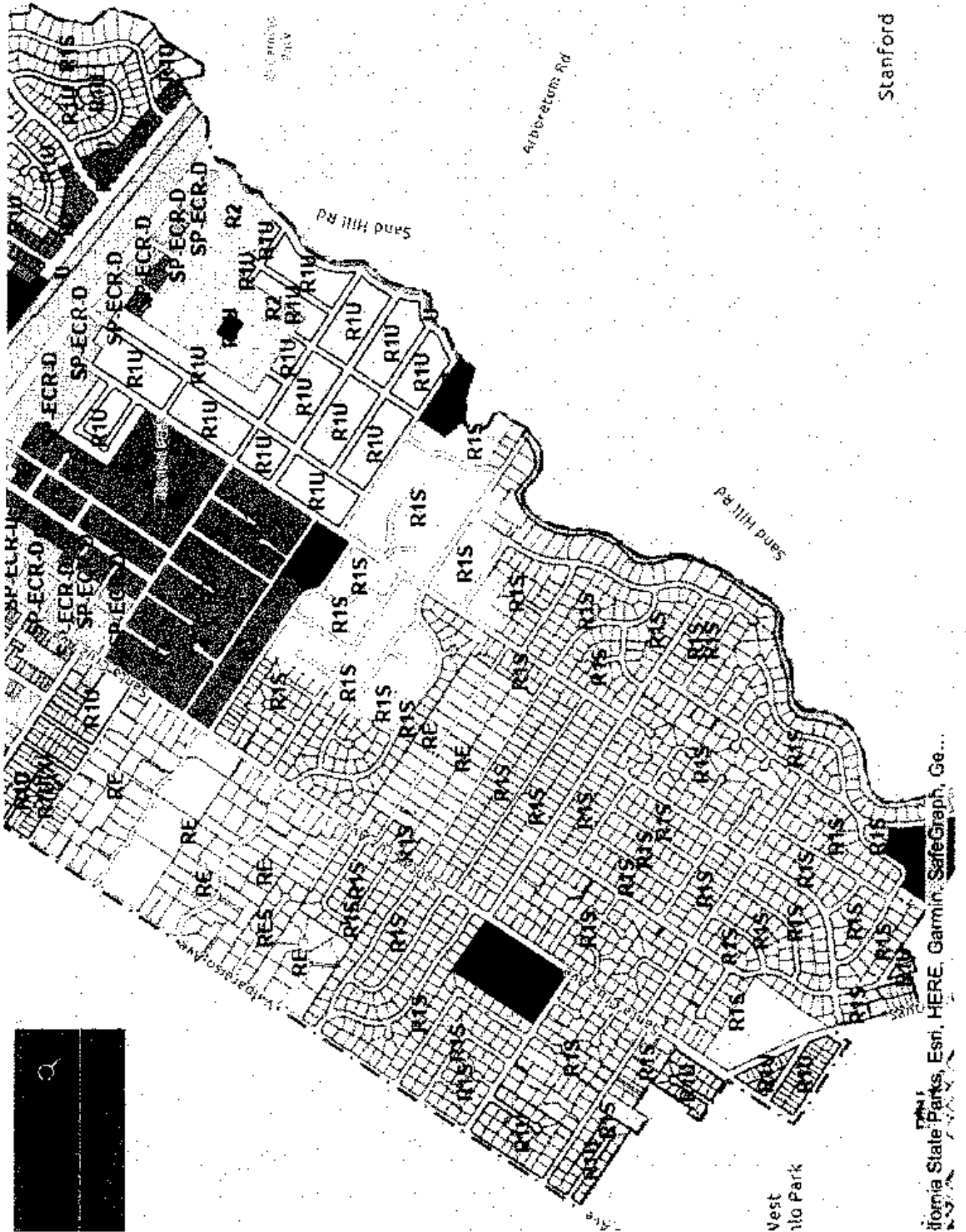
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INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

QUADRANT 3 OF 4



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INFORMATIONAL PURPOSES

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

R-E RESIDENTIAL ESTATE DISTRICT

Chapter 16.10

R-E RESIDENTIAL ESTATE DISTRICT

Sections:

- 16.10.010 Permitted uses.
- 16.10.020 Conditional uses.
- 16.10.030 Development regulations.

16.10.010 Permitted uses.

The following uses are permitted in the R-E district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 5, 2014; Ord. 1005 § 4 (part), 2014; Prior code § 30.402(A)).

16.10.020 Conditional uses.

Conditional uses allowed in the R-E district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 4 (part), 2014; Ord. 850 § 2 (part), 1993; prior code § 30.402(B)).

16.10.030 Development regulations.

Development regulations in the R-E district are as follows:

- (1) Minimum lot area: twenty thousand (20,000) square feet;
- (2) Minimum land area per dwelling unit: twenty thousand (20,000) square feet;
- (3) Minimum lot dimensions:
 - (A) One hundred ten feet (110') width,
 - (B) One hundred thirty feet (130') depth;

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- (4) Minimum yards:
- (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Thirty feet (30') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');
- (5) Maximum building coverage:
- (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty percent (30%);
- (6) Floor Area Limit (FAL):
- (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more

than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) } \times \text{ the floor area limit}}{\text{Length (average of both sides)}}$$

- (7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;
- (A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),
 - (B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');
- (8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 2, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (A), 3 (part), 1989; Prior code § 30.402(C)).

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R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Chapter 16.12

R-E-S RESIDENTIAL ESTATE SUBURBAN DISTRICT

Sections:

- 16.12.010 Permitted uses.
- 16.12.020 Conditional uses.
- 16.12.030 Development regulations.

16.12.010 Permitted uses.

The following uses are permitted in the R-E-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 6, 2014; Ord. 1005 § 5 (part), 2014; Prior code § 30.403(A)).

16.12.020 Conditional uses.

Conditional uses allowed in the R-E-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 5 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.403(B)).

16.12.030 Development regulations.

Development regulations in the R-E-S district are as follows:

- (1) Minimum lot area: fifteen thousand (15,000) square feet; provided, however, that lots of less than fifteen thousand (15,000) square feet may be permitted, but only in an approved subdivision with the following conditions:

- (A) No lot shall be less than eleven thousand (11,000) square feet in area,

- (B) The average lot size in the subdivision shall not be less than fifteen thousand (15,000) square feet;

- (2) Minimum land area per dwelling unit: fifteen thousand (15,000) square feet;

- (3) Minimum lot dimensions:

- (A) One hundred feet (100') width,

- (B) One hundred feet (100') depth;

- (4) Minimum yards:

- (A) Twenty feet (20') front,

- (B) Twenty feet (20') rear,

- (C) Twenty-five feet (25') total with a minimum of ten feet (10') on any one (1) side, except street sides of corner lots which shall be a minimum of fifteen feet (15');

- (5) Maximum building coverage:

- (A) Single-story development:

- (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),

- (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,

- (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),

- (B) Development of two (2) or more stories: thirty percent (30%);

- (6) Floor Area Limit (FAL):

- (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:

- (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,

- (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square

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feet shall be two thousand eight hundred (2,800) square feet,

(iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,

(B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line)} \times \text{the floor area limit}}{\text{Length (average of both sides)}}$$

(7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28’),

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30’);

(8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-E-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 3, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (B), 3 (part), 1989; Prior code § 30.403(C)).

Chapter 16.14

R-1-S SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT

Sections:

- 16.14.010 Permitted uses.
- 16.14.020 Conditional uses.
- 16.14.030 Development regulations.

16.14.010 Permitted uses.

The following uses are permitted in the R-1-S district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 7, 2014; Ord. 1005 § 6 (part), 2014; Prior code § 30.404(A)).

16.14.020 Conditional uses.

Conditional uses allowed in the R-1-S district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 6 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.404(B)).

16.14.030 Development regulations.

Development regulations in the R-1-S district are as follows:

- (1) Minimum lot area: ten thousand (10,000) square feet;
- (2) Minimum land area per dwelling unit: ten thousand (10,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Eighty feet (80’) width,
 - (B) One hundred feet (100’) depth;

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- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten feet (10') side, except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
- (6) Floor area limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the property, except that on lots where the length is more than twice the width, the allowable second story may

be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

- (7) Maximum Height of Structures. Maximum building height at any one (1) point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit:
 - (A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28'),
 - (B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');
- (8) Daylight Plane. The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;
- (9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938 § 4, 2005; Ord. 822 § 2 (part), 1991; Ord. 790 §§ 2 (C), 3 (part), 1989; Prior code § 30.404(C)).

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R-1-S (FG) SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)

Chapter 16.15

**R-1-S (FG) SINGLE-FAMILY SUBURBAN
RESIDENTIAL DISTRICT (FELTON
GABLES)**

Sections:

- 16.15.010 Permitted uses.
- 16.15.020 Conditional uses.
- 16.15.030 Development regulations.

16.15.010 Permitted uses.

The following uses are permitted in the R-1-S (FG) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 8, 2014; Ord. 1005 § 7 (part), 2014; Ord. 801 § 1 (part), 1989).

16.15.020 Conditional uses.

Conditional uses allowed in the R-1-S (FG) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 7 (part), 2014).

16.15.030 Development regulations.*

Development regulations in the R-1-S (FG) district shall be the same as those in the R-1-S district except for the following:

* Code reviser's note: These provisions were previously numbered as Section 16.15.020. The section has been editorially renumbered to avoid duplication and for consistency with numbering in other chapters.

(1) Maximum building coverage: thirty-five percent (35%);

(2) Maximum floor area limit (FAL): two thousand eight hundred (2,800) square feet plus twenty percent (20%) times (lot area minus seven thousand (7,000) square feet);

(3) Daylight Plane. A daylight plane for the main dwelling unit shall begin at each side property line, shall extend directly upwards above the natural grade of each side property line for a distance of twenty (20) feet minus the width of the adjacent required yard, and shall then slope inwards towards the interior of the lot at a thirty-four (34) degree angle. As used in this section, the natural grade of a side property line is the average grade of the highest and lowest points of the natural grade of the lot at the side property line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, antennas, flues, and solar collectors.

Gables and dormers may intrude into the daylight plane of a lot that is ten thousand (10,000) square feet or less. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required side setback to no permitted intrusion in the case of an eight (8) foot required side setback. Thus the permitted intrusion will be six (6) feet, eight (8) inches in the case of a six (6) foot required side setback, five (5) feet in the case of a six and one-half (6.5) foot required side setback, and three (3) feet, four (4) inches in the case of a seven (7) foot required side setback. Calculations of the permitted intrusion shall include fractional computations when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one (1) side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:

(A) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(B) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed thirty (30) feet; and

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(C) The triangle must be entirely within the maximum building height. (Ord. 1018 § 2, 2016; Ord. 1006 § 19, 2014; Ord. 938 § 5, 2005; Ord. 801 § 1 (part), 1989. Formerly 16.15.020).

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Chapter 16.16

R-1-U SINGLE FAMILY URBAN RESIDENTIAL DISTRICT

Sections:

- 16.16.010 Permitted uses.
- 16.16.020 Conditional uses.
- 16.16.030 Development regulations.

16.16.010 Permitted uses.

The following uses are permitted in the R-1-U district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 9, 2014; Ord. 1005 § 8 (part), 2014; Prior code § 30.405(A)).

16.16.020 Conditional uses.

Conditional uses allowed in the R-1-U district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit, are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 8 (part), 2014; Ord. 850 § 2 (part), 1993; Prior code § 30.405(B)).

16.16.030 Development regulations.

Development regulations in the R-1-U district are as follows:

- (1) Minimum lot area: seven thousand (7,000) square feet;
- (2) Minimum land area per dwelling unit: seven thousand (7,000) square feet;
- (3) Minimum lot dimensions:
 - (A) Sixty-five feet (65') width,

- (B) One hundred feet (100') depth;
- (4) Minimum yards:
 - (A) Twenty feet (20') front,
 - (B) Twenty feet (20') rear,
 - (C) Ten percent (10%) of minimum lot width for sides but not less than five feet (5') or more than ten feet (10'), except street sides of corner lots which shall be a minimum of twelve feet (12');
- (5) Maximum building coverage:
 - (A) Single-story development:
 - (i) Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%),
 - (ii) Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet of area, consistent with the maximum allowed floor area limit (FAL) for the property,
 - (iii) Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%),
 - (B) Development of two (2) or more stories: thirty-five percent (35%);
 - (6) Floor area limit (FAL):
 - (A) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:
 - (i) FAL for lots with less than five thousand (5,000) square feet of area shall be determined by a conditional use permit,
 - (ii) FAL for lots with an area of between five thousand (5,000) and seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet,
 - (iii) FAL for lots with greater than seven thousand (7,000) square feet of area shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet,
 - (B) The maximum second floor FAL shall be fifty percent (50%) of the maximum FAL allowed on the

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property, except that on lots where the length is more than twice the width, the allowable second story may be the greater of one thousand four hundred (1,400) square feet or:

$$\frac{\text{Width (measured at the front setback line) x the floor area limit}}{\text{Length (average of both sides)}}$$

(7) **Maximum Height of Structures.** Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit;

(A) Lots with less than twenty thousand (20,000) square feet of area: twenty-eight feet (28');

(B) Lots with twenty thousand (20,000) or more square feet of area: thirty feet (30');

(8) **Daylight Plane.** The daylight planes established by Chapter 16.67 of this title shall apply to all properties in the R-1-S district;

(9) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 938, § 6, 2005; Ord. 822 §§ 1, 2 (part), 1991; Ord. 790 §§ 2 (D), 3 (part), 1989; Prior code § 30.405(C)).

Chapter 16.17

R-1-U (LM) SINGLE FAMILY URBAN RESIDENTIAL DISTRICT (LORELEI MANOR)

Sections:

- 16.17.010 Permitted uses.
- 16.17.020 Conditional uses.
- 16.17.030 Development regulations.

16.17.010 Permitted uses.

The following uses are permitted in the R-1-U (LM) district:

- (1) Single-family dwellings;
- (2) Secondary dwelling units in accordance with Chapter 16.79;
- (3) Accessory buildings;
- (4) Accessory structures. (Ord. 1006 § 10, 2014; Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.020 Conditional uses.

Conditional uses allowed in the R-1-U (LM) district, subject to obtaining a use permit or, in the case of home occupations, a home occupation permit are as follows:

- (1) Public utilities in accordance with Chapter 16.76;
- (2) Private schools and churches in accordance with Chapter 16.78;
- (3) Child day care centers in accordance with Chapter 16.78;
- (4) Home occupations in accordance with Section 16.04.340. (Ord. 1005 § 9 (part), 2014; Ord. 948 § 3 (part), 2006).

16.17.030 Development regulations.

Development regulations in the R-1-U (LM) district are as follows:

- (1) Minimum lot area: four thousand nine hundred (4,900) square feet for lots in existence prior to June 1, 2006 and a minimum of seven thousand (7,000) square feet for any lot created or subdivided after June 1, 2006;

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(2) Minimum land area per dwelling unit: four thousand nine hundred (4,900) square feet;

(3) Minimum lot dimensions:

(i) Forty feet (40') width;

(ii) Seventy-five feet (75') depth;

(4) Minimum yards:

(i) Below ground:

a. Fifteen feet (15') front;

b. Fifteen feet (15') rear;

c. Five feet (5') interior sides, except that an interior side yard of three feet (3') may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;

d. Twelve feet (12') street sides of corner lots;

(ii) Above ground:

a. Twenty feet (20') front;

b. Twenty feet (20') rear;

c. Five feet (5') for ground floor interior sides, except that a ground floor interior side yard of three feet (3') for up to a maximum twenty-foot (20') length may be allowed subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the reduced yard or a use permit in accordance with Chapter 16.82;

d. Ten feet (10') for second floor interior sides;

e. Twelve feet (12') for street sides of corner lots;

(iii) Yard encroachments: Permitted yard encroachments are as follows:

a. Architectural features on the single-family dwelling, such as cornices, eaves, canopies, fireplaces and bay windows in accordance with the following:

1. Where the required yard is twelve feet (12') or greater, cornices, eaves, canopies, fireplaces, and bay windows seven feet (7') or less in length and which do not provide foundation may extend up to a maximum of three feet (3') into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;

2. Where the required yard is five feet, (5') cornices, eaves, canopies, fireplaces, and bay windows four feet (4') or less in length and which do not provide foundation may extend up to a maximum of eighteen inches (18") into the required yard, with the exception that bay windows are limited to no more than two (2) per building elevation for a cumulative total length of not more than thirty percent (30%) of the length of the building wall on which the bay windows are located;

3. Where the required yard is less than five feet (5'), no yard encroachments are permitted;

b. Porches, decks, landing places or stairways, if open and uncovered, may project a maximum of five feet (5') into any required above ground front or rear yard;

c. Balconies may be permitted in accordance with Section 16.60.020;

(5) Maximum impervious surface area: Seventy-five percent (75%) of the lot area;

(6) Maximum building coverage:

(i) Single-story development:

a. Building coverage for lots with an area of seven thousand (7,000) square feet or less shall be forty percent (40%);

b. Building coverage for lots with an area of between seven thousand (7,000) and ten thousand five hundred (10,500) square feet shall decrease on an even gradient from forty percent (40%) for a lot of seven thousand (7,000) square feet to thirty-five percent (35%) for a lot with ten thousand five hundred (10,500) square feet, consistent with the maximum allowed Floor Area Limit (FAL) for the property;

c. Building coverage for lots with an area greater than ten thousand five hundred (10,500) square feet shall be thirty-five percent (35%);

(ii) Development of two (2) or more stories: Thirty-five percent (35%);

(7) Floor Area Limit (FAL):

(i) The maximum allowed FAL shall be based on the size of the property in accordance with the following regulations:

a. FAL for lots with an area of between four thousand nine hundred (4,900) and seven thousand

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(7,000) square feet shall be two thousand eight hundred (2,800) square feet;

b. FAL for lots with greater than seven thousand (7,000) square feet shall be two thousand eight hundred (2,800) square feet plus twenty-five percent (25%) of the difference between the lot area and seven thousand (7,000) square feet;

(ii) The maximum second floor FAL shall be forty percent (40%) of the maximum FAL allowed on the property, except that a second floor FAL of fifty percent (50%) may be allowed subject to written approval of all owner(s) of contiguous properties or a use permit in accordance with Chapter 16.82;

(8) Horizontal wall length of second floor side wall: thirty feet (30') unless articulated by a minimum three foot (3') step back in wall alignment for a minimum of five feet (5'), except that the wall may extend on a continuous plane beyond thirty feet (30') subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the extended side wall or a use permit in accordance with Chapter 16.82;

(9) Second floor windows: Second floor windows and windows located in stair landings, except those fronting on a public street, shall either have a minimum five foot (5') sill height as measured from the finished floor level of the second floor or stair landing or shall use fixed textured or other image-distorting glass for the portion of the window placed less than five feet (5') above the finished floor level of the second floor or stair landing. Subject to written approval of the owner(s) of contiguous property abutting the portion of the structure with the second floor or stair landing windows or a use permit in accordance with Chapter 16.82, these window requirements may be modified or eliminated;

(10) Maximum height of structures: Maximum building height at any one point on the property shall be measured from the lower of the grade or the existing grade directly beneath any portion of the building. Chimneys are excluded from this height limit:

(i) One-story single-family development: Twenty feet (20');

(ii) Two-story single-family development: Twenty-eight feet (28');

(11) Daylight Plane. A daylight plane for the main dwelling unit shall begin a minimum of five (5) feet from the side property line and extend directly upwards from the grade of the property for a distance of fifteen (15) feet, six (6) inches (vertical plane), and then slope inwards towards the interior of the lot at a forty-five (45) degree angle. The vertical plane may be extended to a maximum height of nineteen (19) feet, six (6) inches above grade subject to written approval of the owner(s) of contiguous property abutting the extended vertical plane or a use permit in accordance with Chapter 16.82. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, flues and eave overhangs. Solar collectors and antennas may intrude subject to written approval of the owner(s) of contiguous property abutting the intrusion or a use permit in accordance with Chapter 16.82;

Gables and dormers may intrude into the daylight plane. The permitted intrusion shall decrease on an even gradient from ten (10) feet in the case of a five (5) foot required above ground side yard to no permitted intrusion at an eight (8) foot required above-ground side yard. Calculation of the permitted intrusion shall include fractional computation when necessary to maintain the even gradient. The intrusion shall be measured along the uppermost horizontal roofline of the gable or dormer. The gable or dormer intrusion must not extend beyond a triangle in the plane of the building face described as follows:

(i) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;

(ii) The aggregate length of the bases of all triangles intruding into the daylight planes must not exceed thirty (30) feet, of which no more than twelve (12) feet may occur at an interior side yard;

(iii) The triangle is limited to a maximum peak height of twenty-four (24) feet above grade;

(12) Mechanical equipment, ground mounted: Mechanical equipment may be constructed with or

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

subsequent to the construction of a single-family dwelling subject to the following requirements when ground mounted:

(i) The mechanical equipment shall be located in the rear half of the lot, except that equipment that is screened from view may be located in the front half of the lot subject to written approval of the owner(s) of contiguous property abutting the location of the equipment or a use permit in accordance with Chapter 16.82;

(ii) The mechanical equipment shall be located a minimum of five feet (5') from any property line;

(iii) The mechanical equipment shall not exceed fifty (50) dBA as measured at the nearest property line;

(13) Parking: Two (2) spaces per single-family dwelling, at least one (1) of which shall be a covered space in accordance with the following:

(i) A covered space is a paved and accessible space covered by a solid roof for the storage of automobiles including garages and carports. The space shall have clear interior dimensions of nine feet (9') in width by nineteen feet (19') in depth;

(ii) An uncovered space is an accessible space paved or surfaced with an all-weather, weed-free, fire-resistant surface for the parking of an automobile. The space shall be eight feet, six inches (8' 6") in width by eighteen feet, six inches (18' 6") in depth, with a one-foot (1') increase in width if adjacent to an obstruction located less than three feet (3') from the required space;

(iii) Tandem parking within a fully enclosed garage may be used to meet the parking requirement. An uncovered space shall not be in tandem with any other required space;

(iv) The required parking shall not be located in a required front yard;

(v) The required parking shall be located a minimum of three feet (3') from any side or rear property line;

(14) Where a dwelling is subject to discretionary review, the Planning Commission and/or City Council may require additional regulations. (Ord. 1006 § 20, 2014; Ord. 948 § 3 (part), 2006).



