



SPECIAL MEETING AGENDA – AMENDED

Date: 4/14/2020

Time: 6:15 p.m.

Closed Session Location: Teleconference

Special Session Location: GoToWebinar.com – ID# 493-198-731

This amended agenda includes attachments to item G3.

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
 - Submit a written comment online:
menlopark.org/publiccommentApril14 *
 - Record a comment or request a call-back when an agenda topic is under consideration:
Dial 650-474-4071 *
 - Access the special meeting real-time online at:
joinwebinar.com – Special Session Meeting ID 493-198-731

*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto:
Channel 26
 - Online:
menlopark.org/streaming

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org. The instructions for logging on to the webinar and/or the access code is subject to change. If you have difficulty accessing

the webinar, please check the latest online edition of the posted agenda for updated information (menlopark.org/agenda).

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Closed Session (Teleconference)

A. Call To Order

B. Roll Call

C. Closed Session

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

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

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, Deputy City Manager Justin Murphy, Interim City Attorney Cara Silver, Interim Administrative Services Director Dan Jacobson, Human Resources Manager Theresa DellaSanta, Labor Negotiator Charles Sakai

Special Session (GoToWebinar.com – ID# 493-198-731)

D. Call To Order

E. Roll Call

F. Presentations and Proclamations

- F1. Proclamation: Recognizing Executive Director of the San Francisquito Creek Joint Powers Authority Len Materman
- F2. Presentation: San Francisquito Creek Joint Powers Authority projects

G. Regular Business

- G1. Consider options to amend the tenant assistance program administered by Samaritan House ([Staff Report #20-074-CC](#))
- G2. Adoption of uncodified urgency Ordinance No. 1068 imposing temporary moratorium on eviction for non-payment of rent by small business commercial tenants directly impacted by the COVID-19

pandemic ([Staff Report #20-076-CC](#))

- G3. Update the City Council and public on COVID-19 health emergency and the City's response ([Attachment](#))

H. Informational Items

- H1. San Francisquito Creek upstream of Highway 101/Pope-Chaucer Bridge project update ([Staff Report #20-075-CC](#))
- H2. Update on the water rate study for Menlo Park Municipal Water ([Staff Report #20-073-CC](#))
- H3. Update on Belle Haven community center and library ([Staff Report #20-077-CC](#))

I. City Manager's Report

J. City Councilmember Reports

K. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 4/11/2020)



STAFF REPORT

City Council

Meeting Date:

4/14/2020

Staff Report Number:

20-074-CC

Regular Business:

Consider options to amend the tenant assistance program administered by Samaritan House

Recommendation

Staff recommends City Council maintain the tenant assistance program and guidelines as amended March 26 with no additional changes.

Policy Issues

The tenant assistance program provides rent payment assistance to households that have a temporary loss of income related to COVID-19 or other circumstances, which helps bridge the financial gap to keep lower income households from becoming homeless.

Background

On May 7, 2019, the City Council approved the tenant relocation assistance program guidelines and by resolution, authorized a funding agreement with Samaritan House to administer Menlo Park's community housing fund to provide tenant relocation assistance in the amount \$100,000 for direct relocation assistance payments and \$12,000 for program administration expenses.

On March 10, City Council received a progress report from staff and Samaritan House on the tenant relocation assistance program, which was originally intended to provide financial assistance to Menlo Park residents facing displacement from their rental units for reasons not addressed by the City's tenant relocation assistance ordinance. After receiving the progress report and in consideration of the anticipated impacts on household incomes due to COVID-19, the City Council directed staff to prepare an amendment to the program to repurpose and retitle the program and expand the scope to include tenant rental assistance. On March 26, the City Council approved these amendments and requested staff prepare a report on additional options for consideration to expand the use of the program funds for mortgage assistance, utility payments, food and other basic needs.

Analysis

The Menlo Park tenant assistance program, as amended, provides assistance intended to help bridge temporary financial gaps to prevent lower income households from becoming homeless and to provide temporary relief to households that have suffered a loss of income due to COVID-19. It may also be used for tenant relocation assistance under certain circumstances.

Summary of current tenant assistance program guidelines (as amended March 26)

Following is a summary of the Tenant Assistance Program guidelines, as amended by City Council March 26 by Resolution No. 6551, which are included as attachments A and B to this report:

Eligible use of funds

- One-time rental assistance related to COVID-19 or other emergency circumstances
- Tenant relocation assistance (related to substantial rent increase or no cause eviction)

Household eligibility criteria / requirements

- Lease a residential unit within incorporated Menlo Park
- Must have leased unit for a minimum of 12 months
- Applicants for non COVID-19 related emergency rental assistance must demonstrate their ability to maintain income sustainability (e.g., they have enough income in the future to afford their rent)
- Income cannot exceed 150 percent of the area median income for San Mateo County

Amount of assistance

- Up to \$5,000 per household

Additional options to modify tenant assistance program

On March 26, the City Council requested staff provide a response to recommendations to make additional amendments to the program that were suggested in a public comment. A summary of those recommendations included the following:

- Expand the eligible use of funds to include mortgage payments, utility payments, food, medicine and other necessities
- Remove all household eligibility criteria, including any income requirements
- Remove maximum amount of assistance

With the understanding we are in a rapidly changing environment with a dramatic increase in the number of households in need of assistance, there is an urgent need to eliminate barriers to assistance. However, there are some key points to consider with regard to each of these recommendations as they relate to the tenant assistance program summarized below.

Eligibility criteria

The eligibility requirements are based on similar programs, best practices and help to ensure the most vulnerable households with the greatest needs have access to this essential assistance. It also establishes a process to ensure households that have access to other financial resources (e.g., savings) use those and not the limited program funds. This criterion provides a safeguard to ensure the City funds are distributed as intended. The recent amendment to the program changed income qualification requirement from “annual” household income to the “last 30 days” income. This income change allows many more households to qualify for assistance, especially those experiencing recent loss or reduction of income related to COVID-19.

Mortgage payments

Mortgage relief actions are being taken to assist borrowers impacted by COVID-19. These actions include suspending foreclosures, offering mortgage forbearance and waiving late fees. Following is a brief summary

of some of these programs and actions:

- Fannie Mae & Freddie Mac – The Federal Housing Finance Agency (FHFA) suspended foreclosures and evictions for borrowers with mortgages backed by Fannie Mae or Freddie Mac. Borrowers also have the ability to request mortgage forbearance for up to 12 months if they have income loss due to the COVID-19 pandemic. Late payments will not be reported to credit agencies and late fees will not be imposed.
- Federal Housing Administration (FHA) insured mortgages – On March 18, the U.S. Department of Housing and Urban Development issued a 60-day moratorium on foreclosures and evictions for holders of FHA-insured mortgages on single-family homes. The moratorium was effective immediately and will be effective until mid-May, unless an extension is issued.
- Private lenders – Wells Fargo, U.S. Bank, Citi and JPMorgan Chase have agreed to a 90-day waiver of payments for those impacted by COVID-19. Bank of America is deferring mortgage payments on a monthly basis until the crisis is over. Additionally, nearly 200 state-chartered banks, credit unions, and servicers are offering mortgage relief options.