OFFICE OF MARK CHURCH
**CHIEF ELECTIONS OFFICER &
 ASSESSOR-COUNTY CLERK-RECORDER**
REGISTRATION & ELECTIONS DIVISION
 COUNTY OF SAN MATEO

NOTE: The information below is as accurate as possible, but not every requirement or exception is listed. In the event of a conflict, the date set by statute takes precedence over dates listed below. The Registration & Elections Division reserves the right to update this calendar as necessary.

Days Prior to Election	Date	Election Calendar for November 8, 2022 Statewide General Election Action Taken
148	Monday, June 13, 2022	By this date, the Governor shall issue a proclamation calling the election and shall state the time of the election and offices to be filled. EC §12000
131	Thursday, June 30, 2022	Last day for a statewide initiative measure, constitutional amendment, bond measure or other legislative measure to qualify for the Statewide General Election ballot on November 8, 2022. EC §9040; Cal. Const. Art. II §8(c)
130	Friday, July 1, 2022	(School or Special District Vacancy) Last day for the governing body of a local jurisdiction to call an election on November 8, 2022 to fill a vacancy to be on the ballot. GC §1780(e)(2); ED §5091(b)
127	Monday, July 4, 2022	Between these dates, a city shall publish its Notice of Election, stating the offices to be filled and time of election. The City Elections Official shall consolidate the Notice of Election and the Notice of Measure into one notice if any city measure was placed on the ballot prior to the Notice of Election's publication. EC §§12101, 12111
113	Monday, July 18, 2022	
125	Wednesday, July 6, 2022	Last day for special districts governed by the Uniform District Election Law to notify County Elections Official of offices to be filled, specifying which offices, if any, are for the balance of an unexpired term, decisions regarding payment of candidate statements, and a map showing the boundaries of the district and the boundaries of the divisions of the district, if any, within that county and a statement indicating in which divisions a director is to be elected and whether any elective officer is to be elected at large. EC §§10509, 10522
124	Thursday, July 7, 2022	First Candidate Seminar will be held at 10 a.m. on this day.
123	Friday, July 8, 2022	Last day for a school governing board to deliver a resolution (the "specifications of the election order") to the County Superintendent of Schools and the County Elections Official calling for an election of governing board members. ED §5322
120	Monday, July 11, 2022	Last day for the County Superintendent of Schools to deliver a copy of the formal notice of election of governing board members to the County Elections Official. ED §5325(b)
120	Monday, July 11, 2022	Between these dates, the County Elections Official shall publish the Notice of Election (date of election, identification of offices to be filled, statement of required qualifications, where Nomination Documents are available, deadline for filing required forms, statement regarding appointment and the hours of opening and closing the polls). The notice of central counting place may be combined with this notice. The Elections Official shall also issue a press release indicating offices to be filled and a telephone contact number for related information. EC §§10242, 12109, 12112; GC §6061; ED §5363
90	Wednesday, August 10, 2022	

114	Sunday, July 17, 2022	(City Vacancy) For a vacancy in a city elective office, this is the last day for the city council to call for a special election for November 8, 2022 to fill the vacancy. The city shall immediately publish the Notice of Election. (NOTE: Because the deadline E-114 falls on a Sunday, the safest option is for the city to take this action by E-116, Friday, July 15, 2022) EC §§12101(b); GC §36512
113	Monday, July 18, 2022	Between these dates is the Candidate Filing Period. Nomination Documents (Declaration of Candidacy and Nomination Papers) are available during this time. Paperwork must be filed by the close of business on August 12, 2022. City candidates shall file paperwork with their City Clerk's office and should check the business hours of their City Clerk's office; all other candidates shall file with the County Elections Official by 5 p.m. on August 12, 2022. Local, United States House of Representatives, State Senate and Assembly candidates may publish a Candidate Statement in the County Sample Ballot & Official Voter Information Pamphlet. State Senate and Assembly candidates may do so only if they have agreed to accept the voluntary expenditure limits on their Candidate Intention Statement (Form 501). The candidate statement may be withdrawn but not changed during this period and until 5 p.m. of the next working day (Monday, August 15, 2022) after the close of the nomination period. EC §§10220, 10224, 10407(a), 10510, 10603, 13107, 13307, 13307.5; GC §85601(c)
88	Friday, August 12, 2022	
103	Thursday, July 28, 2022	Second Candidate Seminar will be held at 10 a.m. on this day.
Fixed Date	Monday, August 1, 2022	Except as provided in GC §84200 paragraphs (1), (2) and (3), elected officials, candidates, committees, and slate mailer organizations shall file semiannual statements no later than this date for the period ending June 30, 2022. (Statutory deadline of July 31 falls on a Sunday, therefore the filing deadline is extended to the next business day.) GC §§82013, 84200, 84218
98	Tuesday, August 2, 2022	During this period, a contribution, including a loan, that totals in the aggregate \$1,000 or more per source made to or received by a candidate or committee must be reported within 24 hours. GC §§82036, 84203
90	Wednesday, August 10, 2022	During this period, a contribution, including a loan, that totals in the aggregate \$1,000 or more per source made to or received by a candidate or committee must be reported within 24 hours. GC §§82036, 84203
0	Tuesday, November 8, 2022	
88	Friday, August 12, 2022	Last day for a school governing board to deliver a resolution (the "specifications of the election order") to the County Elections Official calling for an election on a measure. ED §5322
88	Friday, August 12, 2022	Last day for a local entity to deliver a resolution requesting election services and consolidation from the County Board of Supervisors for the November 8, 2022 Election. A copy of the resolution of the governing board requesting the consolidation shall be submitted to the County Elections Official. A copy of the exact form of the question, proposition, or office to appear on the ballot must also be submitted. EC §§1405, 10002, 10403(a)-(b)
88	Friday, August 12, 2022	Last day for candidates to submit Nomination Documents (Declaration of Candidacy and Nomination Papers) and Candidate Statement (optional). City candidates shall file paperwork with their City Clerk's office and should check the business hours of their City Clerk's office; all other candidates shall file with the County Elections Official by 5 p.m. on this date. EC §§10220, 10224, 10407(a), 10510, 10603, 13107, 13307, 13307.5; GC §85601(c)
88	Friday, August 12, 2022	The 10-calendar-day public examination period begins August 12, 2022 at 5 p.m. and ends August 22, 2022 at 5 p.m. for all documents filed as of the filing deadline of August 12, 2022. Between these dates, the Elections Official or any voter of the jurisdiction in which the election is being held, may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be false, misleading or inconsistent with the Elections Code. EC §§9190, 9295, 9380, 9509, 13313
78	Monday, August 22, 2022	

87	Saturday, August 13, 2022	Between these dates is the <i>Extended</i> Candidate Filing Period. If an eligible incumbent does not file Nomination Documents (Declaration of Candidacy and Nomination Papers) by August 12, 2022 at 5 p.m., the filing period is extended for that office for five calendar days until August 17, 2022 at 5 p.m., for any person other than the incumbent. City candidates shall file paperwork with their City Clerk's office and should check the business hours of their City Clerk's office; all other candidates shall file with the County Elections Official by 5 p.m. on August 17, 2022. This section is not applicable where there is no incumbent eligible to be elected. EC §§10225, 10407(b), 10516, 10604
83	Wednesday, August 17, 2022	
85	Monday, August 15, 2022	Except as provided in EC §13309, this date is the last day (until 5 p.m.) for a candidate to withdraw the candidate's statement. Candidates may withdraw, but not change their statements. EC §13307(a)(3)
83	Wednesday, August 17, 2022	Extended Candidate Filing Period closes at 5 p.m. on this date. Extended filing periods occur when an eligible incumbent does not file for re-election; the extension only applies to non-incumbent candidates for such an office. City candidates shall file paperwork with their City Clerk's office and should check the business hours of their City Clerk's office; all other candidates shall file with the County Elections Official by 5 p.m. on this date. EC §§10225, 10407(b), 10516, 10604
83	Wednesday, August 17, 2022	Last day for an order of election calling for a ballot measure to be amended or withdrawn. A resolution of the legislative body that issued the order of election must be filed with the Elections Official by this date in order to amend or withdraw a ballot measure. EC §9605
83	Wednesday, August 17, 2022	For the office of superior court judge where only the incumbent filed paperwork during the Primary Election, this date is the last day to file a petition indicating that a write-in campaign will be conducted for the office at the general election, signed by at least 0.1 percent of the registered voters qualified to vote with respect to the office, provided that the petition shall contain at least 100 signatures but need not contain more than 600 signatures. If such a petition is filed by this date, the name of the incumbent shall be placed on the general election ballot if it has not appeared on the direct primary election ballot. EC §8203
83	Wednesday, August 17, 2022	Last day for any qualified political party to submit to the County Elections Official a list of all candidates for voter-nominated offices who will appear on any ballot in the County, and who have been endorsed by the party. The County Elections Official shall print any such list that is timely received in the County Sample Ballot & Official Voter Information Pamphlet. EC §13302(b)
83	Wednesday, August 17, 2022	The 10-calendar-day public examination period begins August 17, 2022 at 5 p.m. and ends August 27, 2022 at 5 p.m. for all documents filed by the extended filing deadline August 17, 2022. Between these dates, the Elections Official or any voter of the jurisdiction in which the election is being held, may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be false, misleading or inconsistent with the Elections Code. EC §§9190, 9295, 9380, 9509, 13313
73	Saturday, August 27, 2022	
82	Thursday, August 18, 2022	Randomized Alphabet Drawings are conducted by both the Secretary of State and County Elections Official on this date at 11 a.m. to determine the order in which candidate names will appear on the ballot and the letters that will be assigned to each ballot measure. EC §§13111-13, 13116
82	Thursday, August 18, 2022	Last day for candidates for offices with extended filing deadline of August 17, 2022 to withdraw their candidate statement. The statement may be withdrawn, but not changed, until 5 p.m. EC §§13307(a)(3)
81	Friday, August 19, 2022	The County Elections Official will publish a notice regarding County, School District and Special District measures, the dates for submitting Primary Arguments and Rebuttals, the 10-day public examination periods, the hours of opening and closing the polls, and the central ballot counting location. EC §§9163, 9502, 10242, 12109; GC §6061

81	Friday, August 19, 2022	For consolidated elections, the names of the candidates to appear upon the ballot where district, city or other political subdivision offices are to be filled shall be filed with the Elections Official by this date. EC §10403(c)
81	Friday, August 19, 2022	Primary Arguments in favor of and against local measures are due by 5 p.m. on this date. Such arguments, if already submitted, may be changed until and including this day. Arguments in favor of and against city measures must be filed with the City Clerk's office. Contact the City Clerk's office for deadline as cities may set different filing due date for Primary Arguments. EC §§9162-63, 9282-83, 9286, 9315-16, 9501-03
81	Friday, August 19, 2022	The 10-calendar-day examination review period begins August 19, 2022 at 5 p.m. and ends August 29, 2022 at 5 p.m. for Primary Arguments filed in favor of and against local measures. Between these dates, the Elections Official or any voter of the jurisdiction in which the election is being held, may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be false, misleading or inconsistent with the Elections Code. Arguments in favor of and against city measures are reviewed at the City Clerk's office. Contact the City Clerk's office for deadline. EC §§9190, 9295, 9380, 9509
71	Monday, August 29, 2022	
78	Monday, August 22, 2022	The 10-calendar-day public examination period ends at 5 p.m. for all documents filed by August 12, 2022. A writ of mandate or injunction request shall be filed no later than this date on documents filed by the Candidate Filing Period deadline of August 12, 2022. EC §§9190, 9295, 9380, 9509, 13313
73	Saturday, August 27, 2022	The 10-calendar-day public examination period ends at 5 p.m. for all documents filed by August 17, 2022. A writ of mandate or injunction request shall be filed no later than this date on documents filed by the extended candidate filing period deadline of August 17, 2022. EC §§9190, 9295, 9380, 9509, 13313
71	Monday, August 29, 2022	The 10-calendar-day public examination period ends at 5 p.m. on this day for all Primary Arguments filed in favor of and against local measures. A writ of mandate or injunction request shall be filed no later than this date on documents filed by the deadline of August 19, 2022. EC §§9190, 9295, 9380, 9509
71	Monday, August 29, 2022	Rebuttal Arguments for measures where a Primary Argument was filed both in favor and against are due on this date by 5 p.m. Such Rebuttal Arguments may be changed until and including this date. Rebuttal Arguments for city measures must be filed with the City Clerk's office. Contact the City Clerk's office for deadline as cities may set different filing due date for Rebuttal Arguments. EC §§9163, 9167, 9285-86, 9316-17, 9502, 9504
71	Monday, August 29, 2022	Impartial Analyses for measures are due on this date by 5 p.m. Impartial Analyses for city measures must be filed with the City Clerk's office. Contact the City Clerk's office for deadline as cities may set different filing due date for Impartial Analyses. EC §§9160, 9280, 9313-14, 9500
71	Monday, August 29, 2022	The 10-calendar-day public examination period begins August 29, 2022 at 5 p.m. and ends September 8, 2022 at 5 p.m. for Rebuttal Arguments filed in favor of or against local measures and Impartial Analyses. Between these dates, the Elections Official or any voter of the jurisdiction in which the election is being held, may seek a writ of mandate or injunction requiring any or all of the materials to be amended or deleted if found to be false, misleading or inconsistent with the Elections Code. Rebuttal Arguments and Impartial Analyses for city measures are reviewed at the City Clerk's office. Contact the City Clerk's office for deadline. EC §§9190, 9295, 9380, 9509
61	Thursday, September 8, 2022	
61	Thursday, September 8, 2022	The 10-calendar-day public examination period ends on this date at 5 p.m. for all Rebuttal Arguments filed in favor of and/or against local measures and Impartial Analyses. A writ of mandate or injunction request shall be filed no later than this date on documents filed by August 29, 2022. EC §§9190, 9295, 9380, 9509
61	Thursday, September 8, 2022	Any city that requests the County Board of Supervisors to permit the County Elections Official to prepare the city's election materials shall supply the County Elections Official with a list of its precincts, or consolidated precincts, as applicable, no later than this date. EC §10002

60 45	Friday, September 9, 2022 Saturday, September 24, 2022	Between these dates, the County Elections Official must send ballots and balloting materials to all Military and Overseas Voters who filed ballot applications by September 24, 2022. EC §§300(b), 3105, 3114
57 14	Monday, September 12, 2022 Tuesday, October 25, 2022	Between these dates is the Candidate Filing Period for write-in candidates. Write-in candidates must file a statement of write-in candidacy and other required documentation with the County Elections Official. City candidates must file their paperwork with their City Clerk's office and should check the business hours of their City Clerk's office. EC §§8600-05
45	Saturday, September 24, 2022	County Elections Official must send ballots and balloting material to all Military and Overseas Voters who filed ballot applications by this date. EC §§300(b), 3105, 3114
40 10	Thursday, September 29, 2022 Saturday, October 29, 2022	Between these dates, the Secretary of State shall mail the State Voter Information Guide to each voter who is registered at least 29 days prior to the election. The County Elections Official will mail a State Voter Information Guide to any person upon request. EC §9094
40	Thursday, September 29, 2022	First pre-election campaign committee statement for candidates and committees is due for the period ending September 24, 2022 (which is 45 days before the election). GC §§84200.5, 84200.8
29 7	Monday, October 10, 2022 Tuesday, November 1, 2022	Between these dates, Vote by Mail ballots will be sent to all registered voters in the county. Voters interested in having replacement Vote by Mail ballots be mailed to them should make the request by November 1, 2022 to ensure the ballots arrive on or before Election Day. EC §4005(a)(8)(A)
29	Monday, October 10, 2022	Early voting period starts on this day, with three Vote Centers opening in San Mateo, Redwood City and South San Francisco.
29	Monday, October 10, 2022	Processing of Vote by Mail ballots may begin on this date. Processing Vote by Mail ballots includes opening Vote by Mail ballot return envelopes, removing ballots, duplicating any damaged ballots and preparing the ballots to be machine-read, or machine reading them, including processing write-in votes so that they can be tallied by the machine, but under no circumstances may a vote count be accessed or released until 8 p.m. on Election Day. EC §15101
28 0	Tuesday, October 11, 2022 Tuesday, November 8, 2022	Between these dates, at least one ballot dropoff location shall be provided for every 15,000 registered voters within the jurisdiction where the election is held, as determined on August 12, 2022 (i.e., 88 days before Election Day). All ballot dropoff locations shall be open at least during regular business hours. At least one ballot dropoff location shall be an accessible, secured, exterior drop box that is available for a minimum of 12 hours per day including regular business hours. EC§ 4005(a)(1)
21	Tuesday, October 18, 2022	By this date, the County Elections Official shall mail the County Sample Ballot & Official Voter Information Pamphlet to each voter who is registered at least 29 days prior to the election. EC §§13303-04
15	Monday, October 24, 2022	Voter registration closes on this date for the November 8, 2022 Statewide General Election. Voters must register by this date to be eligible to vote non-provisionally in this election. Voter registration forms postmarked prior to or on this date are accepted. EC §2102
14	Tuesday, October 25, 2022	The Candidate Filing Period for write-in candidates ends on this date at 5 p.m. All candidates must submit all required documents by this date in order to be a qualified write-in candidate. City candidates must file their paperwork with their City Clerk's office. EC §§8600-05
14 0	Tuesday, October 25, 2022 Tuesday, November 8, 2022	Between these dates, individuals who become new United States citizens on or after October 25, 2022, are eligible to register and vote at any Vote Center. A new citizen registering during this time must provide proof of citizenship prior to voting and declare that he or she has established residency in California. EC §§331, 3500-01

14 0	Tuesday, October 25, 2022 Tuesday, November 8, 2022	Between these dates, the Elections Official shall provide Conditional Voter Registration and provisional voting for voters who missed the October 24, 2022 registration deadline at any Vote Center. EC §§2170-71
12	Thursday, October 27, 2022	Second pre-election campaign committee statement for candidates and committees is due for the period ending October 22, 2022 (which is 17 days before the election). GC §§84200.5, 84200.8(b)
10 4	Saturday, October 29, 2022 Friday, November 4, 2022	Between these dates, for a minimum of eight hours per day, at least one Vote Center is provided for every 50,000 registered voters within the jurisdiction where the election is held, as determined on August 12, 2022 (i.e., 88 days before Election Day). Any voter registered in the county may visit any Vote Center in order to receive voter services or vote. EC §4005(a)(2), (a)(4)(A)
7	Tuesday, November 1, 2022	By this date (one week before Election Day), the County Elections Official shall publish a list of the polling places (Vote Centers) designated for each election precinct for the election. EC §12105
7	Tuesday, November 1, 2022	Voters interested in having replacement Vote by Mail ballots be mailed to them should make the request by this date to ensure the ballots arrive on or before Election Day.
7	Tuesday, November 1, 2022	Last day for voters to request the County Elections Official to send a Vote by Mail ballot in Spanish, Chinese or Filipino, or a facsimile copy of the ballot printed in Korean, Burmese, Japanese or Hindi. EC §4005(a)(8)(B)(i)(III)
7	Tuesday, November 1, 2022	Last day for voters to request the County Elections Official to send or deliver a ballot that voters with disabilities can read and mark privately and independently pursuant to the federal Help America Vote Act of 2002 (52 U.S.C. Sec. 20901 et seq.). EC §4005(a)(8)(B)(i)(IV)
3 0	Saturday, November 5, 2022 Tuesday, November 8, 2022	Between these dates, for a minimum of eight hours per day (7 a.m. to 8 p.m. on Election Day), at least one Vote Center is provided for every 10,000 registered voters within the jurisdiction where the election is held, as determined on August 12, 2022 (i.e., 88 days before Election Day). Any voter registered in the county may visit any Vote Center in order to receive voter services or vote. EC §4005(a)(2), (a)(3)(A)
0	Tuesday, November 8, 2022	Election Day. All Vote Centers open from 7 a.m. to 8 p.m. Semifinal official canvass commences upon the closing of all polls at 8 p.m. EC §§1000, 4005, 14212, 15150-51
Days Following Election	Date	Action Taken
7	Tuesday, November 15, 2022	Vote by Mail ballots postmarked on or before Election Day must be received by the County Elections Official by this date in order to be counted. EC §3020(b)
30	Thursday, December 8, 2022	Last day for County Elections Official to certify election results to the jurisdictions participating in the election. EC §15372
38	Friday, December 16, 2022	Last day for Secretary of State to prepare, certify, and file a statement of the vote from the compiled elections returns. The Secretary of State issues to each elected candidate a certificate of election. EC §§15501, 15504

Reference

- § or §§ Section or Sections
- EC California Elections Code
- ED California Education Code
- GC California Government Code

All above California Codes may be referenced online at: leginfo.legislature.ca.gov/faces/codes.xhtml



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-123-CC

Regular Business:

Adopt resolutions for fiscal year 2022-23: budget and capital improvement plan; establish appropriations limit; establish a consecutive 1 percent utility users' tax rate through June 2023; establish the salary schedule effective July 3, 2022; extend rate assistance program through June 2023; establish direction for administration of American Rescue Plan Act funds; and accept award authority and bid requirement through June 2023

Recommendation

Staff recommends that City Council provide final direction on the city manager's fiscal year 2022-23 proposed budget, adopt the following resolutions, establish award levels and provide bid requirements:

1. Resolution adopting fiscal year 2022-23 budget and capital improvement plan (CIP) (Attachment H)
2. Resolution establishing the appropriations limit (Attachment I)
3. Resolution establishing one percent user utility tax (UUT) through June 2023 (Attachment J)
4. Resolution amending the salary schedule effective July 3, 2022 (Attachment K)
5. Resolution extending the rate assistance program through June 2023 (Attachment L)
6. Resolution establishing direction for administration of American Rescue Plan Act (ARPA) funds (Attachment M)
7. Accept award memo for authority and bid requirement through June 2023 (Attachment N)

Policy Issues

The City Council maintains responsibility for all budgetary appropriations. Under section 2.08.080(8) of the Menlo Park Municipal Code (MPMC), the city manager has the responsibility "to prepare and submit to the City Council the annual budget." Appropriations for fiscal year 2021-22 lapse June 30, 2022, and adoption of the budget and appropriation of funds is necessary before the start of the fiscal year July 1, 2022. 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 June 7, 2022, for consideration by the community and City Council. A budget workshop was held June 7, 2022, to provide additional information about the budget and answer questions from the community and a public hearing was held June 14, 2022. The presentation is available as Attachment A and a recording of the workshop is available as Attachment B.

The city manager's proposed budget for fiscal year 2022-23 originally included a number of resource options and proposals for service level enhancements as indicated in Attachment C. These were considered by the community and City Council at the June 14 public hearing and those proposals with City Council understanding have been incorporated into the proposed budget. There were two positions, the graphic designer and management analyst for sustainability, which received a "maybe" from City Council and are included for final direction on these positions. The revised budget proposed for adoption is available online from the cover page, Attachment D. The budget theme and major changes are outlined in the city manager's transmittal letter which can be navigated to from the cover page. The budget in its entirety and dynamic report views are available through the City's OpenGov transparency portal, Attachment E.

Analysis

The proposed budget for fiscal year 2022-23 includes a spending plan which maintains all services offered in fiscal year 2021-22 and expands upon those services in a number of functional areas, by fund and department presented in Attachment C. It should be noted that the graphic designer and emergency preparedness coordinator positions will not be opened for recruitment until the City Council approves an amendment to the salary schedule (Attachment K.) In addition, the recruitment for the management analyst position would remain on hold until those other two new positions proceed forward for recruitment. The general fund, the largest and most active of the City's funds and responsible for the majority of the City's operations, is balanced this fiscal year by using reserves of \$6.4 million as indicated in Attachment Q.

Changes incorporated after the public hearing

Following City Council direction, changes were incorporated into the budget as proposed for adoption:

- City Council directed staff to keep most of the proposed service level enhancements; as previously mentioned, two positions that were determined to be maybes are included for further direction;
- City Council directed staff to make changes in the 5-year forecast (see section below); and
- City Council did not recommend any additional changes to the fiscal year 2022-23 proposed budget.

American Rescue Plan Act Fund

Last year, the ARPA funds were moved to a newly-created special revenue fund, the ARPA Fund. This fund will receive a total of \$8.30 million in stimulus funds with half already received in fiscal year 2021-22 and half to be received in fiscal year 2022-23. These funds may be spent on a large range of uses, including those included in the proposed budget. The proposed budget incorporates a transfer from the ARPA Fund to the general fund in the amount of \$3.7 million to reflect a revenue backfill as allowed for these stimulus funds. In fiscal year 2021-22, the adopted budget authorized use of \$2.91 million of which \$0.85 was used leaving a remaining authorization of \$1.6 million. The proposed budget includes those funds and an additional \$2.1 for the total of \$3.7 million. This leaves remaining AARP funds of \$3.7 million, in the fund balance for the ARPA fund for use as directed by City Council in fiscal year 2022-23 or beyond. Stimulus funds must be fully expended by December 31, 2024 and any unspent balance is forfeited.

Anticipated mid-year budget amendments

Staff anticipates the following mid-year adjustments as presented at the June 14 budget hearing:

- *Menlo Park Community Campus staffing and operations*
On May 24, 2022, the City Council received an informational update that outlined the projected milestones and timeline for completing the operational and staffing plan for the new facility. Staff projects that any service level enhancements needed to effectively open and operate the new facility would be brought to City Council for consideration tentatively in autumn 2022 with budget authorization tentatively in the context of the midyear budget review in February 2023.

- *Aquatics program*

On February 8, 2022, City Council directed staff to conduct an analysis of the aquatics program in preparation for the opening of a new aquatics center in the Menlo Park Community Campus. Staff projects that any service level enhancements needed to implement City Council's direction at the outcome of that process would be brought to City Council for consideration tentatively in autumn 2022 with budget authorization at that time or potentially during the midyear budget review in February 2023.

- *Chrysler Pump Station reconstruction*

The Chrysler Pump Station, located at Chrysler Drive near the intersection with Bayfront Expressway, is a stormwater pump station that facilitates drainage of stormwater runoff from much of the Bayfront area. The pumps are over 60 years old and are past the end of their useful life. The project is anticipated to be out to bid in July 2022, and staff is closely monitoring cost escalation that is anticipated to impact this project. As noted in the April 19, 2022, City Council staff report, currently a shortfall of \$2.5 million is anticipated, but uncertainty remains with the current construction climate and inflation observations on other capital projects. A request for this amount, \$2.5 million, is included in the proposed capital improvement program, and if additional funding is needed, staff will develop a funding strategy for this project for the City Council's consideration at the time of bid award, expected in autumn 2022. The city previously obtained a \$5 million Hazard Mitigation Grant from Federal Emergency Management Agency (FEMA) for this project, which would be paid on a reimbursement basis as construction proceeds.

General Fund fiscal year 2021-22 forecast (Attachment P)

Following the public hearing, staff reviewed the General Funds' forecast with May year-to-date transactions and felt the changes warranted a revision to the fiscal year 2021-22 forecast. The revisions resulted in the General Fund's unassigned fund balance decreasing from \$9.7 million to \$7.5 million at fiscal year June 2022 due to reclassification of developer payment estimates from the General Fund to the separately established Fund 332 Bayfront Mitigation and increased transient occupancy tax (TOT) to reflect current projections. While maintaining City Council adopted reserve levels, this means the fiscal year 2022-23 proposed unassigned fund balance is \$0.4 million.

Table 1: General Fund balance components	
Item	Estimated balance
Recommended for consideration	
Beginning fund balance July 1, 2022	\$ 38,304,419
Ending fund balance June 30, 2023	\$ 31,944,364
<u>Fund balance reserve components</u>	
Non-spendable prepaids	\$ 458,698
Menlo Park City School District assigned balance	\$1,000,000
Strategic pension funding reserve	\$ 2,250,860
Emergency contingency reserve	\$11,800,000
Economic stabilization reserve	\$16,000,000
Unassigned fund balance	\$434,806

General Fund 5-year forecast (Attachment O)

The General Fund’s 5-year forecast informs adoption of the City’s UUT rate as well as demonstrates compliance with the City Council’s budget principles. Given the revenue and expense assumptions within the model, the goal is to present City Council with General Fund sustainability over the next five years. The model received input from the executive team, consultants and direction from City Council. Below are the assumptions, with any changes from the June 14 model noted:

- The TOT revenue was increased by \$0.8 million beginning fiscal year 2023-24. Also, we raised the annual growth rate to 5 percent from 2.5 percent.
- Excess Educational Revenue Augmentation Fund (ERAF) is reduced 10 percent annually from fiscal year 2022-23 budget level to reflect decreased reliance upon, for an overall decrease of approximately 34.4 percent from fiscal year 2022-23 budget amount ARPA must be expended by December 2024 with \$3.7 million in the proposed budget
- Vacancy factor increased from 5 percent to 6.5 percent to reflect a higher level of vacancies in fiscal year 2022-23 along with anticipated attrition in future years due to retirements
- Services expense category was reduced by 15 percent in fiscal year 2023-24 to reflect non-recurring expenses
- Emergency and economic reserves were adjusted as unassigned cannot be negative

Under the proposed assumptions, the projected total reserve balance goes from \$31.9 million to \$26.5 million over five years. The City Council’s emergency reserve is maintained at policy limit; however, the economic reserve is estimated to be approximately \$3.6 million short over the last two forecasted years (Emergency and Economic Reserve Chart.) During the course of the five years, actuals will vary which may impact these reserves; however, staff believes under current assumptions that this demonstrates a sustainable General Fund with less dependence on Excess ERAF over this 5-Year time period.

Proposed five-year capital improvement program

The City’s 5-Year CIP is funded for the initial year covering \$102.7 million in proposed projects. The City carried over \$87.9 million in prior approved project budgets and staff is requesting \$15.3 million for new

projects. The City’s General Fund CIP is funded for \$37.4 million in projects, including \$8.6 million new additions. The General Funds’ CIP for fiscal year’s 2023-24 through 2026-27 is unfunded for \$31.7 million of project work. Table 2 summarizes the funding requests by category.

Table 2: Capital improvement program, Fiscal year 2022-23 proposed funding requests by category		
Category	Proposed request	Funding sources
City buildings and systems	\$725,000	General capital
Environment	\$500,000	General capital
Parks and recreation	\$4,745,414	Recreation in-lieu, Measure T, general capital
Stormwater	\$3,110,000	General capital
Streets and sidewalks	\$2,125,000	Sidewalk assessment, general capital, construction street impact fee, highway users (gas) tax
Traffic and transportation	\$1,928,000	Transportation impact fees, grants, Measures A and W, transportation
Water system	\$2,152,985	Water capital
Total	\$15,286,399	

Enabling resolutions

Staff recommends City Council take action on the following resolutions before July 1.

Adopt fiscal year 2022-23 budget and capital improvement plan (Attachment H)

This resolution formally appropriates funds and allows for expenditures during the fiscal year. As previously mentioned, staff anticipates mid-year budget amendments during the third quarter of each fiscal year around the month of February.

Appropriations limit (Attachment I)

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 2022-23.

Temporary Utility Users’ Tax Reduction (Attachment J)

The MPMC sets UUT rates but allows for temporary reductions up to 12 months. Since the City Council desires to extend the temporary reduction in UUT rates, this resolution accomplishes that. The UUT is adopted as City Council reviews the General Fund’s 5-Year forecast determining the long-term impact of the tax.

Salary schedule amendments (Attachment K)

The salary schedule which accompanies this resolution reflects a 3 percent increase pursuant to MOU agreements for collective bargaining units: Service Employees International Union Local 521 (SEIU), American Federation of State, County, and Municipal Employees Local 829 (AFSCME), and Police Officers’ Association (POA.) Positions within the unrepresented management group are also being increased by 3 percent. The position of “assistant to the city manager/city clerk” is being added; however, there will be no impact to FTE. Recreation supervisor and senior librarian are being deleted from the salary schedule as they were reclassified to library and community services supervisor in April 2022. The library and community services supervisor classification was created in April 2021 to encompass all supervisor-level

roles in the department, including library, recreation and child care.

Rate assistance program (Attachment L)

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, 2023.

American Rescue Plan Act (Attachment M)

This resolution is recommended for compliance with the ARPA Final Rule and to provide clear direction for the use of these funds.

Award authority (Attachment N)

City Council Procedure #21-024-CC establishes award authority and bid requirements and includes an annual adjustment in purchasing limits according to inflation. The inflation from 2022 to 2023 results in an increase in the city manager's signature authority limit of \$6,000, and the award authority memo for fiscal year 2022-23 outlines the award authority levels.

Next steps

The following items reflect the final steps of the fiscal year 2022-23 budget:

- The City Council can consider whether to retain these items as presented by staff or provide additional staff direction:
 - Service level enhancements (Attachment C)
 - ERAF reduction of 10 percent per year beginning with fiscal year 2023-24
 - ARPA utilization in the General Fund for revenue replacement
 - Utility User's Tax rate of 1 percent (at the June 14 public hearing the City Council provided direction to staff to maintain UUT at 1 percent, but final determination on the reduction of the UUT will be made in the resolution establishing the financial necessity of the UUT)
 - Emergency and economic reserves policy level (these are maintained in fiscal year 2022-23, but may fall below policy level in the last two years of the five-year forecast)
- Adoption of enabling resolutions for fiscal year 2022-23 before July 1
- Publication of the fiscal year 2022-23 adopted budget document in August

Impact on City Resources

As noted in the previous section, the fiscal year 2022-23 operating budget is balanced with the use of \$6.4 million in reserves, including Federal stimulus funds. If City Council desires additional changes to the budget which increase expenditures, use of one-time money, including accumulated fund balance, must be identified absent an offsetting revenue.

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 7 budget workshop slides: beta.menlopark.org/files/sharedassets/public/administrative-services/documents/finance/fy-2022-23-budget-workshop-presentation.pdf
- B. Hyperlink – June 7 budget workshop recording: youtu.be/N2DDI5E-PpQ
- C. Service level enhancements
- D. Hyperlink – City Manager’s proposed budget for fiscal year 2022-23 cover page: stories.opengov.com/menlopark/published/zHpmGGiSG
- E. Hyperlink – Budget transparency portal: stories.opengov.com/menlopark/published/zHpmGGiSG
- F. Hyperlink – General Fund reserve policy: menlopark.org/DocumentCenter/View/5404/D3---General-Fund-Reserve-Update?bidId=
- G. Hyperlink – Fiscal year 2022-23 proposed budget: menlopark.org/budget
- H. Resolution adopting the fiscal year 2022-23 budget and CIP
- I. Resolution establishing the appropriations limit
- J. Resolution establishing a temporary UUT reduction for fiscal years 2022-23
- K. Resolution amending the salary schedule effective July 3, 2022
- L. Resolution extending the rate assistance program for fiscal year 2022-23
- M. Resolution for ARPA
- N. Award authority memo for fiscal year 2022-23
- O. General Fund 5-year forecast
- P. Forecasted Fund balances
- Q. Budgeted Fund balance

Report prepared by:

Marvin Davis, Interim Finance Director

Mary Morris-Mayorga, Administrative Services Director – Extra Help Retired Annuitant

Nikki Nagaya, Public Works Director

Attachment C: Service level enhancement request **ATTACHMENT C**

Fund	Department	Service level description	FTE	Labor
100 General Fund	132 City Clerk	Deputy City Clerk. Position would restore the needed backup for the City Clerk, assist with City Council related duties (e.g., agendas, resolutions, ordinances, minutes, etc.), and assist with Information Technology Master Plan items related to agenda, legislative and multimedia management.	1	\$159,892
100 General Fund	133 Public Engagement	Graphic Designer. Would work with all departments to design and produce a variety of print and digital materials, both routine and complex; including publications, notices, social media and digital graphics for web and video.	1	\$158,979
100 General Fund	170 Sustainability	Management Analyst I/II. To support climate adaption and resiliency projects and plans (e.g. local hazard mitigation plan, safety, environmental justice elements) to increase resiliency to negative impacts of climate change. The position would assist in coordinating across all departments, informing the organization and the community on climate adaptation, and providing ongoing long range planning and strategy support.	1	\$214,284
100 General Fund	210 Patrol	Community Service Officers. Request to restore two and add one (total 3.0) full-time Community Service Officers (CSOs) - two assigned to Patrol Division, and one added to the Training and Public Relations Unit.	3	\$363,032
100 General Fund	210 Patrol	Traffic Unit and Staffing Support. Request to restore three full time sworn officer positions to support increased need for traffic support, management, and the return of workforce commuters and special events. The movement of three officer positions to Traffic from our current reduced staffing has made the permanent assignment of a dedicated traffic team unsustainable at current levels.	3	\$588,186
100 General Fund	240 Administration	Emergency Preparedness Coordinator. Request to establish a dedicated and expert resource that is steadfastly committed to the City's interests and capable of connecting and coordinating with all available partner resources. Although the position would reside within the police department, the focus would be on the entire organization. Position equivalent to Management Analyst I or Project Manager.	1	\$169,896
100 General Fund	541 Gymnastics	Gymnastics. Request to add 5.75 FTE (2 Program assistants, 2.75 Instructors, 1 Recreation Coordinator) to reactivate the gymnastics program, consistent with staffing levels for the gymnastics program prior to the pandemic. Personnel costs would be partially offset by program revenues.	5.75	\$646,864
100 General Fund	630 Housing	Housing support. Request to add .5 FTE equivalent to a Management Analyst I/II to support the current and increased demand for administration and implementation of the City's below market rate (BMR) program and other housing programs.	0.5	\$86,535
	Total General Fund		16.25	\$2,387,668
222 Below Market Housing	630 Housing	Housing support. Request to add .5 FTE equivalent to a Management Analyst I/II to support the current and increased demand for administration and implementation of the City's below market rate (BMR) program and other housing programs.	0.5	\$86,535
501 General Capital Improvement	310 Facility/Capital	SAFER Bay staffing support. Request to add a provisional full-time Associate Engineer position to coordinate work on SAFER Bay, sea level rise adaptation plan implementation. Position would be funded by general capital funds partially reimbursed through anticipated FEMA Building Resilient Communities and Infrastructure grant.	1	\$199,918
601 Water Operations	370 Water	Drought coordination and support. Request to add one full time Sustainability Specialist position to support increased drought coordination. Position would be funded by enterprise revenue funds (water operations fund).	1	\$146,274
	Total Citywide		18.75	\$2,820,395

Parking Enforcement	\$500,000
Herbicide Free Median	\$230,000
	\$730,000

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL
YEAR 2022–23**

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document and related written and oral information at the meeting held June 14, 2022, and the City Council having been fully advised in the matter and good cause appearing therefore; and

WHEREAS, City Council Procedure #19-001-CC having been replaced by City Council Policy #CC-21-024 requires City Council action to enter into agreements or settle claims with aggregate annual payments in excess of \$86,000 for fiscal year 2022-23; 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 \$86,000 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:

1. The proposed budget for the fiscal year 2022–23 set forth in Exhibit A and as modified by a majority of the City Council during the review of the budget, is hereby adopted; and
2. The sums of money therein set forth are hereby appropriated from the revenues of the City to the departments, functions, programs and funds therein set forth for expenditure during the fiscal year 2022-2023; and
3. The Capital Improvement Program and projects presented for implementation in fiscal year 2022-2023 and set forth in Exhibit A is hereby adopted and approved; and
4. The City will carry forward unspent capital project funds and long-term studies from fiscal year 2021-2022 and re-appropriate these funds in fiscal year 2022-2023 to be used solely to pay for the remaining portion of City Council authorized capital expenditures and long-term studies; and
5. The City Council hereby directs the City Manager to make payments for services provided to the City including those in excess of \$86,000 on debt service on currently-issued debt, utilities, employee benefits, intergovernmental agreements, and operating technological end-user hardware and subscription services included in the Information Technology Internal Service Fund, and monitor and control the expenditures of each department and, at the same time, approve modifications to each department within a specified fund, so long as the total expenditures within the fund shall not be greater than the total approved appropriations, unless offset by an equal Grant amount which does not commit the City to additional funding or program requirements.

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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-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

A. Fiscal year 2022-23 budgeted fund balances

Fund Name and Category	FY 2021-22 Fcst	FY 2022-23 Budget					6/30/2023
	6/30/2022	Rev & TI	Exp & TO	CIP Rev	CIP Exp	Sur/(Def)	
100 General	\$ 38,304,419	\$ 73,984,171	\$ 80,344,226	\$ -	\$ -	\$ (6,360,055)	\$ 31,944,364
Non-spendable prepaids	458,698						458,698
Project related, encumb	4,010,180						1,000,000
Strategic pension funding	3,250,860					Actual %	2,250,860
Emergency (Policy: 15-20%)	10,300,000					15%	11,800,000
Economic (Policy: 20-25%)	12,711,700					20%	16,000,000
Unassigned	7,572,981						434,806
Total Reserve Breakdown	38,304,419						31,944,364
One-time, Developer, In-lieu							
111 One-time	1,686,000	1,350,000	-	-	-	1,350,000	3,036,000
258 CRRSA	19,834	-	-	-	-	-	19,834
332 Bayfront Mitigation	6,932,487	2,561,226	-	-	-	2,561,226	9,493,713
353 Downtown Public Amenity	2,503,707	10,000	-	-	300,000	(290,000)	2,213,707
369 Community Amenities	9,405,000	20,900,000	-	-	-	20,900,000	30,305,000
395 Developer Funded Projects	-	2,250,000	2,250,000	-	-	-	-
397 American Rescue Plan Act	7,382,917	-	3,717,830	-	-	(3,717,830)	3,665,087
201 EIR Fees	11,455	-	-	-	-	-	11,455
202 Miscellaneous Trust	249,134	-	145,000	-	-	(145,000)	104,134
Housing Activity							
221 Housing Special Revenue	6,675,298	1,000	24,000	-	-	(23,000)	6,652,298
222 Below Mrkt Rt Housing Spec Rev	32,410,870	6,800,000	583,432	-	-	6,216,568	38,627,439
223 Federal Revenue Sharing	124,813	500	4,000	-	-	(3,500)	121,313
224 Community Devlpmt Block Grant	1,380,789	1,500	4,000	-	-	(2,500)	1,378,289
364 HUT Repair and Maintenance	533,072	793,824	-	-	950,000	(156,176)	376,896
Library & Community Service							
203 Donations - Library and CS	(3,813)	145,000	-	-	-	145,000	141,187
251 Big Lift (Library)	23,671	295,000	260,109	-	-	34,891	58,563
252 Childcare Food (Libray & CS)	-	85,000	85,000	-	-	-	-
253 Belle Haven Child Devlpmt Ctr	61,701	2,003,000	1,432,295	-	-	570,705	632,407
254 Preschool-QRIS	8,936	12,000	-	-	-	12,000	20,936
256 Recreation In-Lieu	5,974,202	88,200	3,000,000	-	2,682,709	(5,594,509)	379,693
304 Menlo Park Community Campus	13,621,837	3,000,000	79,163	-	16,440,716	(13,519,879)	101,958
305 Diverse Literature LSTA	19,216	20,000	20,000	-	-	-	19,216
Police Enforcement							
327 Supp Law Enforcement Services	253,036	-	-	-	-	-	253,036
328 Downtown Parking Permits	4,635,473	100,000	195,600	-	2,400,000	(2,495,600)	2,139,873
Transportation. Streets, Maint							
211 Heritage Tree (Transportation related)	465,236	10,000	-	-	135,000	(125,000)	340,236
255 Senior Transportation	(37,769)	43,700	-	-	-	43,700	5,931
351 Transportation Impact Fees	9,714,260	983,000	-	5,000,000	10,934,567	(4,951,567)	4,762,693
352 Transportation	913,990	-	-	-	909,692	(909,692)	4,298
354 Storm Drainage Fees	96,760	1,800	97,000	-	-	(95,200)	1,560
355 Shuttle Program	202,287	1,293,151	1,192,227	-	-	100,924	303,211
356 County Transp Tax (Measure A)	1,036,671	1,000,000	1,473,999	-	404,940	(878,939)	157,732
357 Highway Users (Gas Tax)	3,061,736	1,021,080	19,613	-	4,050,940	(3,049,473)	12,263
358 Landscape/Tree Assessment	893,050	1,287,457	1,503,667	-	-	(216,210)	676,839
359 Sidewalk Assessment	361,728	305,838	27,050	-	302,512	(23,724)	338,004
360 Measure M	135,524	140,000	140,000	-	-	-	135,524
361 Storm Water Management	358,136	375,862	458,137	-	-	(82,275)	275,860
362 Construction Impact Fee	5,227,809	865,000	85,775	-	3,787,020	(3,007,795)	2,220,014
363 Measure W	1,001,468	425,000	-	-	750,000	(325,000)	676,468
365 Landfill Post-Closure	8,049,088	932,083	521,775	-	3,801,155	(3,390,847)	4,658,241
366 Vintage Oaks Landscape	-	-	-	-	-	-	-
367 Sharon Hills Park	60	-	-	-	-	-	60
375 CA Coastal Conserv Priority Grant	(8,249)	-	-	500,000	-	500,000	491,751
376 Caltrans	-	-	-	426,000	-	426,000	426,000
368 Bayfront Park Maintenance	708,317	3,000	258,916	-	-	(255,916)	452,400
370 Haven Avenue Streetscape Grant	600,000	-	-	-	600,000	(600,000)	-
377 California State Parks Dept	-	-	-	798,950	-	798,950	798,950
396 CA Arrearage Program Water Res	52,380	-	-	-	-	-	52,380