Utility payments

PG&E has suspended service disconnections for non-payment for all residential and small business customers. PG&E is also offering flexible payment plans for customers facing severe economic challenges due to COVID-19. Peninsula Clean Energy (PCE) is offering a one-time bill credit of \$100 to customers who are enrolled in either the California Alternate Rates for Energy (CARE) or Family Electric Rate Assistance (FERA) programs as of March 20. This credit will be applied directly to the balance due on April and/or May bills. There are also other programs that provide utility payment assistance including the Home Energy Assistance Program (HEAP) and Low Income Home Energy Assistance Program (LIHEAP.)

Menlo Park residents and businesses are served primarily by either Menlo Park Municipal Water (MPMW) or Calwater. MPMW has suspended late fee penalties and all service disconnections for non-payment. Calwater has suspended disconnections for non-payment on residential services. Both water service providers offer payment arrangement programs, and have suspended collections activities.

Food programs

There are currently many programs that provide food at no cost to low income households, including meal delivery programs. These include the Second Harvest Food Bank and various food pantries operated by local nonprofit organizations. Many of the hot meal programs have converted to offering pick up or delivery of meals rather than holding congregate meal services on-site. The Menlo Park community services department continues to operate its senior nutrition program via meal delivery. In collaboration with Samaritan House, two-day portions of individually packaged meals are delivered at no cost to over 35 homebound seniors, three times per week. Over a hundred wellness checks are conducted weekly in English and Spanish to some of our most vulnerable seniors. The Senior Center's brown bag food pantry and Onetta Harris Community Center's Second Harvest food pantry continue during this critical time for community members experiencing food insecurity. The program format has been modified to comply with social distancing directives.

Public/private partnerships to assist households impacted by COVID-19

There are new public/private partnerships that have been developed to help support households impacted by COVID-19, most notably the San Mateo County Strong Fund (SMC Strong.) On March 24, the San Mateo County board of supervisors approved \$3 million in emergency funding to support those most

impacted in San Mateo County in partnership with the Silicon Valley Community Foundation (SVCF.) This fund

was developed to allow people from San Mateo County and beyond to join the County's relief effort and make directed donations that will specifically benefit San Mateo County residents, small businesses and nonprofits. All money donated will stay inside San Mateo County. These funds will be used to support individuals and families with basic household expenses, assist small local businesses and support nonprofits that provide services to the most vulnerable community members including seniors, homeless individuals and people with disabilities.

Additionally, SVCF created the COVID-19 regional response fund and the regional nonprofit emergency fund. These funds will be used to serve the Bay Area region including San Mateo County and will be used to provide basic needs including housing/shelter, food, clothing and financial assistance to individuals and families and to support nonprofit organizations that provide critical services to vulnerable populations. Funds from SVCF's COVID-19 coronavirus regional response fund will support lead organizations representing each of the Bay Area counties and their immediate efforts in addressing COVID-19 related challenges in their respective counties. The lead organizations for San Mateo County are Samaritan House and Second Harvest of Silicon Valley. These lead organizations, in turn, will support those affected by the COVID-19 pandemic. Menlo Park community members in need of assistance can contact Samaritan House South by telephone at 650-294-4312.

Summary

The recommendations to modify the tenant assistance program noted above are currently being addressed by other programs and resources. A limit on the amount of funding assistance to an individual household is appropriate to maximize the reach of the program. Samaritan House reported they have received a high volume of requests for rental assistance as of April 1, and believes they will need all current program funding specifically for rental assistance. Samaritan House is a designated San Mateo County core service provider and administers multiple assistance programs including housing/shelter, food, utility and many others. Contributions can be made directly to Samaritan House to support Menlo Park community members.

Impact on City Resources

The City allocated and disbursed \$112,000 in August 2019 to support this program and no additional funds are requested at this time. The only other City resources utilized for this program is staff time.

Environmental Review

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

Public Notice

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

Attachments

- A. Tenant assistance program guidelines
- B. Resolution No. 6551

Report prepared by:

Rhonda Coffman, Deputy Community Development Director – Housing

Reviewed by:

Deanna Chow, Interim Community Development Director
Cara Silver, Interim City Attorney

TENANT ASSISTANCE PROGRAM GUIDELINES

(as amended March 26, 2020 by City Council Resolution No. 6551)

PURPOSE

This program will provide tenant rental assistance payments to Menlo Park residents facing displacement from their rental units for reasons not addressed by the new tenant relocation assistance ordinance, emergency rental assistance and rental assistance related to impacts of COVID-19, including loss or decrease in income.

This funding is not intended for use as the sole support for the program. The program administrator is required to enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.

POLICY

1. GOALS AND PHILOSOPHY

The City of Menlo Park recognizes that:

- 1.1 the availability of basic human service and housing programs is a key determining factor in the overall quality of life of Menlo Park residents;
- 1.2 the most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing non-profit agencies;
- 1.3 contractual agreements with non-profit agencies allow the City to influence the human service and housing programs offered to Menlo Park residents; and
- 1.4 financial assistance grants demonstrate the City's support of the activities of specific non-profits and make it possible for these agencies to leverage additional funds which will benefit local residents.

2. PROGRAM ADMINISTRATION

- 2.1 Program administrator must be an incorporated non-profit entity and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).
- 2.2 Program administrator must be based in or near Menlo Park and provide services locally.
- 2.3 Program administrator shall maintain accounting records which are in accordance with generally accepted accounting practices and must have an independent audit performed at least once every two years.
- 2.4 Program administrator must have bylaws which define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.
- 2.5 Governance of the program administrator should be vested in a responsible and active board which meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.

2.6 Program administrator must provide for adequate administration of the program to insure delivery of the services. The program administrator must have a written job description for each staff position and an organizational chart approved by the board. One individual must be designated as the full time director of the agency.

2.7 Program administrator shall use no less than 88% of City funds and other private donations to the program for direct relocation assistance payments, emergency rental assistance and rental assistance related to impacts of COVID-19 for eligible expenses and services. Program administration costs shall not exceed 12%.

3. PROGRAM ELIGIBILITY AND AMOUNT OF TENANT ASSISTANCE PAYMENTS

3.1 Eligibility for tenant assistance is based on certain program criteria. Assistance is primarily for circumstances that are not covered by the City's Tenant Relocation Assistance Ordinance including:

- a. Inability to pay rent due to economic condition caused by COVID 19.
- b. Unsustainable rent increase
- c. Landlord chooses not to continue to lease/rent to tenant
- d. Landlord issues notice to vacate
- e. Other extraordinary circumstances as determined by the program administrator and approved by the city's Community Development Director on a case by case basis

During the existence of the declared local emergency relating to COVID 19, priority will be given to the first eligibility criteria.

The general definition of an unsustainable rent increase is an amount equal to or greater than the Consumer Price Index (CPI) plus 10%, based on the current lease or rent amount before the tenant received the notice of increase. A range of CPI plus 5% to 10% is permitted in certain circumstances in order to administer the assistance on a case-by-case basis after an eligibility analysis is conducted.

3.2 In addition to an applicant submitting proof of eligibility (e.g. loss of income due to COVID-19, notice of unsustainable rent increase, notice to vacate, etc.), households must:

- a. meet income eligibility requirements
- b. occupy a unit located in incorporated Menlo Park for a minimum of twelve (12) months
- c. have a current valid lease or rental agreement with landlord

3.3 Households in the process of an eviction are generally not eligible, but the Community Development Director may make exceptions on a case by case basis.

3.4 Households must have income at or below 150% of the Area Median Income (AMI) for San Mateo County, as may be adjusted from time to time. Income determination is based on household income at the time of receipt of the qualifying relocation action notice or the gross income from the previous 30 days, whichever is less

3.5 Households must request assistance from the program administrator and must consent to providing information and documentation as requested for eligibility determination.

3.6 Tenant assistance shall not exceed \$5,000 per household. Only one assistance payment per unit is permitted, even if more than one household lives in a unit. Relocation assistance payments will be disbursed directly to vendors and rent payments will be disbursed directly to landlords or property managers on behalf of eligible households. Eligible expenses include:

- a. Rent payment
- b. Rental/lease deposit
- c. Moving related expenses
- d. Other customary and directly related relocation expenses as determined by program administrator

3.7 Legal fees are not an eligible relocation expense.

3.8 Tenant assistance is available one time only per household.

3.9 Households must request assistance from the program administrator and must consent to providing information and documentation as requested for eligibility determination.

4. FUNDING AND REPORTING

4.1 The City will provide one-time initial program funding of \$100,000 from the General Fund and expects other private sector partners to contribute to the program. Donations shall be made directly to program administrator and designated to support the Menlo Park Tenant Assistance Program.

4.2 Funds will be disbursed on a first come first served basis. This is a pilot program and no entitlement to funds shall be created by virtue of eligibility.

4.3 All decisions of the program administrator shall be final.

4.4 Program administrator shall track and report on the status of funds received and program administration on a periodic basis as specified in a funding agreement. City Community Development/Housing staff will review reports and provide summary reports to the Housing Commission and City Council on program performance.

RESOLUTION NO. 6551**RESOLUTION OF THE CITY COUNCIL ESTABLISHING TENANT ASSISTANCE PAYMENT FUND TO ASSIST TENANTS UNABLE TO PAY RENT DUE PRIMARILY TO FINANCIAL IMPACTS RELATING TO COVID-19 VIRUS**

WHEREAS, there are 12,347 residential units in Menlo Park. Of those, 6,927 (or 56 percent) units are owner occupied and 5,420 (or 44 percent) units are tenant occupied. In the Belle Haven neighborhood, 57 percent of the total population are tenants;

WHEREAS, the City of Menlo Park currently does not regulate rent increases or reasons for evictions from residential property and certain aspects of public peace, health, and safety are not adequately protected due to the lack of regulation;

WHEREAS, The California Housing Partnership Corporation estimates there is a shortage of 25,882 affordable rental homes to accommodate low-income renters in San Mateo County, which has a population of 748,732 and 106,289 renting households, according to the U.S. Census;

WHEREAS, the report Displacement in San Mateo County: Consequences for Housing, Neighborhoods, Quality of Life, and Health found that after being displaced, only 21 percent of households reported staying in the same neighborhood (within 1 mile of their previous home). Thirty-three percent of households left San Mateo County, generally moving to the Central Valley or eastern communities in the East Bay;

WHEREAS, the rents in San Mateo County and Menlo Park in particular have been steadily increasing. Increasing rents combined with a housing shortage places substantial pressure on the existing city residents who rent housing. In particular, rising rents can lead to tenant displacement of longstanding residents;

WHEREAS, on August 22, 2017, the City Council directed City Staff to prioritize housing policies, with tenant relocation assistance being part of the priority one recommended policies;

WHEREAS, according to the Legal Aid Society of San Mateo County ("Legal Aid"), at least 20 "no fault" eviction notices were issued within the past 32 months in Menlo Park and this sample of eviction activity, self-reported by the Menlo Park residents who elected to consult a lawyer, is a fraction of the total. Legal Aid further reports that at least an additional 10 Menlo Park households reported rent increases of more than ten percent (10%) during the past 32 months. Again, this fractional sampling does not capture the full-scale of significant rent increases in the city;

WHEREAS, this data is also supported by reports received by the City from tenants and community organizations that indicate at least 20 instances of "no fault" evictions and at least 10 instances of tenants having received rent increase notices greater than 10 percent (10%) since December 2015;

WHEREAS, tenants evicted in Menlo Park are forced to incur substantial costs related to new housing including, but not limited to, move-in costs, moving costs, new utility hook-ups, payments for temporary housing, and lost work time seeking housing. Move-in costs commonly

include first and last month's rent plus a security deposit equal to one month's rent, leading to total relocation expenses in excess of three months' rent;

WHEREAS, the impacts of evictions are particularly significant on low-income, elderly, and disabled tenants and tenants with minor children, justifying an additional payment for households with these tenants;

WHEREAS, the Centers for Disease Control and Prevention has stated that a novel coronavirus named "COVID-19" is a serious public health threat, based on current information.

WHEREAS, the County of San Mateo's Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 16, 2020, the County Health Officer issued a shelter in place order to all County residents, with limited exceptions, to preserve the further spread of the COVID-19;

WHEREAS, the current housing crisis in the Bay Area is expected to increase as low income tenants lose their jobs or experience reduced wages as a result of COVID-19 impacts;

WHEREAS, loss of their homes will not only have a significant impact on the individual household members, but will also impact the greater community through loss of longtime Menlo Park residents and school age children and through the reduction of economic and cultural diversity;

WHEREAS, in light of the numerous concerns noted herein, including but not limited to, the current and immediate threat to the public peace, health and safety by the fact that tenants are not adequately protected due to the lack of regulation and the adverse impacts that would result from displacement of City residents, this measure is necessary to preserve the public peace, health, and safety of the community.

NOW, THEREFORE, IT IS RESOLVED that:

1. The City Council hereby establishes a tenant assistance community housing fund to assist tenants unable to pay rent due to economic conditions related to COVID-19 and to provide other financial assistance in accordance with the program guidelines presented to the City Council on the March 26, 2020, incorporated herein as Exhibit A.
2. Resolution number 6496 is hereby repealed and replaced by this resolution.
3. This resolution shall become effective immediately.

I, Judi 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 fourteenth day of April, 2020, 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 fourteenth day of April, 2020

Judi A. Herren, City Clerk



STAFF REPORT

City Council

Meeting Date:

4/14/2020

Staff Report Number:

20-076-CC

Regular Business:

Adoption of uncodified urgency Ordinance No. 1068 imposing temporary moratorium on eviction for non-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic

Recommendation

Adopt an uncodified urgency Ordinance No. 1068 of the City of Menlo Park establishing a temporary moratorium on eviction for non-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic.

Policy Issues

Immediate steps are necessary to mitigate the economic impacts of COVID-19 by ensuring that local small businesses, which are essential to the health and vibrancy of our local community, survive this current pandemic and continue to operate, both during the local emergency as essential businesses, as defined in the County's stay-at-home order, and after the restrictions in the stay-at-home order are lifted.

A number of local small businesses that provide essential items and services to City residents are deemed essential businesses under the stay-at-home order. The public interest is served by helping those businesses remain open. Moreover, to the extent that other local small businesses are not currently operating due to the stay-at-home order, the public interest is served by helping those businesses resume operations as soon as the stay-at-home order is lifted because the ongoing existence of such small businesses are essential to the City's economic vitality, community character, and the general welfare of City residents.

Section 8634 of the Government Code provides that during a local emergency, the governing body of a political subdivision of the State, which includes the City of Menlo Park, "may promulgate orders and regulations necessary to provide for the protection of life and property..." The law requires that such orders "shall be in writing and shall be given widespread publicity and notice."