Attachment Q: FY 2022-23 Budgeted Fund Balances

Fund Name and Category	FY 2021-22 Fcst	FY 2022-23 Budget					
	6/30/2022	Rev & TI	Exp & TO	CIP Rev	CIP Exp	Sur/(Def)	6/30/2023
Transportation. Streets, Maint							
501 General Capital Improvement	27,211,099	6,450,500	429,476	5,015,300	37,469,788	(26,433,464)	777,634
521 SMC Transportation Authority	(4,991)	-	-	170,000	-	170,000	165,009
525 CA Coastal Consv Priority Grt	1,353	-	-	-	-	-	1,353
Debt Service							
400 Library GO Bond 1990	362,585	12,545	-	-	-	12,545	375,130
401 Recreation GO Bond	3,447,590	2,375,456	2,350,456	-	-	25,000	3,472,590
500 Measure T 2002 GO Bond	2,048	1,500	-	-	-	1,500	3,548
510 Library Addition	122,446	750	-	-	-	750	123,196
Water Activity							
600 Water Capital	17,271,938	1,919,425	196,894	500,000	17,287,319	(15,064,788)	2,207,149
601 Water Operations	32,561,132	13,914,073	10,933,719	-	-	2,980,354	35,541,486
610 Solid Waste Service	2,792,267	674,038	276,505	-	-	397,533	3,189,800
Internal Services							
701 Workers' Compensation	1,217,655	923,217	1,819,722	-	-	(896,505)	321,150
702 General Liability	(1,062,792)	2,582,824	1,286,150	-	-	1,296,674	233,882
703 Other Post Employment Benefits	934,980	-	934,980	-	-	(934,980)	0
704 IT Internal Service	2,568,781	3,625,584	5,751,762	-	-	(2,126,178)	442,603
705 Vehicle Replacement	2,713,793	1,396,380	1,570,000	-	-	(173,620)	2,540,173

RESOLUTION NO. XXXX

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING AN APPROPRIATIONS LIMIT FOR THE CITY OF MENLO PARK
FOR THE 2022-23 FISCAL YEAR PURSUANT TO ARTICLE XIII B OF THE
CALIFORNIA CONSTITUTION**

WHEREAS, Article XIII B of the California Constitution (Proposition 4) provides for an annual appropriations limit for state and local governments beginning with the 1980-81 fiscal year, based on the 1978-79 appropriations, as adjusted for the changes in the cost of living or per capita personal income, population, and other specified factors; and

WHEREAS, implementing legislation, which became effective January 1, 1981, provides that each year the governing body of each local jurisdiction shall, by resolution, establish its appropriations limit for the year pursuant to Article III B at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, Proposition 111 subsequently amended Article XIII B of the California Constitution to provide for certain revisions in the population and inflation factors used in the calculation of the appropriations limit and to provide for a recalculation of the appropriation limit data for the fiscal years 1987-88 through 1990-91; and

WHEREAS, in accordance with applicable law, the appropriation limit for the City of Menlo Park for the 2022-23 fiscal year has been calculated to be \$75,563,220, using such revisions and recalculations; and

WHEREAS, Government Code section 7910 provides that documentation used in the determination of the appropriations limit shall be available to the public at least 15 days before such meeting, and such documentation was made available to the public on June 8, 2022 in the Examiner – Redwood City Tribune;

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

1. Selects to use the change in the California per capita income as the cost of living adjustment factor, and elects to use the annual population change in the City of Menlo Park’s population for calculating the population adjustment factor.
2. Determines the appropriations limit for fiscal year 2022-23 to be \$75,563,220, as detailed in the calculations set forth in Exhibit A.

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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-eighth day of June, 2022, 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 __ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

A. Appropriations limit for fiscal year 2022-23

CITY OF MENLO PARK				
APPROPRIATIONS LIMIT				
FISCAL YEAR 2022-23				
			AMOUNT	SOURCE
A.	LAST YEAR'S LIMIT		\$ 71,227,381	Prior Year
B.	ADJUSTMENT FACTORS			
	1. Population - City		0.9864	State Department of Finance
	2. Inflation		1.0755	State Department of Finance
			1.0609	(B1*B2)
	Total Adjustment %		0.0609	(B1*B2-1)
C.	ANNUAL ADJUSTMENT		\$ 4,335,839	(B*A)
D.	THIS YEAR'S LIMIT		\$ 75,563,220	(A+C)
E.	PROCEEDS OF TAXES SUBJECT TO LIMIT			
	Property Tax		34,693,781	2022-23 Proposed Budget
	Sales Tax		6,621,444	2022-23 Proposed Budget
	Other Taxes		10,605,299	2022-23 Proposed Budget
	Special Assessments		2,350,456	2022-23 Proposed Budget
	Interest Allocation		882,185	2022-23 Proposed Budget
			\$ 55,153,165	
F.	AMOUNT UNDER/(OVER) LIMIT		\$ 20,410,055	(D-E)

May 2022

Attachment A

- A. **Price Factor:** Article XII B specifies that local jurisdictions select their cost of living factor to compute their appropriation limit by a vote of their governing body. The cost of living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the fiscal year 2022-23 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2022-23	7.55

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2022-23 appropriation limit.

2022-23:

Per Capita Cost of Living Change = 7.55 percent
Population Change = -0.30 percent

Per Capita Cost of Living converted to a ratio: $\frac{7.55 + 100}{100} = 1.0755$

Population converted to a ratio: $\frac{-0.30 + 100}{100} = 0.997$

Calculation of factor for FY 2022-23: $1.0755 \times 0.997 = 1.0723$

Fiscal Year 2022-23

Attachment B
Annual Percent Change in Population Minus Exclusions*
January 1, 2021 to January 1, 2022 and Total Population, January 1, 2022

County City	Percent Change 2021-2022	--- Population Minus Exclusions ---		Total Population
		1-1-21	1-1-22	1-1-2022
San Mateo				
Atherton	-1.29	6,806	6,718	6,718
Belmont	-1.39	27,587	27,203	27,203
Brisbane	-1.42	4,789	4,721	4,721
Burlingame	-1.36	30,699	30,283	30,283
Colma	-1.51	1,391	1,370	1,370
Daly City	-1.02	103,930	102,875	102,875
East Palo Alto	-1.56	29,423	28,963	28,963
Foster City	-0.81	33,325	33,056	33,056
Half Moon Bay	-1.34	11,462	11,308	11,308
Hillsborough	-0.83	11,110	11,018	11,018
Menlo Park	-1.36	33,377	32,924	33,034
Millbrae	-1.29	22,807	22,512	22,512
Pacifica	-1.46	38,088	37,533	37,533
Portola Valley	-1.52	4,355	4,289	4,289
Redwood City	0.70	81,771	82,344	82,344
San Bruno	-1.19	43,169	42,656	42,656
San Carlos	-1.22	30,207	29,837	29,837
San Mateo	-0.90	104,719	103,779	103,779
South San Francisco	-0.92	65,090	64,492	64,492
Woodside	-1.12	5,271	5,212	5,212
Unincorporated	-1.01	62,088	61,459	61,459
County Total	-0.92	751,464	744,552	744,662

*Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK DETERMINING THAT THE UTILITY USERS TAX, IS NECESSARY FOR THE FINANCIAL HEALTH OF THE CITY, PURSUANT TO SECTION 3.14 OF THE MENLO PARK MUNICIPAL CODE AND ESTABLISHING A TEMPORARY TAX PERCENTAGE REDUCTION IN THE UTILITY USERS TAX PURSUANT TO SECTION 3.14.130 OF THE MENLO PARK MUNICIPAL CODE**

WHEREAS, Ordinance No. 950 of the City Council of the City of Menlo Park, adopting a Utility Users Tax (“UUT”), 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, known as the “Utility Users Tax Ordinance,” which imposed a communication users tax at a rate of 2.5 percent, an electricity users tax at a rate of 3.5 percent, a gas tax at the rate of 3.5 percent, and a water users tax at the rate of 3.5 percent; and

WHEREAS, the Utility Users Tax Ordinance, Section 3.14.310 requires that, in order to continue levying the UUT, the City Council shall review the need for the UUT not later than June 30, 2008, and every two (2) years thereafter, and that the City Council make findings, by a two thirds (2/3) vote, that the UUT is necessary for the financial health of the City; 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 the City Council makes a finding that the temporary tax reduction will not adversely affect the City’s ability to meet its financial obligations as contemplated in its current or its proposed budget; and

WHEREAS, since fiscal year 2008–09, the City Council has temporarily reduced the tax to 1 percent for all utilities in all previous years because the City Council found that the reduction would not adversely affect the City’s ability to meet its budgeted financial obligations; and

WHEREAS, The City of Menlo Park defines financial health as the following:

- The ability of the City to fund ongoing General Fund expenses with ongoing revenues, and not rely on one-time resources (e.g., reserves, stimulus funds, proceeds from land sales, etc.) to fund ongoing services;
- The ability of the City to maintain appropriate reserves levels consistent with best practices in local government financial management and City Council approved financial policies in order to preserve the long-term financial health of the City; and
- The ability of the City to minimally provide adequate service levels that meet community needs and that is both stable and sustainable, even when faced with severe economic downturn.

WHEREAS, on June 8, 2021, City staff recommended to the City Council a balanced budget that included a necessary \$1.7 million in revenue from the UUT at the reduced rate of 1 percent; and

WHEREAS, the UUT revenues the City has and will receive over fiscal years 2022-23 and 2023-24 will be necessary for the City’s financial health, if the City does not receive this

revenue, it will lose approximately \$3.2 million in revenues; and its' unassigned fund balance will drop by this amount. Also, additional service level enhancements to restore City services suspended during the pandemic as outlined in Attachment C to Staff Report 22-123-CC might not be approved. Staff's 5-Year forecast outlined in Attachment O to Staff Report 22-123-CC demonstrates reserve balances over these fiscal years; and

WHEREAS, the City Council finds that the UUT is necessary for the financial health of the City pursuant to the Utility Users Tax Ordinance, Section 3.14.310; and

WHEREAS, the City Council now finds that reducing the UUT to 1 percent shall not adversely affect the City's ability to meet its financial obligations as contemplated in the budget for the fiscal year 2022-23, considered and adopted at its regular meeting of June 28, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park finds the foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park hereby resolves as follows:

1. The City Council finds and determines, pursuant to section 3.14.310 of the City's Municipal Code, that the Utility Users Tax (UUT) is necessary for the City's financial health.
2. The City Council establishes a temporary reduction in the UUT 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, 2022. 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 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 this twenty-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

RESOLUTION NO. XXXX

**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 on Exhibit A shall be effective July 3, 2022.

I, Judi A. 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-eighth day of June, 2022, 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 ___ day of June, 2022.

Judi A. Herren, City Clerk

Exhibits:

A. Salary schedule effective July 3, 2022

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/03/2022

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Accountant I	\$ 87,734	\$ 92,122	\$ 96,728	\$ 101,565	\$ 106,643
Accountant I	\$ 85,179	\$ 89,439	\$ 93,911	\$ 98,606	\$ 103,537
Accountant II	\$ 96,095	\$ 100,637	\$ 105,385	\$ 110,453	\$ 115,717
Accountant II	\$ 93,296	\$ 97,706	\$ 102,315	\$ 107,236	\$ 112,347
Accounting Assistant I	\$ 62,216	\$ 65,165	\$ 68,174	\$ 71,359	\$ 74,661
Accounting Assistant I	\$ 60,404	\$ 63,267	\$ 66,188	\$ 69,281	\$ 72,486
Accounting Assistant II	\$ 68,174	\$ 71,359	\$ 74,661	\$ 78,150	\$ 81,818
Accounting Assistant II	\$ 66,188	\$ 69,281	\$ 72,486	\$ 75,874	\$ 79,434
Administrative Assistant	\$ 68,379	\$ 71,573	\$ 74,885	\$ 78,385	\$ 82,063
Administrative Assistant	\$ 66,387	\$ 69,488	\$ 72,704	\$ 76,102	\$ 79,673
Administrative Services Director	\$ 165,347		Open Range		\$ 234,259
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436
Assistant Administrative Services Director	\$ 130,376		Open Range		\$ 187,407
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949
Assistant City Manager	\$ 174,616		Open Range		\$ 257,685
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180
Assistant Community Development Director	\$ 130,376		Open Range		\$ 187,407
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949
Assistant Community Services Director	\$ 133,380		Open Range		\$ 187,407
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Engineer	\$ 105,817	\$ 110,859	\$ 116,160	\$ 121,705	\$ 127,503
Assistant Engineer	\$ 102,735	\$ 107,630	\$ 112,777	\$ 118,161	\$ 123,790
Assistant Library Services Director	\$ 133,380		Open Range		\$ 187,407
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949
Assistant Planner	\$ 95,875	\$ 100,383	\$ 105,195	\$ 110,208	\$ 115,473
Assistant Planner	\$ 93,082	\$ 97,460	\$ 102,131	\$ 106,998	\$ 112,109
Assistant Public Works Director	\$ 144,870		Open Range		\$ 187,407
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949
Assistant to the City Manager	\$ 125,490		Open Range		\$ 163,981
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205
Assistant to the City Manager / City Clerk	\$ 125,490		Open Range		\$ 163,981
Assistant Transportation Planner	\$ 95,875	\$ 100,383	\$ 105,195	\$ 110,208	\$ 115,473
Assistant Transportation Planner	\$ 93,082	\$ 97,460	\$ 102,131	\$ 106,998	\$ 112,109
Associate Civil Engineer	\$ 118,735	\$ 124,419	\$ 130,350	\$ 136,648	\$ 143,267
Associate Civil Engineer	\$ 115,277	\$ 120,796	\$ 126,554	\$ 132,668	\$ 139,094
Associate Engineer	\$ 112,205	\$ 117,576	\$ 123,182	\$ 129,133	\$ 135,388
Associate Engineer	\$ 108,937	\$ 114,152	\$ 119,594	\$ 125,371	\$ 131,444
Associate Planner	\$ 105,195	\$ 110,208	\$ 115,473	\$ 120,998	\$ 126,789
Associate Planner	\$ 102,131	\$ 106,998	\$ 112,109	\$ 117,474	\$ 123,096
Associate Transportation Engineer	\$ 124,419	\$ 130,350	\$ 136,648	\$ 143,267	\$ 150,209
Associate Transportation Engineer	\$ 120,796	\$ 126,554	\$ 132,668	\$ 139,094	\$ 145,834
Associate Transportation Planner	\$ 105,195	\$ 110,208	\$ 115,473	\$ 120,998	\$ 126,789
Associate Transportation Planner	\$ 102,131	\$ 106,998	\$ 112,109	\$ 117,474	\$ 123,096
Asst. Public Works Director - Engineering	\$ 144,870		Open Range		\$ 187,407
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Maintenance	\$ 144,870		Open Range		\$ 187,407
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949
Asst. Public Works Director - Transportation	\$ 144,870		Open Range		\$ 187,407
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949
Building Custodian	\$ 62,154	\$ 65,100	\$ 68,106	\$ 71,288	\$ 74,587
Building Custodian	\$ 60,344	\$ 63,204	\$ 66,122	\$ 69,211	\$ 72,414
Building Inspector I	\$ 92,657	\$ 97,113	\$ 101,742	\$ 106,606	\$ 111,696
Building Inspector I	\$ 89,959	\$ 94,284	\$ 98,778	\$ 103,501	\$ 108,443
Building Inspector II	\$ 101,923	\$ 106,824	\$ 111,916	\$ 117,266	\$ 122,866
Building Inspector II	\$ 98,954	\$ 103,713	\$ 108,656	\$ 113,851	\$ 119,287
Business Manager	\$ 105,192	\$ 110,250	\$ 115,505	\$ 121,028	\$ 126,807
Business Manager	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Chief Water Operator	\$ 101,983	\$ 106,843	\$ 111,948	\$ 117,304	\$ 122,918
Chief Water Operator	\$ 99,013	\$ 103,731	\$ 108,687	\$ 113,887	\$ 119,338
Child Care Teacher I	\$ 55,614	\$ 58,136	\$ 60,769	\$ 63,538	\$ 66,544
Child Care Teacher I	\$ 53,994	\$ 56,443	\$ 58,999	\$ 61,688	\$ 64,606
Child Care Teacher II	\$ 62,154	\$ 65,100	\$ 68,106	\$ 71,288	\$ 74,587
Child Care Teacher II	\$ 60,344	\$ 63,204	\$ 66,122	\$ 69,211	\$ 72,414
Child Care Teacher's Aide	\$ 41,726	\$ 43,614	\$ 45,587	\$ 47,629	\$ 49,732
Child Care Teacher's Aide	\$ 40,511	\$ 42,344	\$ 44,259	\$ 46,242	\$ 48,283
City Arborist	\$ 105,789	\$ 110,860	\$ 116,143	\$ 121,691	\$ 127,514
City Arborist	\$ 102,708	\$ 107,632	\$ 112,760	\$ 118,147	\$ 123,800
City Clerk	\$ 125,490		Open Range		\$ 163,981
City Clerk	\$ 121,835		Open Range		\$ 159,205
City Councilmember	n/a		Annual Rate		\$ 7,680
City Manager	\$ 203,533		Open Range		\$ 281,111
City Manager	\$ 197,605		Open Range		\$ 272,924
Code Enforcement Officer	\$ 87,678	\$ 91,822	\$ 96,153	\$ 100,778	\$ 105,581
Code Enforcement Officer	\$ 85,124	\$ 89,148	\$ 93,353	\$ 97,843	\$ 102,506
Communications and Records Manager	\$ 121,823	\$ 127,735	\$ 133,870	\$ 140,325	\$ 147,074
Communications and Records Manager	\$ 118,275	\$ 124,015	\$ 129,971	\$ 136,238	\$ 142,791
Communications Dispatcher	\$ 88,905	\$ 93,108	\$ 97,500	\$ 102,189	\$ 107,059
Communications Dispatcher	\$ 86,315	\$ 90,396	\$ 94,660	\$ 99,212	\$ 103,941
Communications Training Dispatcher	\$ 93,108	\$ 97,500	\$ 102,189	\$ 107,059	\$ 112,178
Communications Training Dispatcher	\$ 90,396	\$ 94,660	\$ 99,212	\$ 103,941	\$ 108,911
Community Development Director	\$ 165,126		Open Range		\$ 234,259
Community Development Director	\$ 160,316		Open Range		\$ 227,436
Community Development Technician	\$ 74,567	\$ 78,019	\$ 81,665	\$ 85,496	\$ 89,514
Community Development Technician	\$ 72,395	\$ 75,746	\$ 79,286	\$ 83,006	\$ 86,907