Background

The scale of the COVID-19 pandemic is staggering. To date, there have been over 1,600,000 confirmed COVID-19 cases worldwide and nearly 500,000 in the United States, with thousands of deaths. Closer to home, California has over 20,000 confirmed cases, and San Mateo County has 638 confirmed cases, and 21 residents have died of the disease. The economic impacts have been swift and severe, with over 16 million Americans suddenly unemployed and many businesses forced to temporarily shut down in response to stay-at-home orders.

These effects are also being felt in the City, particularly by small businesses suffering from reductions in income due to lower customer demand, forced closures, decreases in available workforce, and increased expenses. These abrupt and severe negative impacts have affected, and will continue to affect, the ability of many small businesses to make rent payments. Without action, these small businesses, along with the local communities they serve and the residents they employ, may never recover.

Local and State actions taken to date

On March 3, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County health officer declared a local health emergency throughout the County related to COVID-19. The board of supervisors ratified and extended this declaration of local health emergency, which remains in effect. In addition, March 3, and pursuant to Section 8630 of the California Government Code and Chapter 2.46 of the San Mateo County Ordinance Code, the San Mateo County director of emergency services proclaimed a local emergency throughout San Mateo County related to COVID-19. The board ratified and extended the proclamation of local emergency, and this local emergency remains in effect.

On March 4, Governor Newsom issued a Proclamation of State of Emergency related to COVID-19 effective throughout the State of California.

On March 11, the City of Menlo Park was one of the first cities in the Bay Area to declare a local emergency. Menlo Park's emergency declaration empowered the city manager to take actions to preserve and protect the health and safety of its community in light of its own circumstances.

On March 16, the San Mateo County health officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence, and authorizes individuals to leave their residences only for certain "essential activities," essential governmental functions," or to operate "essential businesses," all as defined in the shelter-in-place order. On March 19, the Governor issued Executive Order N-33-20, which imposed a statewide stay-at-home order. (The statewide order does not affect the validity of the County's order.) The health officer issued an order March 31, that extended and revised the County's stay-at-home order.

Governor Newsom issued Executive Order N-28-20, March 16, which grants local jurisdictions broad authority to enact temporary moratoria on residential and commercial evictions based on a non-payment of rent caused by the COVID-19 pandemic or the federal, state, and/or local response to the COVID-19 pandemic.

On March 23, the San Mateo County board of supervisors adopted an emergency regulation establishing a temporary, countywide moratorium on eviction for non-payment of rent by residential tenants directly impacted by the COVID-19 pandemic.

On April 7, the City Council received information regarding various resources that are available to small businesses, discussed ways that the City could support local businesses' immediate needs and shared ideas about ways to stimulate recovery. At that meeting, the City Council directed staff to prepare an urgency temporary small business tenant eviction moratorium modeled after the county of San Mateo Ordinance (that applies to business located in unincorporated San Mateo County,) which was adopted April 7.

Judicial Council rules

On April 6, the Judicial Council (the policymaking agency of the California state court system) adopted 11 emergency rules in response to the COVID-19 emergency. The following rules are applicable to unlawful detainer actions and judicial foreclosures:

Evictions/unlawful detainer (emergency rule 1)

- A court may not issue a summons on a complaint for unlawful detainer (“U/D”) unless action is necessary to protect public health and safety.
- A court may not enter default or a default judgment in a U/D action unless (1) necessary to protect public health and safety and (2) defendant failed to appear.
- Trial dates for U/D actions are continued at least 60 days.
- The Rule is to remain in effect until 90 days after the Governor declares the state of emergency lifted or until the rule is amended or repealed by the Judicial Council.

Judicial foreclosures suspended (emergency rule 2)

- Any actions for foreclosure, including any action for a deficiency judgment, are stayed unless necessary to protect public health and safety.
- Any applicable statute of limitation is tolled.
- The Rule is to remain in effect until 90 days after the Governor declares the state of emergency lifted or until the rule is amended or repealed by the Judicial Council.

The Judicial Council adopted similar rules suspending the statute of limitations for unlawful detainer and foreclosure actions to avoid undue prejudice to the plaintiff.

While these rules provide some relief to tenants who may be subject to an eviction lawsuit, they do not prevent the landlord from actually serving a notice to vacate based on non-payment of rent. Many tenants elect to move out after receiving an eviction notice to avoid litigation, bad credit reporting and court costs. Local evictions moratorium ordinances are designed to prevent a tenant from moving as a result of a notice.

Analysis

The proposed urgency ordinance, which would take effect immediately if adopted by the City Council, prohibits an owner of commercial real property in the City from evicting a small business commercial tenant for non-payment of rent if the tenant establishes, through documentation, that their inability to pay rent is due to a decrease in net business income directly resulting from COVID-19 or the federal, state or local government response to COVID-19.

Examples of qualifying circumstances include, but are not limited to, loss of income due to any of the following:

- Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19
- Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19
- Compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency
- Extraordinary out-of-pocket medical expenses
- Child-care needs arising from school closures related to COVID-19

Under the urgency ordinance, a qualifying small business is one with annual gross receipts of not more than \$2,500,000 for the 2019 calendar year. Prior to evicting a commercial tenant based on nonpayment of rent during the time the urgency ordinance remains in effect, the owner of the commercial property must provide the tenant written notice of the urgency ordinance. The commercial tenant then has at least 14 days, or more if reasonable under the circumstances, to provide the owner evidence of inability to pay rent due to

COVID-19.

The urgency ordinance would not relieve qualifying commercial tenants of liability for unpaid rent. A commercial tenant, if able, should continue to make monthly rent payments while the urgency ordinance remains in effect.

Within 90 days after the urgency ordinance expires, the tenant must pay the full amount of missed payments, if able to do so. If the tenant is still unable to do so as a direct result of COVID-19, the tenant must provide the owner of the commercial real property another written notice and additional documentation to extend the payment date an additional 30 days. The tenant may provide additional written notices and documentation every 30 days to further extend the deadline, but under no circumstances is the owner required to extend the deadline beyond 180 days after the urgency ordinance expires. The owner cannot charge or collect a late fee for any missed payment covered by this urgency ordinance.

If the urgency ordinance is violated, a commercial tenant may seek action through the Courts. In addition, the urgency ordinance provides an affirmative defense to eviction in the event that an action to recover possession is commenced in violation of its terms.

The urgency ordinance also includes a provision to grant relief to a landlord who experiences undue or excessive hardship as a result of the ordinance. An aggrieved landlord shall file a written request for relief explaining the nature of the hardship. The city manager or its designee shall have the authority to review that request and grant relief if deemed necessary.

The proposed urgency ordinance would remain in effect through May 31, unless extended by the City Council.

Impact on City Resources

The adoption of the proposed urgency ordinance will result in a temporary increased workload for staff as it is expected that small business commercial tenants will contact the City with questions as potential violations are reported. City staff will provide information about the urgency ordinance and make referrals to legal resources. Additionally, increased workload may result from the administration of the hardship waiver portion of the ordinance by the city manager or its designee.

The City will also incur a financial cost in order to publicize the urgency moratorium through digital and physical media to landlords and tenants.

Environmental Review

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

Public Notice

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

Attachments

A. Draft urgency small business eviction Ordinance No. 1068

Report prepared by:

John Passmann, Management Analyst II

Report reviewed by:

Deanna Chow, Interim Community Development Director

Cara Silver, Interim City Attorney

ORDINANCE NO. 1068**URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MENLO PARK ESTABLISHING A MORATORIUM ON EVICTIONS FOR
NONPAYMENT OF RENT BY SMALL BUSINESS COMMERCIAL
TENANTS DIRECTLY IMPACTED BY THE COVID-19 PANDEMIC**

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

SECTION 1. FINDINGS AND DETERMINATIONS. The City Council of the City of Menlo Park hereby finds:

- A. International, national, state, and local governmental and health authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus and commonly referred to as COVID-19.
- B. On March 3, 2020, the San Mateo County Health Officer ("County Health Officer") declared a local health emergency throughout San Mateo County related to the COVID-19 outbreak.
- C. On March 10, 2020, the Board of Supervisors of the County of San Mateo ratified and extended the declaration of a local health emergency.
- D. On March 14, 2020 the County Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancellation of all gatherings of ten or more people in a single confined space.
- E. On March 16, 2020, the County Health Officer issued a further order directing, among other things, that all individuals living in the county shelter at their place of residence, except to provide or receive essential services, or engage in essential activities, and that all businesses and governmental agencies cease non-essential operations at all physical locations in the county.
- F. On March 31, 2020, the County Health Officer extended the shelter-in-place order until May 3, 2020 due to the significant increase in the number of positive cases, hospitalization and deaths from COVID-19. The extended shelter-in-place order requires, among other things, that essential businesses that continue to operate scale down operations to their essential components.
- G. On March 4, 2020 Governor Newsom issued a Proclamation of State of Emergency related to COVID-19.
- H. On March 16, 2020, Governor Newsom issued Executive Order N-28-20, which grants cities and counties broad authority to enact temporary moratoria on residential and commercial evictions based on a nonpayment of rent caused by the COVID-19 pandemic or by the local, state or federal government response to COVID-19.
- I. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, which imposed a statewide shelter-in-place order requiring individuals to remain in their places of residence, except as needed to maintain continuity of operations of critical infrastructure, access to necessities such as food, prescriptions, and healthcare, or engage in other authorized activities.
- J. The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or

quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks.

- K. On March 11, 2020, the City of Menlo Park declared a local state of emergency due to the rapid spread of COVID-19.
- L. The City of Menlo Park, pursuant to its police powers, has broad authority to maintain the public peace, health, safety, comfort, convenience, prosperity and welfare of its community and preserve quality of life for its residents.
- M. As a result of the public health emergency, the precautions recommended by state and county health officers, and in compliance with orders issued by those officers, many residents and businesses in Menlo Park have experienced or expect soon to experience sudden and unexpected income loss and that loss of income may have negative impacts on small businesses' ability to make rent payments.
- N. A number of local small businesses that provide essential items (e.g. food, pharmacy, veterinary services, hardware store, etc.) and services to city residents are deemed essential businesses under the county and statewide shelter-in-place orders, and it is in the public interest to have them continue to operate during the local emergency and after the restrictions in the shelter-in-place orders are lifted.
- O. To the extent that local small businesses are not currently operating due to the shelter-in-place orders, it is in the public interest to have them resume operations as soon as the county and statewide shelter-in-place orders are lifted because the ongoing existence of such small businesses are essential to the protection of the public peace and health, safety, life, property and general welfare of city residents.
- P. It is in the public interest to take immediate steps to mitigate the economic impacts of COVID-19 by ensuring that local small businesses, which are essential to the health and vibrancy of the community, survive this current pandemic.
- Q. By temporarily deferring rental payments through this ordinance, small businesses will be able to remain in place without fear of eviction pending receipt of complimentary CARES Act stimulus funds and other funds targeted at retaining small businesses.
- R. Based on the foregoing findings, the City Council desires to establish a moratorium on eviction of on-payment of rent by small business commercial tenants directly impacted by the COVID-19 pandemic.

SECTION 2. URGENCY FINDINGS. The City Council further finds, determines and declares that this ordinance is urgently needed for the immediate preservation of the public peace, health, safety or welfare of the community because:

- A. Further economic impacts are anticipated as result of COVID-19-related workplace closures, childcare expenditures due to school closures, health care expenses, labor shortages, and other expenditures stemming from compliance with emergency orders, leaving small business tenants vulnerable to eviction.
- B. These economic impacts may inhibit small businesses from fulfilling their financial obligations, including rent and public utility payments such as water, sewer, and solid waste collection charges.

- C. During this emergency and in the interest of protecting the public welfare, it is essential to avoid unnecessary termination of small business tenancies.

SECTION 3. MORATORIUM ESTABLISHED. A moratorium on eviction for non-payment of rent by small business tenants impacted by the COVID-19 crisis is imposed as follows:

- A. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19, or (2) for a no-fault eviction, unless necessary for the health and safety of tenants, neighbors or the landlord.
- B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth in 2.A. shall not: (1) serve a notice pursuant to California Code of Civil Procedure Section 1161(2), (2) file or prosecute an unlawful detainer action based on a 3-day pay rent or quit notice, or (3) otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this ordinance if the tenant, within 14 days after the date the landlord provides written notice of this emergency ordinance as required in 2.D., notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.
- C. Upon expiration or termination of this ordinance, a tenant who demonstrated an inability to pay full rent when due to financial impacts related to COVID-19, as required under this ordinance, shall have up to 180 days after the expiration or termination of this ordinance to pay all past-due rent. The tenant shall tender the full amount of all past due rent within 90 days if able to do so; however, if the tenant remains unable to tender the full amount of all past-due rent for the reasons set forth in this ordinance, the tenant may provide the landlord another written notice and additional documentation to support that claim and thereby extend the payment date an additional 30 days. The tenant may provide additional written notices and documentation every 30 days to further extend the deadline, but under no circumstances shall the landlord be required to extend the deadline beyond 180 days after the expiration or termination of this ordinance. A landlord may not charge or collect a late fee for any portion of unpaid rent that is delayed because a tenant's inability to pay in accordance with this ordinance.
- D. Prior to taking any action, during the term of this ordinance, to endeavor to evict a tenant for nonpayment of rent or under any circumstance that constitutes a no-fault termination of tenancy, the landlord must first provide the affected tenant or tenants with written notice of this ordinance; such notice shall include at a minimum: (1) the amount of rent to which the landlord is legally entitled pursuant to any written or oral agreement and under the provisions of state or local law; (2) that this rent is due unless the tenant promptly establishes in writing to the landlord that the amount of rent due qualifies for deferral under this ordinance; and (3) that the notice from the tenant to the landlord of the deferral of rent payment must be provided to the landlord within 14 days of receipt from the landlord of the written notice required by the subdivision.
- E. For purposes of this ordinance, the following definitions shall apply:

1. "Financial impacts related to COVID-19" include, but are not limited to, loss of income due to any of the following: (a) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (b) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (c) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (d) extraordinary out-of-pocket medical expenses; or (e) child-care needs arising from school closures related to COVID-19.
 2. "No-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant, including but not limited to eviction notices served pursuant to California Code of Civil Procedure sections 1161(1) or 1161(5).
 3. "Small business" is a business entity with gross receipts of less than \$2.5 million per year.
- F. Violations of this ordinance shall be punishable as set forth in Chapter 1.12 of the Menlo Park Municipal Code. In addition, this ordinance shall serve as a defense in the event that an unlawful detainer action is commenced in violation of this ordinance. In the event of a violation of this ordinance, an aggrieved tenant may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages (including damages for mental or emotional distress as specified below), and any other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled in the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of this ordinance. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to court order. The remedies available under this section shall be in addition to any existing remedies which may be available to the tenant under local, state or federal law.
- G. The City Manager or its designee shall have the authority to review and grant relief to a landlord who experiences undue or excessive hardship as a result of this ordinance. An aggrieved landlord shall file a written request for relief explaining the nature of the hardship. Such request shall be accompanied by documentation supporting the claimed hardship, such as the property owner's interest in the property, price paid or option price, assessed value, tax on the property, mortgage indebtedness, income and expense statements for income-producing property, and the like.
- H. The term of this ordinance shall be from the date of adoption until May 31, 2020, unless otherwise extended or replaced.