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

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/03/2022

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Community Service Officer	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662	\$ 87,678
Community Service Officer	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Construction Inspector I	\$ 87,412	\$ 91,617	\$ 95,983	\$ 100,572	\$ 105,374
Construction Inspector I	\$ 84,866	\$ 88,948	\$ 93,187	\$ 97,642	\$ 102,304
Construction Inspector II	\$ 96,153	\$ 100,778	\$ 105,581	\$ 110,629	\$ 115,911
Construction Inspector II	\$ 93,353	\$ 97,843	\$ 102,506	\$ 107,407	\$ 112,535
Contracts Specialist	\$ 76,990	\$ 80,610	\$ 84,343	\$ 88,347	\$ 92,587
Contracts Specialist	\$ 74,748	\$ 78,263	\$ 81,887	\$ 85,773	\$ 89,891
Custodial Services Supervisor	\$ 71,518	\$ 74,828	\$ 78,324	\$ 82,000	\$ 85,853
Custodial Services Supervisor	\$ 69,435	\$ 72,648	\$ 76,043	\$ 79,611	\$ 83,352
Deputy City Clerk	\$ 79,862	\$ 83,662	\$ 87,678	\$ 91,822	\$ 96,153
Deputy City Clerk	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Deputy City Manager	\$ 169,611		Open Range		\$ 234,259
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436
Deputy Comm. Dev. Director - Housing	\$ 130,350		Open Range		\$ 175,695
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578
Economic Development Manager	\$ 125,490		Open Range		\$ 163,981
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Engineering Services Manager	\$ 130,350		Open Range		\$ 175,695
Engineering Services Manager	\$ 126,553		Open Range		\$ 170,578
Engineering Technician I	\$ 80,152	\$ 83,864	\$ 87,845	\$ 92,061	\$ 96,413
Engineering Technician I	\$ 77,818	\$ 81,421	\$ 85,286	\$ 89,379	\$ 93,605
Engineering Technician II	\$ 89,855	\$ 94,082	\$ 98,506	\$ 103,229	\$ 108,148
Engineering Technician II	\$ 87,237	\$ 91,342	\$ 95,637	\$ 100,222	\$ 104,998
Enterprise Applications Administrator	\$ 118,341	\$ 123,962	\$ 129,850	\$ 136,083	\$ 142,657
Enterprise Applications Administrator	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Enterprise Applications Support Specialist I	\$ 94,840	\$ 99,582	\$ 104,561	\$ 109,789	\$ 115,279
Enterprise Applications Support Specialist I	\$ 92,078	\$ 96,682	\$ 101,516	\$ 106,591	\$ 111,921
Enterprise Applications Support Specialist II	\$ 105,192	\$ 110,250	\$ 115,505	\$ 121,028	\$ 126,807
Enterprise Applications Support Specialist II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Equipment Mechanic	\$ 79,862	\$ 83,662	\$ 87,678	\$ 91,822	\$ 96,153
Equipment Mechanic	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Executive Assistant	\$ 78,073	\$ 81,736	\$ 85,576	\$ 89,602	\$ 93,816
Executive Assistant	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992	\$ 91,083
Executive Assistant to the City Mgr	\$ 83,173	\$ 87,331	\$ 91,698	\$ 96,283	\$ 101,096
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	\$ 66,544	\$ 69,608	\$ 72,907	\$ 76,336	\$ 79,871
Facilities Maintenance Technician I	\$ 64,606	\$ 67,581	\$ 70,784	\$ 74,112	\$ 77,545
Facilities Maintenance Technician II	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662	\$ 87,678
Facilities Maintenance Technician II	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Finance and Budget Manager	\$ 130,350		Open Range		\$ 175,695
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578
Finance Director	\$ 165,125		Open Range		\$ 234,259
Finance Director	\$ 160,316		Open Range		\$ 227,436
GIS Analyst I	\$ 92,043	\$ 96,646	\$ 101,479	\$ 106,553	\$ 111,881
GIS Analyst I	\$ 89,362	\$ 93,831	\$ 98,523	\$ 103,449	\$ 108,622
GIS Analyst II	\$ 105,192	\$ 110,250	\$ 115,505	\$ 121,028	\$ 126,807
GIS Analyst II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Gymnastics Instructor	\$ 44,525	\$ 46,539	\$ 48,641	\$ 50,812	\$ 53,148
Gymnastics Instructor	\$ 43,228	\$ 45,184	\$ 47,224	\$ 49,332	\$ 51,600
Housing & Economic Development Manager	\$ 125,490		Open Range		\$ 163,981
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Housing Manager	\$ 125,490		Open Range		\$ 163,981
Housing Manager	\$ 121,835		Open Range		\$ 159,205
Human Resources Director	\$ 165,347		Open Range		\$ 234,259
Human Resources Director	\$ 160,531		Open Range		\$ 227,436
Human Resources Manager	\$ 130,350		Open Range		\$ 175,695
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578
Human Resources Technician I	\$ 72,243	\$ 75,661	\$ 79,039	\$ 82,895	\$ 86,794
Human Resources Technician I	\$ 70,139	\$ 73,457	\$ 76,737	\$ 80,481	\$ 84,266
Human Resources Technician II	\$ 79,467	\$ 83,227	\$ 86,943	\$ 91,185	\$ 95,473
Human Resources Technician II	\$ 77,153	\$ 80,803	\$ 84,411	\$ 88,529	\$ 92,693
Information Technology Manager	\$ 130,350		Open Range		\$ 175,695
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578
Information Technology Specialist I	\$ 77,815	\$ 81,707	\$ 85,792	\$ 90,083	\$ 94,588
Information Technology Specialist I	\$ 75,549	\$ 79,327	\$ 83,293	\$ 87,459	\$ 91,833
Information Technology Specialist II	\$ 86,460	\$ 90,523	\$ 94,781	\$ 99,238	\$ 103,997
Information Technology Specialist II	\$ 83,942	\$ 87,886	\$ 92,020	\$ 96,348	\$ 100,968
Internal Services Manager	\$ 130,350		Open Range		\$ 175,695
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578
Junior Engineer	\$ 85,362	\$ 89,630	\$ 94,112	\$ 98,818	\$ 103,759
Junior Engineer	\$ 82,876	\$ 87,020	\$ 91,371	\$ 95,940	\$ 100,737
Librarian I	\$ 74,587	\$ 78,073	\$ 81,736	\$ 85,576	\$ 89,602
Librarian I	\$ 72,414	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992
Librarian II	\$ 83,662	\$ 87,678	\$ 91,822	\$ 96,153	\$ 100,778
Librarian II	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353	\$ 97,843
Library and Community Services Director	\$ 161,038		Open Range		\$ 234,259
Library and Community Services Director	\$ 156,348		Open Range		\$ 227,436
Library and Community Services Supervisor	\$ 96,464	\$ 101,103	\$ 105,920	\$ 110,985	\$ 116,285
Library and Community Services Supervisor	\$ 93,654	\$ 98,158	\$ 102,835	\$ 107,753	\$ 112,898
Library Assistant I	\$ 58,136	\$ 60,769	\$ 63,538	\$ 66,544	\$ 69,608
Library Assistant I	\$ 56,443	\$ 58,999	\$ 61,688	\$ 64,606	\$ 67,581

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

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/03/2022

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Library Assistant II	\$ 63,538	\$ 66,544	\$ 69,515	\$ 72,907	\$ 76,336
Library Assistant II	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Library Assistant III	\$ 69,515	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,577
Library Assistant III	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,143
Library Services Manager	\$ 130,350	Open Range			\$ 175,695
Library Services Manager	\$ 126,553	Open Range			\$ 170,578
Literacy Program Manager	\$ 85,853	\$ 89,891	\$ 94,118	\$ 98,630	\$ 103,330
Literacy Program Manager	\$ 83,352	\$ 87,273	\$ 91,376	\$ 95,757	\$ 100,320
Maintenance Worker I	\$ 63,538	\$ 66,544	\$ 69,515	\$ 72,907	\$ 76,336
Maintenance Worker I	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Maintenance Worker II	\$ 69,515	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662
Maintenance Worker II	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225
Management Analyst I	\$ 92,043	\$ 96,646	\$ 101,479	\$ 106,553	\$ 111,881
Management Analyst I	\$ 89,362	\$ 93,831	\$ 98,523	\$ 103,449	\$ 108,622
Management Analyst II	\$ 105,192	\$ 110,250	\$ 115,505	\$ 121,028	\$ 126,807
Management Analyst II	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113
Network Administrator	\$ 123,426	\$ 129,334	\$ 135,500	\$ 142,046	\$ 148,927
Network Administrator	\$ 119,831	\$ 125,567	\$ 131,553	\$ 137,909	\$ 144,589
Office Assistant	\$ 57,097	\$ 59,701	\$ 62,403	\$ 65,360	\$ 68,379
Office Assistant	\$ 55,434	\$ 57,962	\$ 60,585	\$ 63,457	\$ 66,387
Parking Enforcement Officer	\$ 63,538	\$ 66,544	\$ 69,515	\$ 72,907	\$ 76,336
Parking Enforcement Officer	\$ 61,688	\$ 64,606	\$ 67,490	\$ 70,784	\$ 74,112
Permit Manager	\$ 119,656	\$ 125,381	\$ 131,382	\$ 137,644	\$ 144,295
Permit Manager	\$ 116,171	\$ 121,729	\$ 127,555	\$ 133,635	\$ 140,092
Permit Technician	\$ 74,567	\$ 78,018	\$ 81,665	\$ 85,496	\$ 89,513
Permit Technician	\$ 72,395	\$ 75,745	\$ 79,286	\$ 83,006	\$ 86,905
Plan Check Engineer	\$ 119,866	\$ 125,604	\$ 131,591	\$ 137,949	\$ 144,631
Plan Check Engineer	\$ 116,375	\$ 121,946	\$ 127,759	\$ 133,931	\$ 140,418
Planning Manager	\$ 130,350	Open Range			\$ 175,695
Planning Manager	\$ 126,553	Open Range			\$ 170,578
Planning Technician	\$ 85,496	\$ 89,513	\$ 93,724	\$ 98,131	\$ 102,836
Planning Technician	\$ 83,006	\$ 86,905	\$ 90,994	\$ 95,273	\$ 99,841
Police Chief	\$ 178,414	Open Range			\$ 257,685
Police Chief	\$ 173,217	Open Range			\$ 250,180
Police Commander	\$ 160,572	Open Range			\$ 234,259
Police Commander	\$ 155,896	Open Range			\$ 227,436
Police Corporal (2080 hours)	\$ 115,707	\$ 121,493	\$ 127,567	\$ 133,945	\$ 140,643
Police Corporal (2080 hours)	\$ 112,337	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546
Police Corporal (2184 hours)	\$ 121,492	\$ 127,567	\$ 133,946	\$ 140,643	\$ 147,675
Police Corporal (2184 hours)	\$ 117,954	\$ 123,852	\$ 130,044	\$ 136,546	\$ 143,373
Police Officer (2080 hours)	\$ 107,510	\$ 112,884	\$ 118,528	\$ 124,455	\$ 130,678
Police Officer (2080 hours)	\$ 104,378	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872
Police Officer (2184 hours)	\$ 112,885	\$ 118,529	\$ 124,455	\$ 130,678	\$ 137,212
Police Officer (2184 hours)	\$ 109,597	\$ 115,076	\$ 120,830	\$ 126,872	\$ 133,216
Police Records Specialist	\$ 69,515	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662
Police Records Specialist	\$ 67,490	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225
Police Recruit	n/a	Hourly Rate			\$ 87,083
Police Recruit	n/a	Hourly Rate			\$ 84,546
Police Sergeant (2080 hours)	\$ 129,192	\$ 135,651	\$ 142,434	\$ 149,556	\$ 157,033
Police Sergeant (2184 hours)	\$ 135,651	\$ 142,434	\$ 149,556	\$ 157,033	\$ 164,885
Principal Planner	\$ 127,020	\$ 134,973	\$ 141,433	\$ 148,174	\$ 153,174
Principal Planner	\$ 123,321	\$ 131,042	\$ 137,313	\$ 143,859	\$ 148,713
Program Aide/Driver	\$ 39,920	\$ 41,726	\$ 43,614	\$ 45,587	\$ 47,629
Program Aide/Driver	\$ 38,757	\$ 40,511	\$ 42,344	\$ 44,259	\$ 46,242
Program Assistant	\$ 56,871	\$ 59,463	\$ 62,154	\$ 65,100	\$ 68,106
Program Assistant	\$ 55,214	\$ 57,732	\$ 60,344	\$ 63,204	\$ 66,122
Project Manager	\$ 112,205	\$ 117,576	\$ 123,182	\$ 129,133	\$ 135,388
Project Manager	\$ 108,937	\$ 114,152	\$ 119,594	\$ 125,371	\$ 131,444
Property and Court Specialist	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662	\$ 87,678
Property and Court Specialist	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Public Engagement Manager	\$ 130,350	Open Range			\$ 175,695
Public Engagement Manager	\$ 126,553	Open Range			\$ 170,578
Public Works Director	\$ 169,611	Open Range			\$ 234,259
Public Works Director	\$ 164,671	Open Range			\$ 227,436
Public Works Superintendent	\$ 128,081	Open Range			\$ 175,695
Public Works Superintendent	\$ 124,351	Open Range			\$ 170,578
Public Works Supervisor - Facilities	\$ 106,541	\$ 111,649	\$ 116,969	\$ 122,558	\$ 128,421
Public Works Supervisor - Facilities	\$ 103,438	\$ 108,397	\$ 113,562	\$ 118,988	\$ 124,681
Public Works Supervisor - Fleet	\$ 108,236	\$ 113,425	\$ 118,829	\$ 124,506	\$ 130,463
Public Works Supervisor - Fleet	\$ 105,083	\$ 110,121	\$ 115,368	\$ 120,880	\$ 126,663
Public Works Supervisor - Park	\$ 100,707	\$ 105,534	\$ 110,563	\$ 115,845	\$ 121,388
Public Works Supervisor - Park	\$ 97,773	\$ 102,460	\$ 107,343	\$ 112,471	\$ 117,853
Public Works Supervisor - Streets	\$ 100,707	\$ 105,534	\$ 110,563	\$ 115,845	\$ 121,388
Public Works Supervisor - Streets	\$ 97,773	\$ 102,460	\$ 107,343	\$ 112,471	\$ 117,853
Recreation Coordinator	\$ 74,828	\$ 78,324	\$ 82,000	\$ 85,853	\$ 89,891
Recreation Coordinator	\$ 72,648	\$ 76,043	\$ 79,611	\$ 83,352	\$ 87,273
Recreation Supervisor	\$ 92,119	\$ 96,464	\$ 101,103	\$ 105,920	\$ 110,985
Revenue and Claims Manager	\$ 105,192	\$ 110,250	\$ 115,505	\$ 121,028	\$ 126,807
Revenue and Claims Manager	\$ 102,128	\$ 107,039	\$ 112,141	\$ 117,503	\$ 123,113

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

City of Menlo Park
PROPOSED Salary Schedule - Effective 07/03/2022

Classification Title	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Senior Accountant	\$ 110,509	\$ 115,734	\$ 121,193	\$ 127,022	\$ 133,075
Senior Accountant	\$ 107,290	\$ 112,363	\$ 117,663	\$ 123,322	\$ 129,199
Senior Accounting Assistant	\$ 74,991	\$ 78,495	\$ 82,127	\$ 85,965	\$ 89,999
Senior Accounting Assistant	\$ 72,807	\$ 76,209	\$ 79,735	\$ 83,462	\$ 87,378
Senior Building Inspector	\$ 114,394	\$ 119,866	\$ 125,604	\$ 131,591	\$ 137,949
Senior Building Inspector	\$ 111,062	\$ 116,375	\$ 121,946	\$ 127,759	\$ 133,931
Senior Civil Engineer	\$ 130,770	\$ 137,087	\$ 143,729	\$ 150,693	\$ 158,036
Senior Civil Engineer	\$ 126,961	\$ 133,094	\$ 139,543	\$ 146,304	\$ 153,433
Senior Communications Dispatcher	\$ 97,500	\$ 102,189	\$ 107,059	\$ 112,178	\$ 117,533
Senior Communications Dispatcher	\$ 94,660	\$ 99,212	\$ 103,941	\$ 108,911	\$ 114,110
Senior Construction Inspector	\$ 105,769	\$ 110,856	\$ 116,139	\$ 121,707	\$ 127,793
Senior Construction Inspector	\$ 102,688	\$ 107,627	\$ 112,757	\$ 118,162	\$ 124,071
Senior Engineering Technician	\$ 96,413	\$ 100,962	\$ 105,817	\$ 110,859	\$ 116,160
Senior Engineering Technician	\$ 93,605	\$ 98,021	\$ 102,735	\$ 107,630	\$ 112,777
Senior Equipment Mechanic	\$ 87,868	\$ 92,155	\$ 96,489	\$ 100,958	\$ 105,749
Senior Equipment Mechanic	\$ 85,309	\$ 89,471	\$ 93,679	\$ 98,018	\$ 102,669
Senior Facilities Maintenance Technician	\$ 79,862	\$ 83,662	\$ 87,678	\$ 91,822	\$ 96,153
Senior Facilities Maintenance Technician	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Senior GIS Analyst	\$ 118,340	\$ 123,962	\$ 129,850	\$ 136,083	\$ 142,657
Senior GIS Analyst	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Senior Human Resources Technician	\$ 87,414	\$ 91,550	\$ 95,637	\$ 100,303	\$ 105,021
Senior Human Resources Technician	\$ 84,868	\$ 88,883	\$ 92,852	\$ 97,382	\$ 101,962
Senior Librarian	\$ 94,114	\$ 98,820	\$ 103,761	\$ 108,949	\$ 114,396
Senior Library Assistant	\$ 76,467	\$ 80,198	\$ 83,969	\$ 87,858	\$ 91,935
Senior Library Assistant	\$ 74,239	\$ 77,862	\$ 81,524	\$ 85,299	\$ 89,257
Senior Maintenance Worker	\$ 79,862	\$ 83,662	\$ 87,678	\$ 91,822	\$ 96,153
Senior Maintenance Worker	\$ 77,536	\$ 81,225	\$ 85,124	\$ 89,148	\$ 93,353
Senior Management Analyst	\$ 118,340	\$ 123,962	\$ 129,850	\$ 136,083	\$ 142,657
Senior Management Analyst	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Senior Office Assistant	\$ 62,403	\$ 65,360	\$ 68,379	\$ 71,573	\$ 74,885
Senior Office Assistant	\$ 60,585	\$ 63,457	\$ 66,387	\$ 69,488	\$ 72,704
Senior Planner	\$ 115,473	\$ 120,998	\$ 126,789	\$ 132,833	\$ 139,250
Senior Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Police Records Specialist	\$ 72,907	\$ 76,336	\$ 79,871	\$ 83,662	\$ 87,678
Senior Police Records Specialist	\$ 70,784	\$ 74,112	\$ 77,545	\$ 81,225	\$ 85,124
Senior Program Assistant	\$ 69,066	\$ 72,294	\$ 75,687	\$ 79,242	\$ 82,971
Senior Program Assistant	\$ 67,054	\$ 70,188	\$ 73,482	\$ 76,934	\$ 80,554
Senior Project Manager	\$ 123,426	\$ 129,334	\$ 135,500	\$ 142,046	\$ 148,927
Senior Project Manager	\$ 119,831	\$ 125,567	\$ 131,553	\$ 137,909	\$ 144,589
Senior Sustainability Specialist	\$ 86,614	\$ 90,757	\$ 95,101	\$ 99,635	\$ 104,448
Senior Sustainability Specialist	\$ 84,091	\$ 88,114	\$ 92,331	\$ 96,733	\$ 101,406
Senior Transportation Engineer	\$ 130,770	\$ 137,087	\$ 143,729	\$ 150,693	\$ 158,036
Senior Transportation Engineer	\$ 126,961	\$ 133,094	\$ 139,543	\$ 146,304	\$ 153,433
Senior Transportation Planner	\$ 115,473	\$ 120,998	\$ 126,789	\$ 132,833	\$ 139,250
Senior Transportation Planner	\$ 112,109	\$ 117,474	\$ 123,096	\$ 128,964	\$ 135,194
Senior Water System Operator	\$ 81,945	\$ 85,738	\$ 89,745	\$ 93,956	\$ 98,369
Senior Water System Operator	\$ 79,558	\$ 83,241	\$ 87,131	\$ 91,219	\$ 95,504
Sustainability Manager	\$ 125,490		Open Range		\$ 163,981
Sustainability Manager	\$ 121,835		Open Range		\$ 159,205
Sustainability Specialist	\$ 74,587	\$ 78,073	\$ 81,736	\$ 85,576	\$ 89,602
Sustainability Specialist	\$ 72,414	\$ 75,799	\$ 79,356	\$ 83,084	\$ 86,992
Systems Administrator	\$ 118,340	\$ 123,962	\$ 129,850	\$ 136,083	\$ 142,657
Systems Administrator	\$ 114,894	\$ 120,351	\$ 126,068	\$ 132,119	\$ 138,502
Transportation Demand Management Coord.	\$ 98,314	\$ 102,997	\$ 107,919	\$ 113,082	\$ 118,494
Transportation Demand Management Coord.	\$ 95,450	\$ 99,997	\$ 104,775	\$ 109,788	\$ 115,043
Transportation Director	\$ 169,611		Open Range		\$ 234,259
Transportation Director	\$ 164,671		Open Range		\$ 227,436
Transportation Manager	\$ 130,350		Open Range		\$ 175,695
Transportation Manager	\$ 126,553		Open Range		\$ 170,578
Water Quality Specialist	\$ 83,084	\$ 86,992	\$ 91,083	\$ 95,450	\$ 99,997
Water Quality Specialist	\$ 83,084	\$ 86,992	\$ 91,083	\$ 95,450	\$ 99,997
Water System Operator I	\$ 68,090	\$ 71,141	\$ 74,296	\$ 77,967	\$ 81,596
Water System Operator I	\$ 66,107	\$ 69,069	\$ 72,132	\$ 75,696	\$ 79,219
Water System Operator II	\$ 74,495	\$ 77,944	\$ 81,586	\$ 85,414	\$ 89,427
Water System Operator II	\$ 72,325	\$ 75,673	\$ 79,210	\$ 82,926	\$ 86,822

RESOLUTION NO. XXXX**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 helps 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, offer a 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 establishment of a rate assistance program for solid waste rates at a 20 percent discount; and

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

WHEREAS, on December 8, 2020, the City Council adopted Resolution No. 6605, which established the rate assistance program, appropriated \$164,000 from the general fund and provided a timeframe for the program of January 1, 2021 through June 30, 2021, and

WHEREAS, on January 1, 2021, Recology's 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; and

WHEREAS, on May 11, 2021, the City Council adopted Resolution No. 6625, which approved Menlo Park Municipal Water rate increases for the next five years between July 1, 2021 and June 30, 2026; and

WHEREAS, on July 1, 2021, new Menlo Park Municipal Water rates went into effect; and

WHEREAS, on June 22, 2021, the City Council adopted Resolution No. 6638, which extended the solid waste and water rate assistance program to June 30, 2022; and

WHEREAS, on January 1, 2022, Recology's new solid waste rates went into effect; and

WHEREAS, on July 1, 2022, new Menlo Park Municipal Water rates are scheduled to be in effect; and

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, 2022 and end on June 30, 2023;
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 as the address 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-eighth day of June 2022, 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 __ day of June 2022.