SECTION 4. ENVIRONMENTAL DETERMINATION. In accordance with the California Environmental Quality Act ("CEQA") guidelines section 15061(b)(3), adoption of this ordinance is exempt from the provisions of CEQA, because there is no possibility that the implementation of this ordinance may have a significant effect on the environment. This ordinance will apply tenant protections to tenants in existing buildings for a limited period of time.

SECTION 5. SEVERABILITY. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE AND POSTING. This ordinance shall be published in a newspaper of general circulation. This ordinance was introduced and adopted on April 7, 2020 and shall be effective immediately upon adoption.

PASSED AND ADOPTED as an urgency ordinance of the City of Menlo Park at a special meeting of said City Council on the fourteenth day of April, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.1

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, building construction requires regular inspection services to ensure that completed work complies with both issued permits and applicable building standards and waiving such inspections increases the risk of defective and unsafe construction;

WHEREAS, the City has extremely limited construction inspection services and protective gear to prevent inspectors from contaminated job sites and the Federal and State governments have requested that such protective gear be preserve for essential health workers;

WHEREAS, the Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths and preserve construction inspection services and the related administrative resources for the most critical projects;

WHEREAS, the Council also recognizes that housing is indeed a priority for our community and the region, but the immediacy of curbing the current health emergency must take precedence to prevent further spread of the virus;


WHEREAS, the Council desires to resume housing construction at the earliest opportunity; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the City Manager does hereby make the following order:

1. Effective immediately and until this order is terminated by the City Manager, all construction activity in the City of Menlo Park shall be temporarily suspended.
2. The City Manager will regularly review the need for this order to be in place and may elect to modify it should local circumstances or applicable law change.
3. Upon approval of the City Manager, construction activity in the government facilities and water and wastewater systems sector may be performed provided adequate social distancing mitigation measures can be achieved during both construction and inspection work.
4. The City Manager or designee may authorize limited exceptions to Section 1 of this order to protect life, health or safety provided they are consistent with Executive Order No. N-33-20 and/or subsequent applicable State or County orders.

Dated: 3/23/2020

DocuSigned by:

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City Manager

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER
EMERGENCY ORDER NO. 2**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (“Health Officer”) declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County; WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities”, “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to

make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. For the duration of the local emergency, the following public facilities shall be closed to the public: City Hall; Arrillaga Family Recreation Center; Arrillaga Family Gymnasium; Arrillaga Family Gymnastics Center; Burgess Pool; Belle Haven Pool; Onetta Harris Community Center; Menlo Park Senior Center; Menlo Park Main Library and Belle Haven Branch Library; all public restrooms and playgrounds located in all public parks; Burgess Park skate park; all public tennis courts, and all public basketball courts.
2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.
3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 3/27/2020

DocuSigned by:

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 Director of Emergency Services

Approved as to form:

DocuSigned by:

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 Interim City Attorney

Incident Action Plan

EOC Activation: COVID-19

Operational date: April 10, 2020

Operational time: 0900-1630



Incident objectives

- Protect life and safety of the Menlo Park community and Menlo Park city staff
- Coordinate information and response with local Special Districts, County, State, and Federal appointed officials
- Coordinate information with local school districts, non-profit service providers
- Communicate critical incident information to residents, staff and other stakeholder groups
- Gather operational information to assess impacts
- Document incident management activities
- Conduct essential City meetings remotely

Action items

- Distribute resource information to residents via citywide mailer and virtual town hall
- Monitor Kelly and Nealon Parks on holiday weekend to ensure social distancing
- Send letter to property owners where reported stay at home order violations (non-essential gardening) has occurred
 - Operations PD – Dave Bertini, Police Chief
 - PIO – Nicole Acker, Management Analyst II
- Meet with Fire District to coordinate use of volunteers
 - Justin Murphy, Deputy City Manager
 - CERT Liaison – Michael Noce, Management Analyst II
 - Fire District Liaison – Ryan Zollicoffer, Fire Agency Representative
- Send postcard with business resources to small business owners
- Explore virtual meeting for business owners with Chamber of Commerce representative
 - Business Liaison – John Passmann, Management Analyst II
- Monitor purchasing and timekeeping to ensure compliance with FEMA reimbursement guidelines
 - Finance chief – Patricia Barboza, Senior Accountant
- Continue and expand wellness checks on seniors and other vulnerable members of the community - Logistics (This is an Operations Section activity)
 - Logistics – Adriane Lee Bird, Assistant Community Services Director
- Identify and recruit bi-lingual City employees to assist in wellness checks and in communications with Spanish speaking residents
 - Logistics – Adriane Lee Bird, Assistant Community Services Director
- Perform needed maintenance work on critical City infrastructure
 - Operations – Nikki Nagaya, Public Works Director
- Monitor need for childcare by essential services workers (law enforcement, public works, grocery store workers) – coordinate with MPCSD–provided childcare.
 - Logistics – Adriane Lee Bird Assistant Community Services Director
 - School/Nonprofit Liaison – Rebecca Lucky, Sustainability Manager
- Contact local childcare providers to update them regarding emerging state orders
 - School/Nonprofit Liaison – Rebecca Lucky, Sustainability Manager
- Monitor state, county, and national orders pertaining to the incident and assess local impacts
 - Cara Silver, Interim City Attorney
- Inventory volunteer resources (CERT, Menlo Park Ready); rosters, training levels
 - CERT Liaison – Michael Noce, Management Analyst II
 - Fire District Liaison – Ryan Zollicoffer, Fire Agency Representative
- Deploy handwashing stations and portable restrooms downtown and at PD entrances
 - Logistics – Adriane Lee Bird, Assistant Community Services Director

Status of City services

City has implemented extreme social distancing measures to limit the spread of COVID-19. All non-essential services suspended effective close of business on Friday, March 20 as outlined in the Local Advisory order of construction activity. All non-essential staff are directed to remain home thru expiration of the stay at home order or pending direction from the City Manager.

- Essential services: police patrol; police communications; public works-water; life-safety emergency public works parks, streets, trees, facilities, and fleet maintenance; life/safety building inspections; communications and City Council support; information technology, payroll, procurement and accounts payable.
- Facility closures: All city buildings and facilities including playgrounds and picnic sites and Bedwell Bayfront Park is closed. Other parks remain open with reinstatement of garbage collection. Closed signs at playgrounds have been placed. UPS/delivery service at PD lobby remains open. Park restrooms, tennis courts and basketball courts are closed. All City Council and Planning Commission meetings will be conducted via teleconference and all other commission meetings cancelled.
- Service suspension: All events, classes, and private events; downtown and overnight parking enforcement; planning and building services; revenue collection. Online planning permit applications will be accepted but construction permitting is on hold pending order.
- Police calls for service: Persons requesting non-emergency police services will be asked to make online reports or officers will use technology to virtually contact them. If a police response is necessary, a minimum number of officers will be used and they will avoid entering enclosed spaces unless absolutely necessary (e.g. meeting parties in the open air). Police officers will be conducting high visibility patrol in commercial and business areas.

Virtual EOC (V-EOC) meeting schedule

Meeting name	Purpose	Attendees	Date(s) and time
V-EOC Section Chief briefing – called by Plans Chief	Daily briefing	EOC shift	Daily at 0900
Countywide PIO Call – Joint Information Center	Interagency coordination	PIO	Monday, Wednesday, Thursday at 1100
Bay Area PIO Call - Joint Information System	Interagency coordination	PIO	Daily at 1230
EOC Director coordination call	Interagency coordination	City Manager or alternate	Daily at 1330
V-EOC Team briefing – called by Plans Chief	Debrief	Full EOC team, as needed	Daily at 1630
Legal Officer coordination call	Interagency coordination	City Attorney	As needed, next scheduled 4/15 at 1530
City Council closed session	Discuss labor impacts from the COVID-19 emergency	City Manager and AS Director	As needed, next scheduled 4/14 at 1815
City Council policy group	Situational briefing	City Manager, Council	As needed, next scheduled 4/14 at 1900

Safety message

County health officer's legal order to shelter in place.

The order requires all residents to stay home and limit activity, travel and business functions to only the most essential needs. It is effective at 12:01 a.m., March 17, 2020, and continues until 11:59 p.m., May 3, 2020, unless modified by the health officer. It provides clear exceptions to allow access to essential services like medical care, food purchases and other necessary activities. Among businesses deemed essential are food retailers, such as grocery stores and convenience stores; gas stations; banks; and necessary supply and repair businesses. All must adhere to strict social distancing requirements. By 11:59 pm on April 2, 2020, all businesses permitted to continue operations are required to draft and post a Social Distancing Protocol at or near the business entrance that shall be easily viewable by the public and employees.

The updated order requires those who do leave home for essential activities to comply with social distancing requirements; businesses, other than essential businesses, shall cease activities other than minimum basic operations; all public and private gatherings of any size including religious services are prohibited, with very few expressly permitted exceptions; and all travel, other than essential travel and essential activity defined by the health officer, is prohibited.

- Those over the age of 60 and those with co-morbid conditions (other underlying health conditions) should avoid gatherings, EOC and workplace included, to the extent possible;
- Stop shaking hands
- Under all circumstances, stop touching your face, eyes, nose or mouth with your unwashed hands.
- Attempt to maintain at least a six (6) foot social distance from all other people – where possible.
- Wash your hands often with soap and water for at least 20 seconds especially after you have been in a public place or after blowing your nose, coughing or sneezing. If soap and water are not readily available, use a hand sanitizer that contains at least 60 percent (60%) alcohol. Cover all surfaces of your hands and rub them together until they feel dry.
- Use a barrier, such as a paper towel or tissue, to touch commonly touched surfaces such as door handles or elevator buttons
- Cover your mouth and nose with a tissue when you cough or sneeze, and then throw the used tissue in the trash. If tissue is available, use the inside of your elbow. Immediately follow proper hand hygiene.
- If you are not feeling well or are experiencing cold, flu or other symptoms, stay home; avoid public areas and public transportation. Call ahead before seeking medical care.

Virtual EOC assignments

	3/23/20 – 3/29/20	3/30/20 – 4/5/20	4/6/2020 – 4/12/2020	4/13/2020 – 4/19/2020	
Director	Justin Murphy	Justin Murphy	Justin Murphy	Justin Murphy	
PIO	Nicole Acker	Clay Curtin	Nicole Acker	Clay Curtin	
vEOC coordinator	Sean Reinhart	Neetu Salwan	Neetu Salwan	Neetu Salwan	
Operations chief – PW	Nikki Nagaya	Nikki Nagaya	Nikki Nagaya	Nikki Nagaya	
Deputy Operations chief – PD	Dave Bertini	Dave Bertini	Dave Bertini	Dave Bertini	

Planning chief	Nick Szegda	Rani Singh	Nick Szegda	Rani Singh	
Logistics chief	Adriane Lee Bird	Rhonda Coffman	Adriane Lee Bird	Rhonda Coffman	
Finance chief	Kristen Middleton	Dan Jacobson	Patricia Barbosa	Patricia Barbosa	
Fire Agency Rep	Ryan Zollicoffer	Ryan Zollicoffer	Ryan Zollicoffer	Ryan Zollicoffer	
School and non-profit liaison	Rebecca Lucky	Rebecca Lucky	Rebecca Lucky	Rebecca Lucky	
Business liaison	John Passmann	John Passmann	John Passmann	John Passmann	
CCM/Cert liaison		Mike Noce	Mike Noce	Mike Noce	
Plan document		Date	Action		
Prepared, reviewed and approved		March 16, 2020	Prepared by Nick Pegueros; approved by Starla Jerome-Robinson		
Revised, reviewed and approved		March 18, 2020	Prepared by N Szegda; approved by Starla Jerome-Robinson		
Revision reviewed and approved		March 19, 2020	Prepared by C Andrews; approved by Starla Jerome-Robinson		
Revision reviewed and approved		March 20, 2020	Prepared by C Andrews; approved by Starla Jerome-Robinson		
Revision reviewed and approved		March 23, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		March 24, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		March 25, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		March 26, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		March 27, 2020	Prepared by N Szegda; approved by Justin Murphy		
		March 30, 2020	Prepared by Rani Singh;		
		March 31, 2020	Prepared by Rani Singh;		
		April 1, 2020	Prepared by Rani Singh;		
		April 2, 2020	Prepared by Rani Singh;		
		April 3, 2020	Prepared by Rani Singh;		
Revision reviewed and approved		April 6, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		April 7, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		April 8, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		April 9, 2020	Prepared by N Szegda; approved by Justin Murphy		
Revision reviewed and approved		April 10, 2020	Prepared by N Szegda; approved by Justin Murphy		



STAFF REPORT

City Council

Meeting Date:

4/14/2020

Staff Report Number:

20-075-CC

Informational Item:

San Francisquito Creek upstream of Highway 101/Pope-Chaucer Bridge project update

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City of Menlo Park has been a member of the San Francisquito Creek Joint Powers Authority (JPA) since its creation in 1999.

Background

The San Francisquito Creek Joint Powers Authority (SFCJPA) is a regional government agency formed in 1999 by the cities of East Palo Alto, Menlo Park and Palo Alto, the San Mateo County Flood Control District (now Flood and Sea Level Rise and Resiliency District,) and the Santa Clara Valley Water District. SFCJPA plans, designs, and implements projects that are comprehensive in both geography and function along San Francisquito Creek. Its projects cross jurisdictional boundaries and protect communities against, and alert them of the potential for, flooding, including from storms and sea level rise; enhance and restore ecosystems; and connect neighborhoods by improving access to trails.