Judi A. Herren, City Clerk

RESOLUTION NO. XXXX**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DESIGNATING AMERICAN RESCUE PLAN ACT FINAL RULE**

WHEREAS, the City of Menlo Park, acting by and through its City Council, adopted the fiscal year 2021-22 operating and capital budgets on June 28, 2021 through resolution 6633 which established Fund 397 – American Rescue Plan Act (ARPA) to track the revenue received and the projected allowable expenditures; and

WHEREAS, the fiscal year 2021-22 budget projected \$4,150,000 in ARPA revenue and \$2,910,000 for qualified expenditures;

WHEREAS, the City of Menlo Park, acting by and through its City Council, having adopted budget amendments at its public meeting on December 14, 2021 meeting through staff report 21-250-CC to adjust qualified expenditures to \$847,740; and

WHEREAS, in fiscal year 2021-22, the city received the first \$4,150,000 payment of funding and the city is scheduled to receive the second and final \$4,150,000 payment of funding in fiscal year 2022-23; and

WHEREAS, on January 6, 2022 the U.S. Department of the Treasury issued the Final Rule containing the major provisions for use and reporting of Coronavirus State and Local Fiscal Recovery Funds for recipients to select a standard allowance for revenue loss up to \$10 million, not to exceed the recipients award amount, enabling streamlined reporting requirements.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby select the standard allowance and designate the \$8,300,000 of American Rescue Plan Act funding under the Act's Final Rule as Replacement for Lost Public Sector Revenue consistent with the eligible categories revenue replacement contained in the provisions of the Coronavirus State and Local Fiscal Recovery Funds.

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-eighth day of June, 2022, 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 __ day of June, 2022.

Judi A. Herren, City Clerk

2022-23 AWARD AUTHORITY AND BID REQUIREMENTS

City Council Policy No. CC-21-024

Adopted December 14, 2021

Resolution No. 6695



Purpose			
Pursuant to City Council adopted policy CC-21-024, this memo establishes the award authority and bid requirements for the 2022-23 fiscal year.			
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 \$86,000/year (up to 3 years)	City Manager	Informal bid
	\$86,001 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 \$86,000	City Manager	
	\$86,001 to \$200,000	City Council	Informal bid
	Greater than \$200,000		Formal bid
Claims settlement	Up to \$86,000	City Manager	N/A
	\$86,001 or greater	City Council	

City of Menlo Park

5 Year Financial Forecast: June 28, 2022 Council Meeting
Fiscal Year 2022-23 through 2026-27



Attachment O: City of Menlo Park ---

General Fund 5 Year Forecast (FY 2022-23 thru 2027): Assumptions

The objectives of the forecast are to demonstrate reserve levels after covering operating and capital project transfers. The forecast is developed as closely as possible to a cash flow projection rather than a full accrual estimate, thus excluding receivables, payables, depreciation, amortization, and certain unrealized gains & losses. The details in this tool are used by management in forecasting receipts (revenues), disbursements (expenses) and cash reserves. The City maintains its' accounting system in accordance with Generally Accepted Accounting Principles (GAAP) adopted by the Governmental Accounting Standards Board (GASB). The forecast period (2022-23 thru 2027) uses the proposed budget year 2022-23 as its' base.

	Years	2023	2024	2025	2026	2027
<u>Revenues:</u>						
Property Taxes	6.0%	HDL 5 Year secured, unsecured, VLF in lieu property tax				
Sales Taxes	4.0%	MuniServices 5 Year projection				
TOT	5.0%	HDL reviews forecast, includes Citizen M				
Utility User Tax	1.0%	Maintained at FY 2022-23 budget level. This represents 1% UUT				
Excess ERAF	-10.0%	Annual reduction from FY 2022-23 budget level				
Licenses & Permits	4.0%	Based on pre-pandemic levels				
Fines, Rental, Govt, Other	3.0%	FY 2024 increases by \$1 million heading back to pre-pandemic levels				
Charges for Services	2.0%					
Interest Income	2.0%	Portfolio estimated return based on reserve levels				
Transfers	\$13,771,261	Use of ARPA over 2023 & 2024, ISF recovery 2024, Landscape, tree, park, solid waste support				
<u>Expenditures:</u>						
Salaries and Wages	4.0%	COLA: 3.0%, Average Merits: 1%, Other, Bonus				
Temporary & OT		Budget run rate				
Benefits - Non PERS	3.0%	CPI inflation adjustment				
Benefits - PERS	3.8%	Annual estimated increase: Misc 2.8%, Safety 4.9%. Average 3.8%				
Vacancy factor	-6.5%					
Services, Repairs, etc	3.0%	CPI inflation adjustment				
Operating		Return to normal after 2023 Internal Service Fund rebalancing plus CPI				
Transfers	\$23,168,390	CIP support, landscape maintenance				
<u>Staffing:</u>						
Proposed budget	250	Number FTEs				
Average FTE	\$118,402					
<u>Scenarios FY 2024</u>						
FTE Changes	0.0%					
FTE level	250					
Benefits - Non PERS	0.0%					
Services	-15.0%					
Operating	0.0%					

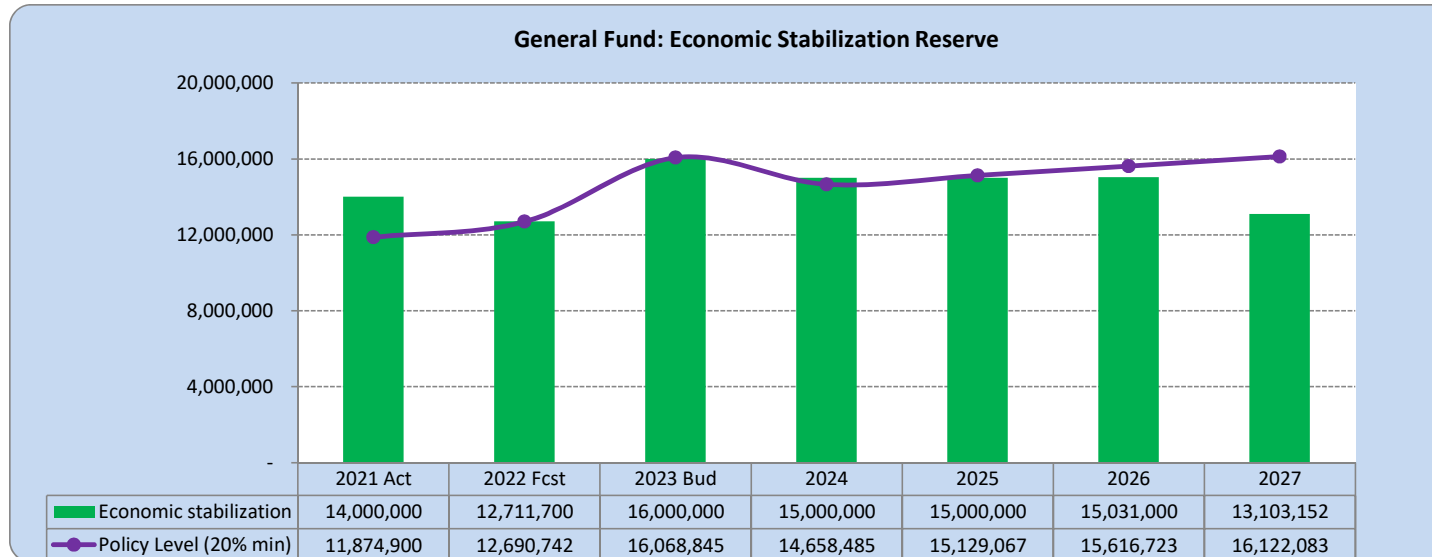
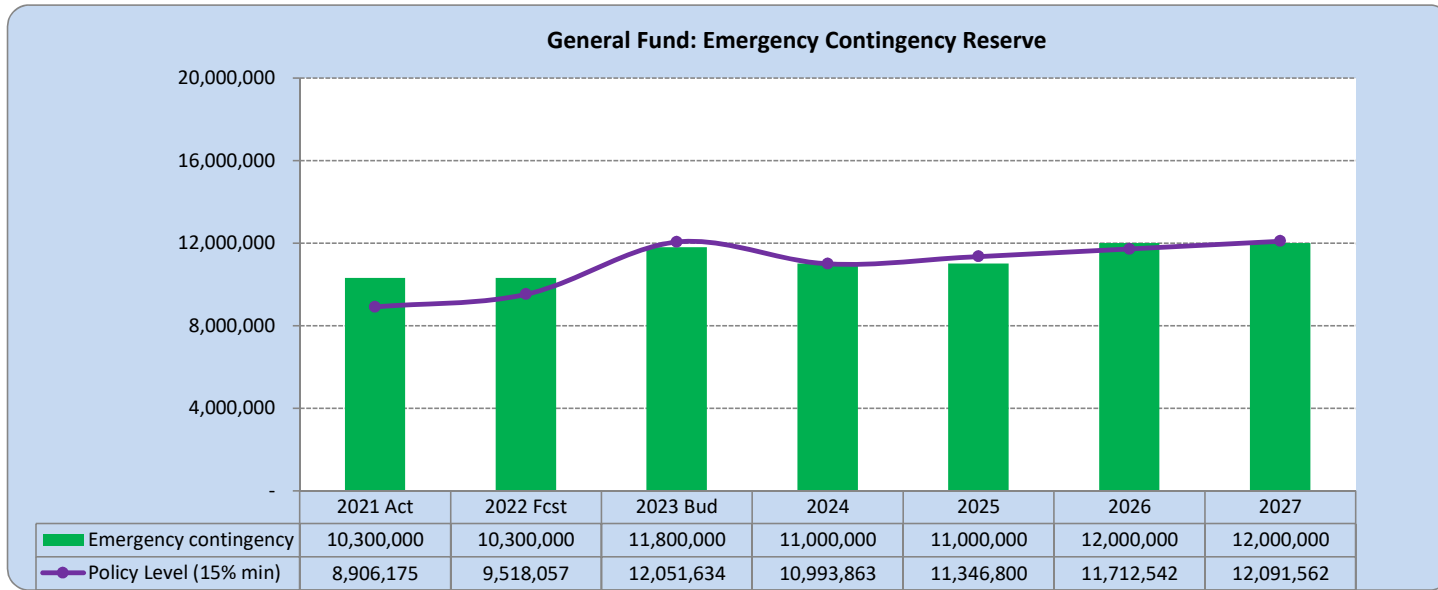
Attachment O: City of Menlo Park ---

General Fund 5 Year Forecast (FY 2022-23 thru 2027): Revenue & Expense Statement

	2021 Act	2022 Fcst	2023 Bud	2024	2025	2026	2027	
Revenue								
PT: Secured, Unsecured, VLF in lieu	\$ 26,569,172	\$ 22,623,959	\$ 25,454,437	\$ 26,981,703	\$ 28,600,605	\$ 30,316,642	\$ 32,135,640	5 Year
Excess ERAF	-	4,410,741	4,168,229	3,751,406	3,376,265	3,038,639	2,734,775	34.4%
RPTTF	-	3,232,012	3,354,684	3,354,684	3,354,684	3,354,684	3,354,684	
Supplemental	668,445	661,539	661,539	661,539	661,539	661,539	661,539	
Property taxes: Other	908,801	917,397	1,054,892	1,054,892	1,054,892	1,054,892	1,054,892	
Sales Taxes	6,659,717	6,288,300	6,621,444	6,886,302	7,161,754	7,448,224	7,746,153	
TOT	3,762,410	8,200,000	9,000,000	10,290,000	10,804,500	11,344,725	11,911,961	
Utility User Tax	1,442,006	1,712,783	1,629,299	1,629,299	1,629,299	1,629,299	1,629,299	
Licenses & Permits	4,653,741	5,732,346	5,173,500	5,380,440	5,595,658	5,819,484	6,052,263	
Fines, Rental, Govt, Other	4,781,774	3,361,352	3,289,126	4,417,799	4,550,333	4,686,843	4,827,449	
Charges for Services	5,858,751	4,968,495	5,008,550	5,108,721	5,210,895	5,315,113	5,421,416	
Interest Income	837,696	776,288	844,640	638,887	662,157	614,150	569,810	
Transfers	595,008	652,550	7,723,831	4,300,230	582,400	582,400	582,400	
Total revenue	56,737,521	63,537,762	73,984,171	74,455,903	73,244,982	75,866,634	78,682,281	
Expense								
Salaries and Wages	22,474,320	20,007,564	29,641,962	30,827,640	32,060,746	33,343,176	34,676,903	
Salaries Temporary	1,322,636	1,159,241	1,562,500	1,562,500	1,562,500	1,562,500	1,562,500	
Salaries Overtime	1,275,765	1,401,220	1,281,500	1,281,500	1,281,500	1,281,500	1,281,500	
Benefits - Non PERS	6,227,997	5,979,340	7,457,125	7,680,839	7,911,264	8,148,602	8,393,060	
Benefits - PERS	7,047,545	5,545,377	7,231,311	8,690,312	9,037,924	9,399,441	9,775,419	
Benefits - Additional UAL	-	1,400,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Vacancy factor	-	-	(2,462,670)	(3,317,781)	(3,435,506)	(3,557,789)	(3,684,810)	
Operating Expenses	5,695,653	6,743,485	10,874,410	8,282,522	8,530,998	8,786,928	9,050,535	
Services	6,374,953	6,338,647	10,835,678	9,486,636	9,771,235	10,064,372	10,366,303	
Repairs & Maintenance	942,763	890,299	1,042,796	1,074,080	1,106,302	1,139,491	1,173,676	
Utilities, Rentals	1,732,557	1,498,910	1,862,373	1,918,244	1,975,792	2,035,065	2,096,117	
Fixed Assets, Special Project	402,552	490,746	1,186,050	1,221,632	1,258,280	1,296,029	1,334,910	
Transfers	5,877,757	11,998,885	8,831,190	3,584,300	3,584,300	3,584,300	3,584,300	
Total expense	59,374,498	63,453,712	80,344,226	73,292,423	75,645,336	78,083,615	80,610,414	
Surplus/(Deficit)	\$ (2,636,976)	\$ 84,050	\$ (6,360,055)	\$ 1,163,479	\$ (2,400,354)	\$ (2,216,981)	\$ (1,928,133)	
	Audited	Forecasted						
Fund Balance	38,220,369	38,304,419	31,944,364	33,107,843	30,707,489	28,490,508	26,562,375	
Breakdown:								
Non-spendable prepaids	458,698	458,698	458,698	458,698	458,698	458,698	458,698	
Project related, encumb	4,010,180	4,010,180	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Strategic pension funding	4,650,860	3,250,860	2,250,860	1,250,860	-	-	-	2027 Actual
Emergency contingency (15-20%)	10,300,000	10,300,000	11,800,000	11,000,000	11,000,000	12,000,000	12,000,000	15%
Economic stabilization (20-25%)	14,000,000	12,711,700	16,000,000	15,000,000	15,000,000	15,031,000	13,103,152	16%
Unassigned cannot be negative	4,800,631	7,572,981	434,806	4,398,285	3,248,791	810	525	

Attachment O: City of Menlo Park ---

General Fund 5 Year Forecast (FY 2022-23 thru 2027): Emergency & Economic Reserves



Attachment P: FY 2021-22 Forecasted Fund Balances

ATTACHMENT P

Fund Name and Category	Audited	FY 2021-22 Fcst			
	6/30/2021	Rev & TI	Exp & TO	Sur/(Def)	6/30/2022
100 General	\$ 38,220,369	\$ 63,537,762	\$ 63,453,712	\$ 84,050	\$ 38,304,419
Non-spendable prepaids	458,698				458,698
Project related, encumb	4,010,180				4,010,180
Strategic pension funding	4,650,860			Actual	3,250,860
Emergency (Policy: 15-20%)	10,300,000			16%	10,300,000
Economic (Policy: 20-25%)	14,000,000			20%	12,711,700
Unassigned	4,800,631				7,572,981
Total Reserve Breakdown	38,220,369				38,304,419
One-time, Developer, In-lieu					
111 One-time	-	1,686,000	-	1,686,000	1,686,000
258 CRRSA	-	30,000	10,166	19,834	19,834
332 Bayfront Mitigation	4,464,348	2,468,139	-	2,468,139	6,932,487
353 Downtown Public Amenity	2,185,398	318,308	-	318,308	2,503,707
369 Community Amenities	-	9,405,000	-	9,405,000	9,405,000
395 Developer Funded Projects	-	-	-	-	-
397 American Rescue Plan Act	-	8,300,500	917,583	7,382,917	7,382,917
201 EIR Fees	616,356	15,400	620,301	(604,901)	11,455
202 Miscellaneous Trust	249,728	1,341	1,935	(594)	249,134
Housing Activity					
221 Housing Special Revenue	6,603,191	74,532	2,425	72,107	6,675,298
222 Below Mrkt Rt Housing Spec Rev	31,512,890	1,087,200	189,220	897,980	32,410,870
223 Federal Revenue Sharing	126,684	555	2,425	(1,870)	124,813
224 Community Devlpmt Block Grant	1,381,927	1,287	2,425	(1,138)	1,380,789
364 HUT Repair and Maintenance	12,902	520,170	-	520,170	533,072
Library & Community Service					
203 Donations - Library and CS	-	32,451	36,264	(3,813)	(3,813)
251 Big Lift (Library)	-	190,000	166,329	23,671	23,671
252 Childcare Food (Library & CS)	-	44,000	44,000	-	-
253 Belle Haven Child Devlpmt Ctr	-	1,322,575	1,260,874	61,701	61,701
254 Preschool-QRIS	-	14,256	5,320	8,936	8,936
256 Recreation In-Lieu	3,686,336	3,611,850	1,323,984	2,287,866	5,974,202
304 Menlo Park Community Campus	991,270	15,163,819	2,533,252	12,630,567	13,621,837
305 Diverse Literature LSTA	-	20,000	784	19,216	19,216
Police Enforcement					
327 Supp Law Enforcement Services	197,963	162,564	107,491	55,073	253,036
328 Downtown Parking Permits	4,753,606	58,654	176,787	(118,133)	4,635,473
Transportation, Streets, Maint					
211 Heritage Tree (Transporation related)	101,776	363,460	-	363,460	465,236
255 Senior Transportation	-	30,635	68,404	(37,769)	(37,769)
351 Transportation Impact Fees	7,296,521	2,785,218	367,479	2,417,739	9,714,260
352 Transportation	934,152	8,750	28,912	(20,162)	913,990
354 Storm Drainage Fees	95,354	1,406	-	1,406	96,760
355 Shuttle Program	(53,542)	841,028	585,198	255,830	202,287
356 County Transp Tax (Measure A)	621,059	1,087,761	672,149	415,612	1,036,671
357 Highway Users (Gas Tax)	2,399,984	945,007	283,254	661,753	3,061,736
358 Landscape/Tree Assessment	370,703	1,224,300	701,953	522,346	893,050
359 Sidewalk Assessment	51,584	365,544	55,400	310,144	361,728
360 Measure M	93,991	146,000	104,467	41,533	135,524
361 Storm Water Management	360,651	325,582	328,097	(2,515)	358,136
362 Construction Impact Fee	5,136,012	1,605,845	1,514,048	91,797	5,227,809
363 Measure W	665,494	424,894	88,920	335,974	1,001,468
365 Landfill Post-Closure	7,763,194	845,161	559,268	285,893	8,049,088
366 Vintage Oaks Landscape	(478)	-	(478)	478	-
367 Sharon Hills Park	60	-	-	-	60
375 CA Coastal Consv Priority Grant	-	-	8,249	(8,249)	(8,249)
376 Caltrans	-	-	-	-	-
368 Bayfront Park Maintenance	874,038	4,798	170,519	(165,721)	708,317
370 Haven Avenue Streetscape Grant	-	600,000	-	600,000	600,000
377 California State Parks Dept	-	-	-	-	-
396 CA Arrearage Program Water Res	-	212,534	160,155	52,380	62,380

Attachment P: FY 2021-22 Forecasted Fund Balances

Fund Name and Category	Audited	FY 2021-22 Fcst			
	6/30/2021	Rev & TI	Exp & TO	Sur/(Def)	6/30/2022
Transportation. Streets, Maint					
501 General Capital Improvement	26,046,878	7,279,019	6,114,798	1,164,221	27,211,099
521 SMC Transportation Authority	(4,991)	-	-	-	(4,991)
525 CA Coastal Consv Priority Grt	-	-	(1,353)	1,353	1,353
Debt Service					
400 Library GO Bond 1990	360,244	2,341	-	2,341	362,585
401 Recreation GO Bond	3,806,813	1,438,832	1,798,056	(359,223)	3,447,590
500 Measure T 2002 GO Bond	325,216	16,665	339,833	(323,168)	2,048
510 Library Addition	121,659	787	-	787	122,446
Water Activity					
600 Water Capital	16,692,291	2,128,273	1,548,627	579,647	17,271,938
601 Water Operations	26,784,868	13,986,488	8,210,224	5,776,264	32,561,132
610 Solid Waste Service	2,834,009	411,070	452,812	(41,742)	2,792,267
Internal Services					
701 Workers' Compensation	601,564	1,530,816	914,725	616,091	1,217,655
702 General Liability	(550,147)	996,581	1,509,226	(512,645)	(1,062,792)
703 Other Post Employment Benefits	1,298,790	383,638	747,447	(363,809)	934,980
704 IT Internal Service	1,902,352	3,696,932	3,030,503	666,429	2,568,781
705 Vehicle Replacement	3,563,984	1,060,129	1,910,319	(850,190)	2,713,793

Fund Name and Category	FY 2021-22 Fcst	FY 2022-23 Budget					6/30/2023
	6/30/2022	Rev & TI	Exp & TO	CIP Rev	CIP Exp	Sur/(Def)	
100 General	\$ 38,304,419	\$ 73,984,171	\$ 80,344,226	\$ -	\$ -	\$ (6,360,055)	\$ 31,944,364
Non-spendable prepaids	458,698						458,698
Project related, encumb	4,010,180						1,000,000
Strategic pension funding	3,250,860					Actual %	2,250,860
Emergency (Policy: 15-20%)	10,300,000					15%	11,800,000
Economic (Policy: 20-25%)	12,711,700					20%	16,000,000
Unassigned	7,572,981						434,806
Total Reserve Breakdown	38,304,419						31,944,364
One-time, Developer, In-lieu							
111 One-time	1,686,000	1,350,000	-	-	-	1,350,000	3,036,000
258 CRRSA	19,834	-	-	-	-	-	19,834
332 Bayfront Mitigation	6,932,487	2,561,226	-	-	-	2,561,226	9,493,713
353 Downtown Public Amenity	2,503,707	10,000	-	-	300,000	(290,000)	2,213,707
369 Community Amenities	9,405,000	20,900,000	-	-	-	20,900,000	30,305,000
395 Developer Funded Projects	-	2,250,000	2,250,000	-	-	-	-
397 American Rescue Plan Act	7,382,917	-	3,717,830	-	-	(3,717,830)	3,665,087
201 EIR Fees	11,455	-	-	-	-	-	11,455
202 Miscellaneous Trust	249,134	-	145,000	-	-	(145,000)	104,134
Housing Activity							
221 Housing Special Revenue	6,675,298	1,000	24,000	-	-	(23,000)	6,652,298
222 Below Mrkt Rt Housing Spec Rev	32,410,870	6,800,000	583,432	-	-	6,216,568	38,627,439
223 Federal Revenue Sharing	124,813	500	4,000	-	-	(3,500)	121,313
224 Community Devlpmt Block Grant	1,380,789	1,500	4,000	-	-	(2,500)	1,378,289
364 HUT Repair and Maintenance	533,072	793,824	-	-	950,000	(156,176)	376,896
Library & Community Service							
203 Donations - Library and CS	(3,813)	145,000	-	-	-	145,000	141,187
251 Big Lift (Library)	23,671	295,000	260,109	-	-	34,891	58,563
252 Childcare Food (Libray & CS)	-	85,000	85,000	-	-	-	-
253 Belle Haven Child Devlpmt Ctr	61,701	2,003,000	1,432,295	-	-	570,705	632,407
254 Preschool-QRIS	8,936	12,000	-	-	-	12,000	20,936
256 Recreation In-Lieu	5,974,202	88,200	3,000,000	-	2,682,709	(5,594,509)	379,693
304 Menlo Park Community Campus	13,621,837	3,000,000	79,163	-	16,440,716	(13,519,879)	101,958
305 Diverse Literature LSTA	19,216	20,000	20,000	-	-	-	19,216
Police Enforcement							
327 Supp Law Enforcement Services	253,036	-	-	-	-	-	253,036
328 Downtown Parking Permits	4,635,473	100,000	195,600	-	2,400,000	(2,495,600)	2,139,873
Transportation. Streets, Maint							
211 Heritage Tree (Transporation related)	465,236	10,000	-	-	135,000	(125,000)	340,236
255 Senior Transportation	(37,769)	43,700	-	-	-	43,700	5,931
351 Transportation Impact Fees	9,714,260	983,000	-	5,000,000	10,934,567	(4,951,567)	4,762,693
352 Transportation	913,990	-	-	-	909,692	(909,692)	4,298
354 Storm Drainage Fees	96,760	1,800	97,000	-	-	(95,200)	1,560
355 Shuttle Program	202,287	1,293,151	1,192,227	-	-	100,924	303,211
356 County Transp Tax (Measure A)	1,036,671	1,000,000	1,473,999	-	404,940	(878,939)	157,732
357 Highway Users (Gas Tax)	3,061,736	1,021,080	19,613	-	4,050,940	(3,049,473)	12,263
358 Landscape/Tree Assessment	893,050	1,287,457	1,503,667	-	-	(216,210)	676,839
359 Sidewalk Assessment	361,728	305,838	27,050	-	302,512	(23,724)	338,004
360 Measure M	135,524	140,000	140,000	-	-	-	135,524
361 Storm Water Management	358,136	375,862	458,137	-	-	(82,275)	275,860
362 Construction Impact Fee	5,227,809	865,000	85,775	-	3,787,020	(3,007,795)	2,220,014
363 Measure W	1,001,468	425,000	-	-	750,000	(325,000)	676,468
365 Landfill Post-Closure	8,049,088	932,083	521,775	-	3,801,155	(3,390,847)	4,658,241
366 Vintage Oaks Landscape	-	-	-	-	-	-	-
367 Sharon Hills Park	60	-	-	-	-	-	60
375 CA Coastal Conserv Priority Grant	(8,249)	-	-	500,000	-	500,000	491,751
376 Caltrans	-	-	-	426,000	-	426,000	426,000
368 Bayfront Park Maintenance	708,317	3,000	258,916	-	-	(255,916)	452,400
370 Haven Avenue Streetscape Grant	600,000	-	-	-	600,000	(600,000)	-
377 California State Parks Dept	-	-	-	798,950	-	798,950	798,950
396 CA Arrearage Program Water Res	52,380	-	-	-	-	-	52,380

Attachment Q: FY 2022-23 Budgeted Fund Balances

Fund Name and Category	FY 2021-22 Fcst	FY 2022-23 Budget					6/30/2023
	6/30/2022	Rev & TI	Exp & TO	CIP Rev	CIP Exp	Sur/(Def)	
Transportation. Streets, Maint							
501 General Capital Improvement	27,211,099	6,450,500	429,476	5,015,300	37,469,788	(26,433,464)	777,634
521 SMC Transportation Authority	(4,991)	-	-	170,000	-	170,000	165,009
525 CA Coastal Consv Priority Grt	1,353	-	-	-	-	-	1,353
Debt Service							
400 Library GO Bond 1990	362,585	12,545	-	-	-	12,545	375,130
401 Recreation GO Bond	3,447,590	2,375,456	2,350,456	-	-	25,000	3,472,590
500 Measure T 2002 GO Bond	2,048	1,500	-	-	-	1,500	3,548
510 Library Addition	122,446	750	-	-	-	750	123,196
Water Activity							
600 Water Capital	17,271,938	1,919,425	196,894	500,000	17,287,319	(15,064,788)	2,207,149
601 Water Operations	32,561,132	13,914,073	10,933,719	-	-	2,980,354	35,541,486
610 Solid Waste Service	2,792,267	674,038	276,505	-	-	397,533	3,189,800
Internal Services							
701 Workers' Compensation	1,217,655	923,217	1,819,722	-	-	(896,505)	321,150
702 General Liability	(1,062,792)	2,582,824	1,286,150	-	-	1,296,674	233,882
703 Other Post Employment Benefits	934,980	-	934,980	-	-	(934,980)	0
704 IT Internal Service	2,568,781	3,625,584	5,751,762	-	-	(2,126,178)	442,603
705 Vehicle Replacement	2,713,793	1,396,380	1,570,000	-	-	(173,620)	2,540,173



FISCAL YEAR 2022-23 BUDGET ADOPTION

June 28, 2022

THE CITY OF MENLO PARK
CIVIL SERVICE



AGENDA

- General fund 5-Year forecast changes
- Enabling resolutions and actions
- Final City Council direction and adoption





GENERAL FUND 5-YEAR FORECAST CHANGES



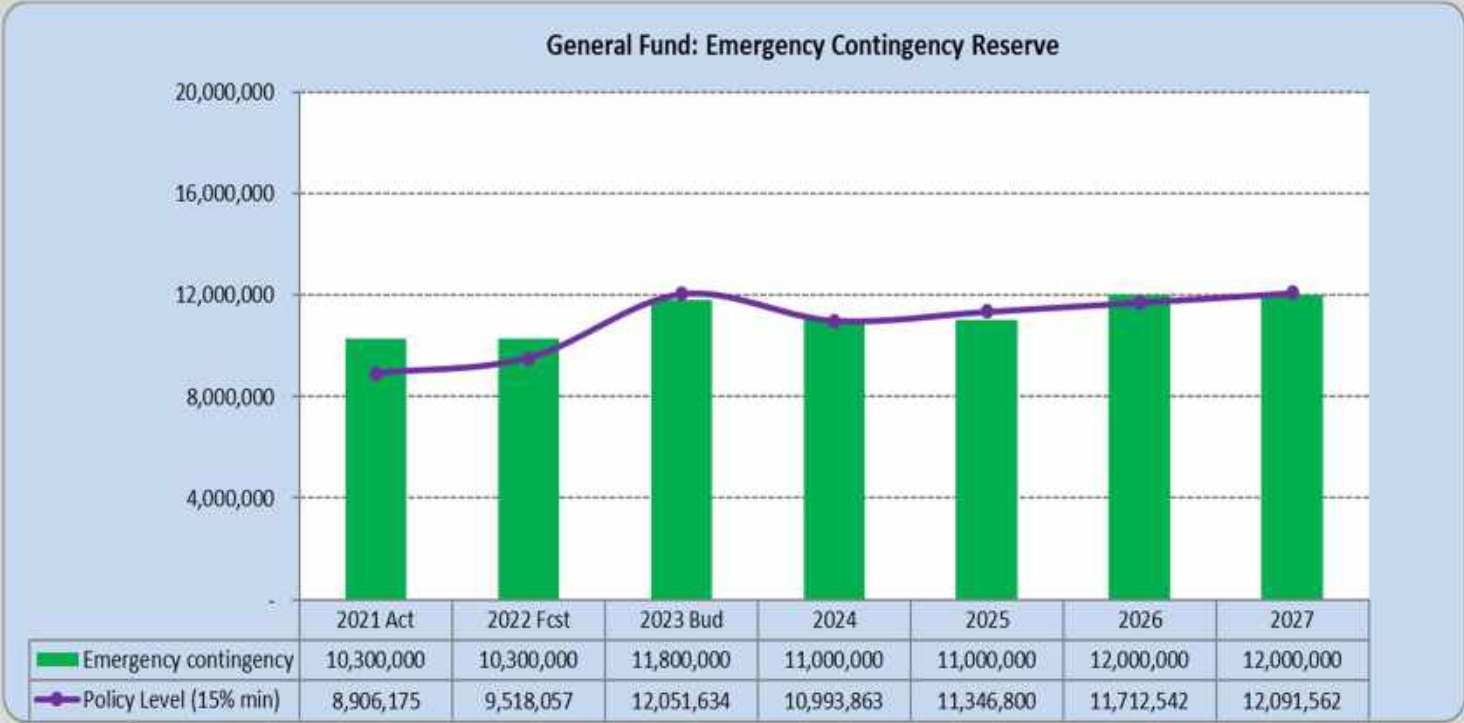
- Revenue assumptions
 - Reclassified current year developer payments to Fund 332 Bayfront Mitigation
 - TOT annual growth rate to 5% after FY 2022-23
 - Excess ERAF is reduced 10% annually, approximately 34.4%

- Expense assumptions
 - Vacancy factor increased to 6.5% for higher current level and anticipated attrition in future years
 - Service expense category was reduced by 15% to reflect non-recurring

- Reserve impacts
 - Total decreased from \$31.9 million to \$26.5 million
 - Emergency contingency reserve is maintained
 - Economic stabilization approximately \$3.6 million below target in last 2 years
 - Unassigned reserve cannot be negative

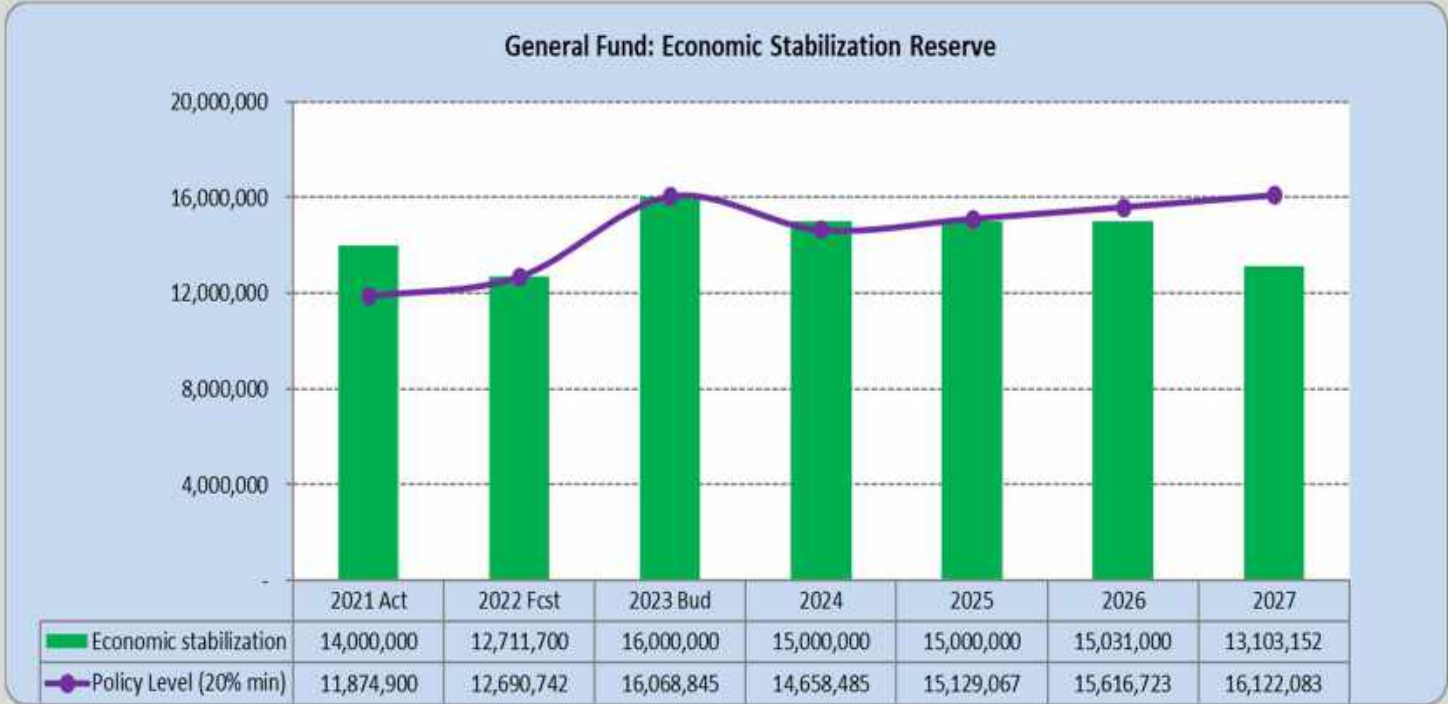


GENERAL FUND 5-YEAR FORECAST CHANGES





GENERAL FUND 5-YEAR FORECAST CHANGES





ENABLING RESOLUTIONS





RESOLUTION FOR FY 2022-23 BUDGET

- Adopts the fiscal year 2022-23 budget and capital improvement plan authorizing appropriations
- Authorizes changes directed during adoption and clerical clean-up
- Authorizes payments up to budgeted amounts for:
 - Debt service on currently-issued debt
 - Utilities
 - Employee benefits
 - Inter-governmental agreements
 - City Attorney fees
 - IT ISF hardware and software subscription services



RESOLUTION FOR APPROPRIATIONS LIMIT

- Establishes the appropriations limit at \$75.5 million
- Meets California Government Code requirements
- Appropriations limit calculations
 - Prior year limit, \$71.2 million, plus population and inflation adjustment
 - Proceeds of taxes subject to limit total \$55.1 million
 - Results in appropriations \$20.4 million below limit
- Amounts may be adjusted depending on direction received during adoption



RESOLUTION FOR UUT REDUCTION

- Establishes a consecutive utility users' tax temporary reduction
- 12-month maximum reduction length
- Rate set to 1 percent for all categories, lowered from 2.5-3.5 percent in Menlo Park Municipal Code
- Previous temporary reduction expires on September 31, 2022 if not adopted



RESOLUTION FOR SALARY SCHEDULE

- Sets the schedule for pay for all regular classifications
- Resolution No. – effective date July 3, 2022
 - Implements previously agreed-upon COLA deferred due to effects of pandemic
 - Effective date based on agreements between City and SEIU, AFSCME, and unrepresented confidential employees
- Updated attachment to reflect PSA change



RESOLUTION FOR RATE ASSISTANCE PROGRAM



- Resolution No. extend rate assistance program
 - Continue program to June 30, 2023
 - Re-certify eligibility according to PG&E CARE program



RESOLUTION FOR ARPA

- Designating American Rescue Plan Act (ARPA) Final Rule
 - Confirming Fund 397 as controlling fund for administration
 - Confirming current expenditures of \$847,740 for fiscal year 2021-22
 - Designating a standard allowance of \$10 million in revenue loss, not to exceed award of \$8.3 million



NEXT STEPS

- Further direction to staff on fiscal year 2022-23 budget
 - Service level enhancements
 - ERAF reduction of 10% per year beginning FY 2023-24
 - ARPA utilization in General Fund for revenue replacement
 - Utility User's Tax necessity for financial health of the City (2 years, 2/3 vote)
 - Utility User's Tax rate of 1% percent (1 year, majority)
 - Emergency and economic reserves policy level (are maintained in fiscal year 2022-23, but may fall below policy level in the last two years of the five-year forecast)
- Adoption of enabling resolutions and award level before July 1
- Publication of fiscal year 2022-23 budget document in August
- January 2023 goal-setting session
 - City Council priorities and work plan
- February 2023 mid-year budget amendments



RESOLUTIONS AND AWARD LEVEL



- Adopt resolutions, establish award levels & bid rules:
 - Resolution adopting the fiscal year 2022-23 budget and capital plan
 - Resolution to establish the appropriations limit
 - Resolution to establish 1% UUT rates through June 2023
 - Resolution amending the salary schedule effective July 3, 2022
 - Resolution extending rate assistance program through June 2023
 - Resolution to establish direction for administration of ARPA
 - Accept award memo for award level and bid rules



THANK YOU



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-124-CC

Regular Business:

Direction on the Burgess Pool aquatics operator agreement negotiation

Recommendation

Staff recommends that the City Council:

1. Review this update about ongoing negotiations to amend the professional services agreement between the City and Team Sheeper, Inc. (Provider);
2. Provide direction to staff regarding agreement terms proposed by Provider; and
3. Authorize the city manager and city attorney to complete the negotiations per City Council direction.

Policy Issues

City Council provides policy direction to the city manager regarding services to the community; authorizes the city manager to negotiate and execute professional services agreements with service providers; and sets prioritization for the use of City resources to serve the community.

Background

On March 27, 2018, City Council authorized the city manager to execute an Agreement with Provider for aquatics programming at Burgess Pool and Belle Haven Pool (Attachment A.) The Agreement has been amended twice as necessitated by construction of the Menlo Park Community Campus (MPCC) project and health regulations resulting from the COVID-19 pandemic. In 2021, at City Council's direction, the Belle Haven Pool was removed from the Agreement due to that pool being closed to make way for a new outdoor aquatics center that is now under construction as part of the MPCC project.

The term of the current Agreement ends August 31, 2022; however, Section 3 of the agreement automatically extends the Agreement for 12 months through August 31, 2023, absent any action by either party. Either party may provide written notification at least 180 days in advance of intent to either: a) terminate the Agreement; or, b) evaluate the terms and conditions of the Agreement.

On February 8, 2022, the City Council authorized the city manager and city attorney to negotiate an amendment to the professional services agreement with Provider, to extend the term of the agreement through August 31, 2023 or the opening of the MPCC aquatics center, whichever comes first. The City Council further directed staff to prepare a request for proposals (RFP), including outreach and in-house management options, to be issued in Fall 2022 for operation of the Burgess Pool and future MPCC aquatics center, and to which Provider will be invited and encouraged to respond (Attachment B.)

On February 25, 2022, Provider gave the City notice that Provider was invoking its right under Section 3 of the March 27, 2018, Agreement to not automatically renew the Agreement and requesting an evaluation of the terms and conditions of the Agreement. On March 2, 2022, the City gave Provider notice that the City was invoking its right under Section 3 of the Agreement to not automatically renew the Agreement and

requesting an evaluation of the terms and conditions of the Agreement, expressing gratitude for services provided and interest in continuing the dialogue with Provider regarding Provider's services going forward. The City and Provider then coordinated over the subsequent weeks to focus on various operational considerations including janitorial services, facility maintenance, and mechanical equipment replacements and repairs. On May 10, 2022, Provider provided the City written notice that they intend to terminate the Agreement August 31, 2022 unless a new agreement is reached that includes revised terms.

Staff and Provider then commenced negotiations regarding the terms of the Agreement. City staff sent Provider proposed revised terms May 2, 2022. Provider then responded with further revised terms May 26, 2022. City staff and Provider met on three occasions to discuss each party's terms.

Analysis

Below are some of the substantive terms proposed by Provider as of May 26, 2022.

- A. Exclude Burgess Pool from upcoming RFP. The most notable of Provider's new proposed terms is that the upcoming RFP for an aquatics operator only focus on the new MPCC pool, and not include Burgess Pool. Provider has described this desired term as a "dealbreaker," meaning that if the RFP includes Burgess Pool then Provider would allow the current agreement to expire and would cease operations at Burgess Pool effective August 31, 2022.
- B. Duration of agreement. Provider requests a minimum five-year agreement at Burgess Pool, which Provider states is necessary for stability of their business and workforce.
- C. Compensation for delays in facility maintenance and repairs. Provider requests compensation from the City for lost revenue resulting from extended pool closures that are caused by maintenance and repair delays on the City's part. Other cities' agreements with third-party operators sometimes have terms to similar effect.
- D. Revenue share. Provider requests that revenue share be eliminated from the agreement. Past revenue to the City from this arrangement was \$0 in 2021 and 2020, and approximately \$24,000 in 2019.
- E. Management fee. Provider requests that the City pay Provider \$10,000 per month to operate Burgess Pool, with adjustments every year for inflation. In calendar year 2021, Provider reported total income of \$2.102 million offset by total expenses of \$1.830 million. In calendar year 2019, before the pandemic with both pools operating a full year, Provider reported total income of \$3.396 million offset by total expenses of \$3.220 million.

Considerations and direction

Staff seeks direction from the City Council regarding the above proposed terms. Some key questions for City Council's consideration:

- 1. Whether to focus the upcoming RFP on MPCC pool only; or keep Burgess Pool in the RFP.
- 2. Is there interest in extending Provider's agreement at Burgess Pool beyond August 31, 2022?
- 3. Should the City elect not to renegotiate and renew Provider's agreement beyond August 31, 2022 and begin search for a new operator?
- 4. Is there interest in changing Provider's current compensation and/or revenue share?

Next steps

Per City Council's direction, staff is preparing an analysis and City Council study session about future aquatics operations tentatively August 9, followed by issuance of an RFP for the new MPCC pool in late September.

Regarding the current negotiation and proposed terms outlined above, staff recommends that the City Council:

1. Provide direction to staff regarding the agreement terms proposed by Provider; and
2. Authorize the city manager and city attorney to complete the negotiations per City Council direction.

Should City Council so direct, staff will present Provider with any additional or revised terms as proposed by the City Council.

Impact on City Resources

In the current Agreement, the City is responsible for maintenance of the Burgess Pool facility including mechanical and facility repairs, custodial and landscaping services, utilities (water, sewer, electricity, gas, telephone and internet), pool maintenance chemicals and supplies. These expenses are estimated total \$620,000 in fiscal year 2021-22.

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 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 – February 9, 2021 City Council Staff Report:
menlopark.org/DocumentCenter/View/27336/F5-20210209-CC-Burgess-pool-contract-extension
- B. Hyperlink – February 8, 2022 City Council agenda item, 11. (page 185):
beta.menlopark.org/files/sharedassets/public/agendas-and-minutes/city-council/2022-meetings/agendas/20220208-city-council-agenda-packet.pdf

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

Report reviewed by:
Justin Murphy, Interim City Manager
Nira Doherty, City Attorney



DIRECTION ON THE BURGESS POOL AQUATICS OPERATOR AGREEMENT NEGOTIATION

City Council – June 28, 2022



Update

Since the publication of the agenda packet for the June 28, 2022, City Council meeting:

- Team Sheeper, Inc. (Provider) gave the City written notification that they have withdrawn their request for a management fee.



Provider's requested terms

- A. Exclude Burgess Pool from upcoming aquatics RFP
- B. Minimum five-year agreement at Burgess Pool
- C. Compensate Provider for lost revenue resulting from extended pool closures caused by maintenance and repair delays
- D. Eliminate revenue share from the agreement.





Key considerations and direction

Should the City:

- A. Focus the RFP on MPCC pool only; or keep Burgess Pool in the RFP?
- B. Extend Provider's agreement at Burgess Pool past August 31, 2022?
- C. Elect not to renegotiate and renew Provider's agreement; and begin search for a new operator?
- D. Change the revenue share?



Next steps

Per City Council's direction, staff is preparing an analysis and City Council study session about future aquatics operations tentatively August 9, followed by issuance of an RFP for the new MPCC pool in late September.



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-125-CC

Informational Item:

City Council agenda topics: July 2022

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 26, 2022. 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: July 2022

Report prepared by:

Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type	City Council action
1	Master Fee Schedule	ASD	Public Hearing	Approve
2	Personnel activity report as of June 30, 2022	ASD	Informational	No action
3	Approve funding for 335 Pierce Road (predevelopment CLT, loan authorization docs)	CDD	Regular	Approve
4	Authorize the city manager to enter into master professional agreements with geotechnical firms for building permit review services	CDD	Consent	Approve
5	Adopt Community Amenity Implementing Regulations and Updated Amenities List	CMO	Regular	Adopt resolution
6	Adopt Resolution to continue conducting the City's Council and advisory body meetings remotely due to health and safety concerns for the public	CMO	Consent	Adopt resolution
7	EQC Quarterly Report to City Council	CMO	Advisory body reports	Receive and file
8	Receive and file 2021 priorities, work plan quarterly report as of June 30, 2022, and advisory body work plan update	CMO	Consent	Receive and file
9	Special events ordinance-second read/adopt	CMO	Consent	Adopt ordinance
10	Waive first readings and introduce ordinances amending the Parks and Recreation ordinances related to special events and film permitting	CMO	Regular	Decide
11	Tentative-Ballot measure direction from 6/28	CMO, CAO	Public Hearing	
12	MPCC project updates: Community survey, budget	LCS	Study Session	Direction to staff
13	Options for city observances based on holidays of religious origin	LCS	Informational	No action
14	706 Santa Cruz Avenue - Tentative Map Extension Request	PW	Public Hearing	Adopt resolution
15	Adopt Reso XXXX to reduce the posted speed limit in school zones consistent with the California Vehicle Code	PW	Consent	Adopt resolution
16	Approve Scope of Work for Quiet Zone Implementation Plan	PW	Regular	Approve
17	Automated water meter reading project agreement	PW	Consent	Approve
18	Confirm existing public improvement agreement with Greystar for Menlo Uptown or update to remove improvements on Willow Road	PW	Regular	Approve
19	Next steps for Willow/U.S. Highway 101 interchange landscaping	PW	Study Session	Direction to staff
20	Study session on level of service analysis	PW	Study Session	Direction to staff



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-126-CC

Informational Item:

Re-Imagining Public Safety Ad Hoc Subcommittee update

Recommendation

The purpose of this informational item is to provide an update to the public and to the City Council on the work being done in the Ad Hoc Re-Imagining Public Safety Subcommittee (Subcommittee.)

Policy Issues

In accordance with the City Council procedures manual, the city manager and the Mayor set the agenda for City Council meetings. The Subcommittee consists of Vice Mayor Wolosin and City Councilmember Taylor, who wanted to update the City Council and public.

Analysis

The Subcommittee was formed in August 2021 to facilitate communication and understanding between the police department and the community and explore contemporary policing practices that meet the interests and needs of the community for the feeling of safety and satisfaction with professional provision of public safety services in this City. The Subcommittee has met nearly 20 times to date.

Since the last update in January 2022, the City held “safe space focus groups” in each of the City’s five represented Districts. These convenings were facilitated by an academic, and were without police presence, in an effort to provide an unencumbered space for members of the public to share frank feedback about policing. A wrap-up Town Hall meeting with the police department was also held to review the depersonalized and anonymous feedback generated from the “safe space” meetings.

Attachment A provides an informational report which summarizes the progress to date from these meetings, and a picture at the future objectives of the Subcommittee and the police department.

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. Memorandum – informational report – Subcommittee update

Staff Report #: 22-126-CC

Report prepared by:
Dave Norris, Police Chief

Reviewed by:
Justin Murphy, Interim City Manager



MEMORANDUM

Date: 06/28/2022
To: City Council via Interim City Manager Murphy
From: Re-imagining Public Safety Ad Hoc Subcommittee (via Chief Norris)
Re: Informational Report - Re-imagining Public Safety Subcommittee Update

Honored City Council –

The following is an update on the Subcommittee, which has had nearly twenty interactive sessions to date. The Subcommittee has engaged with Dr. Terri Givens, a local Author and Professor, to help facilitate and provide some organization and structure to the Subcommittee’s work. Structural discrimination and bias are an ongoing challenge for the city and its institutions. Menlo Park is reckoning with ways to create a more welcoming and inclusive environment for all community members.

The *Ad Hoc* Subcommittee to Re-imagine Public Safety was formed in August 2021 to facilitate communication and understanding between the police department and the community and explore contemporary policing practices that meet the interests and needs of the community for the feeling of safety and satisfaction with professional provision of public safety services in this City. The Subcommittee has met nearly 20 times to date.

These meetings included a workshop through which we established the procedures for conducting a series of listening sessions throughout the city, without the police department present, in order to be as thorough and unfettered as possible as our city explored the relationship between the community members and the police.

- There were to be 5 sessions – one in each City Council District – followed by a 6th session which was a Town Hall reviewing the results of the sessions.
- Each of the District sessions was held without Police Department personnel present, facilitated by Dr. Terri Givens, and the information was collected and de-personalized by Dr. Givens’ staff. The meetings was not recorded in order to preserve the privacy of the community members present.
- Prior to the sessions, the City generated:
 - A statement of support by the City to introduce the sessions to the public.
 - [A video endorsement of the process by the Police Department](#)
 - [An introductory message and biography for Dr. Givens](#) which included guidelines for creating “a brave and safe space” to discuss policing in Menlo Park

The five listening sessions were held from March through May 2022:

- District 5 – March 23, 2022
- District 4 – March 30, 2022
- District 3 – April 13, 2022
- District 1 – April 27, 2022
- District 2 – May 11, 2022

The review of information was presented in a [Town Hall Meeting](#) on June 1, 2022. The meeting included a

[presentation by the Police Department](#) that reviewed the feedback generated from the listening sessions, including topics for ongoing discussion and questions for consideration, a glimpse at the information the Police Department intends to provide to answer some of these questions, and a review of next steps.

Topics generated in the listening sessions included:

- Budget and Staffing
- Neighborhood Watch / Business Watch
- Open Houses / Ride-Alongs
- RIPA and Calls for Service / Stop Data
- Police Advisory Group
- Parking Enforcement
- Emergency / Disaster Preparedness

- Mutual Aid and Interoperation between Police Departments
- MPPD in other cities / Other city PDs in MP
- Body Worn Cameras
- Police Access of Other Cameras and License Plate Readers
- Crisis Intervention / Mental Health Training for Police
- Code Enforcement

Questions generated in these sessions included:

- How can we work together to address bias concerns / build trust?
- Is it possible to see more police on foot / on bicycles?
- How do we find out more when an incident is happening?
- What information do we / should we get back when we call for the police?
- What can be done to ensure complaints/concerns are not dismissed or retaliated against?

- How do we learn more about road safety & traffic enforcement?
- Can MPPD make crime stats and other data more readable?
- What are the demographics of MPPD personnel compared to the community?
- Are officers required to follow rules of the road / parking rules?
- Why do police park with their vehicles running and locked?
- What information is available on the web or in social media from MPPD?
- Can MPPD make the compliment / complaint process easier / more accountable?

- What is MPPD doing to address Homelessness and Mental Health Crises?
- What bias awareness / mental health crisis / de-escalation training is available to MPPD?
- What is MPPD learning from other departments – locally and nationally?
- What drives and motivates MPPD police officers?
- How are calls for service prioritized?
- Why has MPPD shifted to SUVs on patrol?

The presentation was followed by a “Q&A” session which was accomplished in a panel format with the Police Department Command Staff on hand. There were additional questions remaining which will soon be answered in a similar format.

Some of the next steps include:

- Transparency presentations by the PD to review the organizational structure, budget, how we accomplish our policing goals and how we recruit, hire, train, and hold accountable our team members
- Plans to show what we currently do, and show interaction and transparency with the community through revised multimedia output, data dashboards, and engagement and education initiatives
- Revision of our compliment and complaint process to make it as easy, open, receptive, and accountable as possible
- Formation of a Community-Police Advisory Roundtable to discuss ongoing issues and concerns in policing, and ensure MPPD is moving in the right direction for our community

The Police Department and Subcommittee would like to plan a Study Session for July or August to bring this information more fully in front of City Council, and discuss the duration of the formal Subcommittee and direction for ongoing efforts in keeping the City Council and Community abreast of our constantly evolving efforts to keep all those who live, visit, work and play in Menlo park feeling safe and secure.

Respectfully submitted on behalf of the *Ad Hoc* Re-imagining Public Safety Subcommittee by:
Chief Dave Norris, Menlo Park Police Department.

Reviewed by:
Interim City Manager Justin Murphy



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-127-CC

Informational Item:

Receive and file an update on the solid waste and water rate assistance program

Recommendation

Staff recommends the City Council receive and file an update on the solid waste and water rate assistance program.

Policy Issues

City of Menlo Park's mission statement is to serve the community's current and future needs, provide special assistance to those in need, and support the City's diverse neighborhood and population. On June 22, 2021, City Council adopted Resolution No. 6638 (Attachment A) to authorize the extension of solid waste and water rate assistance program between July 1, 2021, and June 30, 2022, to provide financial relief on residents' utility bills. Because the rate assistance program is funded through the general fund and not the rate revenue collected through property-related fees and charges, the program is compliant with Article XIID of the California Constitution.

Background

On December 8, 2020, the City Council approved Resolution No. 6603 to increase solid waste rates for 2021, 2022, 2023, 2024 and 2025. The rates for 20 and 32-gallon solid waste cart customers increased \$5.50 per month over five years, or a total of \$330.

Also December 8, 2020, the City Council approved a rate assistance program to provide financial relief to Menlo Park residents. The program provides opportunities for eligible residents to receive discounts on their solid waste (Recology) and water (Menlo Park Municipal Water) bills. It uses the Pacific Gas and Electric (PG&E) California Alternative Rates for Energy (CARE) program as the sole enrollment qualification to:

- Encourage residents to apply for CARE, a program that offers a monthly minimum of 20 percent discount on gas and electricity; and
- Streamline the application process.

Qualified households receive a 20 percent discount on their solid waste rates and a 50 percent reduction on their 5/8-inch water meter service charge. The solid waste discount applies to all qualified households, whereas the water discount only applies to households living in the Menlo Park Municipal Water (MPMW) service area. MPMW is a City-owned enterprise funded by rate payers and serves approximately one-half of the City's residents.

On April 27, 2021, staff provided an informational item to update City Council on the progress of the rate assistance program. With the low enrollment and the desire to provide assistance to residents with financial needs, the City Council expressed support to extend the pilot program until June 30, 2022.

On May 11, 2021, the City Council adopted the MPMW rate schedule for the next five years. The rate schedule indicated an approximate monthly \$5.00 increase over the next five years, which is equivalent to a total increase of \$300.

On June 22, 2021, the City Council adopted Resolution No. 6638 to extend the rate assistance program to June 30, 2022. The 2022 solid waste rates range from \$33.81 to \$91.46, depending on the garbage cart size. Households with 20-gallon and 32-gallon solid waste carts experience the largest rate increase of \$5.50, or 19 percent and 15 percent respectively. The fiscal year 2023 fixed 5/8-inch meter service charge is \$28.96.

Analysis

During the pilot program between January 1, 2021 and June 30, 2021, the program enrolled:

- Twelve households who only received a discount from Recology; and
- Twenty-nine households who received discounts from Recology and MPMW.

Those enrolled in the pilot program continued to receive discounts in the following fiscal year.

During fiscal year 2021-2022, the program enrolled:

- Six new households who only received a discount from Recology; and
- Twenty-three new households who received discounts from Recology and MPMW.

Table 1 summaries the number of households in the City’s rate assistance program and the type of discount provided. As shown, a total of 70 households are currently enrolled in the program. For comparison purposes, California Water’s service-charge discount program had 86 Menlo Park households enrolled as of November 2020, 100 Menlo Park households as of April 2021, and 107 Menlo Park households as of May 9, 2022. Fifteen of those 107 Cal Water discount program participants are enrolled in the City’s rate assistance program to receive a discount from Recology.

Table 1: Rate assistance program participants				
Discount	Pilot program: January 1, 2021 to June 30, 2021	Fiscal year 2021-2022: July 1, 2021, to June 30, 2022	Total participants	
Recology only	12	6	18	
Recology and MPMW discounts	29	23	52	
Total	41	29	70	

This fiscal year, the City spent \$16,280 from the general fund to support the rate assistance program. Staff spent approximately two and a half hours to enroll 29 households. The breakdown is as follows:

- \$780 for contract administrative services
- \$6,500 to provide discounts on the solid waste bills; and
- \$9,000 to provide discounts on the MPMW bills.

Staff has conducted various types of outreach and marketing for the program during the fiscal year, including:

- Partnering with Recology and MPMW to mail bill inserts that advertise the program to single-family

- customers;
- Distributing applications at the Main Library and Belle Haven branch library;
- Collaborating with California Water to mail applications to their discount program participants; and
- Posting the program information on social media.

As a result, approximately 100 applications were distributed to City households this year. With an increase in solid waste and water rates, staff is proposing to extending the program beyond the June 30, 2022, deadline to continue to provide financial assistance to residents in need. Staff recommends renewing the rate assistance program annually through fiscal year 2025-2026 to align with the end of the solid waste and MPMW rate schedules. Households who enroll after the pilot program (June 30, 2021) would receive discounts retroactive to three months.

Staff estimates 10 additional households would receive solid waste discounts (a total of 28 households) and 20 additional households would receive water discounts (a total of 72 households.) Therefore, in fiscal year 2022-2023, staff estimates the budget to be approximately \$18,200 as shown in Table 3. This includes the administrative contractor cost (excluding staff time) and discounts for solid waste and water bills.

Table 3: Fiscal year 2022-2023 budget for rate assistance program			
	Administrative contractor	Recology	MPMW
Quantity	160 applications and direct mails	28 households	72 households
Total cost	\$1,400	\$3,800	\$13,000

Other cities are also experiencing an increase in solid waste and water rates as the costs to provide those services continue to rise. In response to those increases, City of San Carlos and City of Santa Clara rose their solid waste rate assistance discount from 10 percent to 20 percent and \$3 to \$10, respectively. On the other hand, other agencies have maintained their current discount rates. City of Mountain View continues to offer a one-time credit of \$50 to be applied on residents’ water, sewer, and solid waste bills and Recology San Francisco continues to offer a 25 percent discount on their customers’ solid waste bills.

Impact on City Resources

In June 2021, City Council approved approximately \$60,000 from the General Fund to support the rate assistance program from July 1, 2021, to June 30, 2022, and any unused funds would return to the general fund. If the program extends to the end of next fiscal year, the budget would be approximately \$18,200 from the general fund revenues, not from the ratepayer revenues. The funding is programmed in the proposed fiscal year 2022-23 budget, and a resolution to extend the program is included for consideration as part of the fiscal year 2022-23 budget also on the June 28 City Council agenda.

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 #: 22-127-CC

hours prior to the meeting.

Attachments

A. Resolution No. 6638

Report prepared by:

Joanna Chen, Management Analyst I

Report reviewed by:

Tanisha Werner, Assistant Public Works Director - Engineering

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, 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 November 17, 2020, the City Council allocated \$1.5 million in General Fund revenues to fund the rate assistance program (\$0.5 million for 2021 and \$1 million for 2022 through 2025); and

WHEREAS, the rate assistance program is compliant with Article XIID of the California Constitution and all other applicable laws because the program is funded through General Fund revenues and not rate revenues collected through property-related fees or charges; and

WHEREAS, on December 8, 2020, the City Council adopted Resolution No. 6605, which established the rate assistance program and provided a timeframe for the program of January 1, 2021 through June 30, 2021; 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: Combs, Mueller, Nash, Wolosin

NOES: None

ABSENT: Taylor

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City
DocuSigned by: second day of June 2021.


39280A20D0BE491...

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

6/28/2022

Staff Report Number:

22-128-CC

Informational Item:

ConnectMenlo Community Amenities Ad Hoc Subcommittee update

Recommendation

The purpose of this informational item is to provide an update to the public and to the City Council on the work being done in the Ad Hoc ConnectMenlo Community Amenities Subcommittee (Subcommittee.)

Policy Issues

In accordance with the City Council procedures manual, the city manager and the Mayor set the agenda for City Council meetings. The Subcommittee consists of Mayor Nash and City Councilmember Taylor, who wanted to update the City Council and public.

Analysis

The Subcommittee was formed October 6, 2020 to review the community amenities list and to suggest revisions to the list for consideration by the City Council. In 2021, the City Council established the community amenity list update as a top priority. On June 22, 2021, the City Council adopted Ordinance No. 1077 establishing an in lieu fee option as envisioned as part of the ConnectMenlo process. Remaining work efforts related to community amenities include updating the list and clarifying the review and screening process.

Attachment A transmits the Subcommittee's Draft Community Amenities Proposal to update the list. The Subcommittee would like to share the draft list as an information item so community members, advisory body members, City Councilmembers, and others have an opportunity to review it and provide feedback over the coming weeks. The Subcommittee is interested in hearing if there are items that should or should not be included on the list moving forward with the understanding that items not on the list can be considered for community amenity 'credit' through a development agreement, and developers also have the option of paying the 'in lieu fee' instead of choosing items on the list. For reference, the existing list is included as Attachment B.

No action will be taken at the City Council meeting June 28. At a future meeting, the draft list, including any applicable modifications, and the draft review and screening process will be agenzized for City Council consideration and action.

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 community amenities proposal – updated list
- B. Hyperlink – Approved communities amenities list: menlopark.org/DocumentCenter/View/15009/6360---Community-Amenities

Report prepared by:
Justin Murphy, Interim City Manager

6/22/22 DRAFT Community Amenities Proposal
City Council subcommittee (Councilmember Taylor and Mayor Nash)

Menlo Park Resolution No. 6360 approving the community amenities list developed through the ConnectMenlo process states: “The required community amenities are intended to address identified community needs that result from the effect of the increased development intensity on the surrounding community.” Community amenities enhance the quality of life for existing Menlo Park residents located North of US 101 (particularly long-time Belle Haven residents) beyond available and reasonably expected City Services.

- I. Carbon-free Transit and Enhanced Transportation
 - Sidewalks, lighting, and landscaping: Enhance sidewalks, landscaping, and lighting to improve the overall walkability, safety, and aesthetics in the Belle Haven neighborhood and on Haven Avenue.
 - Transit: Create an EV shuttle system to connect Bayfront residents across Menlo Park and to neighboring cities.
 - Dumbarton Rail Crossing: Create a pedestrian and bicycle crossing of the Dumbarton Rail corridor between US 101 and Chilco Street.
 - Dumbarton Rail: Utilize the right-of-way for new transit line between Redwood City and Menlo Park in the near term with stations and a new pedestrian/bike path.
- II. Community-serving Retail (in or adjacent to Belle Haven)
 - Grocery Store: A full-service grocery store providing a full range of goods, including fresh fruits, vegetables and meat and dairy products.
 - Restaurants: A range of dining options, focused on sit-down restaurants serving residents and neighborhood employees.
 - Pharmacy: A full-service pharmacy that fills prescriptions and offers convenience goods.
 - Bank: A bank or credit union branch.
- III. Energy, Technology, Utilities, and Communication Infrastructure in the Belle Haven neighborhood
 - Underground power lines: Underground overhead electric and communications lines along Newbridge Street, Pierce Road, Terminal Avenue, and Chilco Street.
 - Telecommunications infrastructure: Improve existing Bayfront residents’ access to high quality, high speed broadband services.
 - Soundwalls: Construct soundwalls with landscaping to reduce noise, provide cleaner air, and improve aesthetics.
 - between US 101 and Kelly Park
 - between US 101 and the 1100 block of Willow Road
- IV. Enhanced Quality of Life
 - Affordable Ownership Housing: Provide affordable ownership housing above and beyond City minimum requirements for affordable housing with a clear preference for existing long-term residents of Belle Haven.
 - Anti-displacement Initiative: Fund programs to prevent displacement of current residents of Belle Haven and Haven Avenue.
 - Open space: Convert undeveloped properties to new parks in the Belle Haven neighborhood.
 - Sustainably fund a Bayfront Taskforce (as a non Brown Act body) to focus on High Quality Local Education, Environmental Justice, and Community Amenities.