The SFCJPA completed the Bay to Highway 101 portion of the San Francisquito Creek improvements in 2018 which resulted in the widening of the creek to convey the 100-year storm event during a Bay water level that is 10 feet above today's high tide, through the construction of new floodwalls, restored natural habitat and excavated sediment buildup. The focus of the SFCJPA's creek work has now shifted upstream to undertake improvements between Highway 101 and the Pope-Chaucer Bridge, which connects the cities of Menlo Park and Palo Alto at Pope Street and Chaucer Street, respectively. This upstream project will protect people and property against a repeat of 1998 flood of record and reduce the impacts of larger events, and a subsequent project in the planning stage would protect against a much larger storm and eliminate the requirement for flood insurance.

In September 2019, the SFCJPA Board certified an environmental impact report (EIR) for the upstream project. The preferred project as studied in the EIR, would achieve program criteria by replacing the Pope-Chaucer Bridge with a bridge that accommodates an increased flow. Downstream of the bridge, flood protection would occur by modifying the channel only in areas necessary to accommodate that greater flow, widening the waterway by removing instream concrete structures at five sites and by replacing the University Avenue Bridge parapet extension upstream of the bridge. Following certification of the EIR last year, detailed design of the project and permit applications are currently underway.

Analysis

Of primary interest for the City of Menlo Park is the replacement of the Pope-Chaucer Bridge connecting Pope Street in Menlo Park with Chaucer Street in Palo Alto. Although this bridge replacement was covered in the project EIR, detailed design work is underway and is not complete. The plan for the new replacement Pope-Chaucer Bridge is to provide clearance for a potential flooding event equivalent of the flood level experienced in 1998 which would allow approximately 7,500 cubic feet/second (cfs) of flow without flooding of neighboring properties. The new bridge design, as disclosed in the EIR, would have several impacts on the surrounding neighborhoods including traffic impacts during construction, tree removals and replacements, and design aesthetics. Assuming all permits and funding is secured, the earliest that construction is targeted to start would be spring of 2021 on the portion downstream of the Pope-Chaucer Bridge and spring of 2022 at the Pope-Chaucer Bridge. At a future City Council meeting or study session, staff intends to present the following topics along with project funding for further discussion and direction.

Traffic impacts and mitigation

The existing Pope-Chaucer Bridge will be removed to allow construction of the new bridge as discussed above, resulting in no direct access between the Willows neighborhood in Menlo Park and Crescent Park in Palo Alto during construction. Traffic detours would be established and traffic control measures along Woodland Avenue and the intersection of Woodland and Pope Street will be implemented to ensure safety to motorists, pedestrians and bicyclists throughout the duration of construction. Additionally, traffic at the intersection of Woodland Avenue and Middlefield Road would be impacted by traffic detouring through this intersection during construction. The project EIR required the installation of a temporary traffic signal at this intersection to mitigate this impact; a traffic signal would improve access to and from the Willows neighborhood for vehicle traffic rerouted during construction and would improve pedestrian and bicycle safety for residents crossing Middlefield Road. The need for traffic signal was identified at this intersection in the City's draft transportation master plan as well; staff will continue to collaborate with the SFCJPA on this improvement so that it potentially could be installed permanently at the outset of bridge construction.

Tree removal and replacement

The project EIR identifies 26 trees in Menlo Park that will need to be removed to allow for the proposed project flood protection improvements. Most of these tree removals will be due to the Pope-Chaucer Bridge replacement. Eighteen of Menlo Park tree removals are identified in the EIR as Coast Live Oak trees. All of the trees that are to be removed in Menlo Park will need to adhere with Menlo Park's heritage tree ordinance in regard to the permitting process and replacement standards. In addition, staff has identified at least four of the 18 Coast Live Oak trees that could be saved after removal and replanted in another location if the City Council wished to explore this option.

Bridge design

The City of Palo Alto requires the SFCJPA to submit the Pope-Chaucer Bridge design to Palo Alto's Architectural Review Board (ARB) in compliance with the City of Palo Alto's project review process. Although the City of Menlo Park does not have the same review requirement, Menlo Park staff anticipates presenting the draft Pope-Chaucer Bridge design to interested Menlo Park residents in a public meeting at the same time the project is brought to Palo Alto's ARB. This is expected to occur sometime this summer, 2020.

Impact on City Resources

The SFCJPA Upstream of Highway 101 project will be funded through a combination of State grants, and contributions from member agencies including Menlo Park. The current project cost estimate is

approximately \$35 million and a funding gap of around \$9-14 million is yet to be resolved by the SFCJPA and all of its member agencies. The City of Menlo Park does not have any dedicated funding sources for this project at this time.

Environmental Review

On September 26, 2019, the SFCJPA Board certified the San Francisquito Creek flood protection, ecosystem restoration, and recreation project upstream of Highway 101 project EIR. The certification of the EIR is subject to a legal challenge, but work on the permitting process is continuing.

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

None.

Report prepared by:
Mike Sartor, Senior Project Manager

Report reviewed by:
Christopher Lamm, Assistant Public Works Director



STAFF REPORT

City Council

Meeting Date:

4/14/2020

Staff Report Number:

20-073-CC

Informational Item:

Update on the water rate study for Menlo Park Municipal Water

Recommendation

This is an informational item and does not require City Council action.

Policy Issues

The City Council acts as the governing body for Menlo Park Municipal Water (MPMW) and sets water rates. Staff is providing this update to provide an overview of how COVID-19 has impacted the water rate study and possible next steps.

Background

MPMW supplies water to approximately half of the City (Attachment A) to almost 4,400 residential and non-residential (commercial, industrial, institutional, irrigation) customers and fire services. The City Council last adopted five-year rates in 2015, and the fifth year of those rates went into effect July 1, 2019. MPMW's current rates are shown in Attachment B and consist of the four elements described below.

Table 1: Current water rate elements

Item	Description
Meter charge	A monthly service charge based on meter size. There is a different monthly service charge for fire services based on the size of the service connection.
Consumption charge	A charge based on the measured amount of water consumption (2 tiers.) Tier 1 applies to water consumption up to 6 centum cubic feet (ccf, where one ccf = 100 cubic feet = 748 gallons,) and tier 2 applies to water consumption above six ccf.
Capital facility surcharge	The capital facility surcharge is based on the measured amount of water used and provides approximately \$1.6 million per year toward water capital projects.
Drought surcharge	There are 5 stages of drought with each stage representing a specific drought scenario (up to 10%, 20%, 30%, and 50% conservation levels.) Per the City's water shortage contingency plan, each stage corresponds to a list of conservation measures to implement, and the City Council declares the drought stage. MPMW is currently at stage 1 (no drought.)

In addition, MPMW collects monthly service charges for fire services and water capacity charges for new and upgraded connections to the water system based on the size of the service connections.

Article XIII(D) of the California State Constitution, known as Proposition 218, was passed by voters in 1996 to ensure that property related fees, which includes water rates, are reasonable and proportionate to the cost of providing service. Before adopting water rates, MPMW is required to mail a Proposition 218 notice to every property owner served by MPMW to provide information about the proposed rates and allow an

opportunity to submit written protests at least 45 days before a City Council public hearing to adopt new rates. Rates cannot be adopted if more than 50 percent of property owners submit written protests.

2020 water rate study

On September 24, 2019, the City retained Black & Veatch Management Consulting (B&V) to develop a comprehensive five-year 2020 water rate study (Study) with the estimated schedule shown below.

Table 2: Estimated schedule	
Date	Description
October 2019	City Councilmember meetings (before initiating the Study)
October 2019 – February 2020	develop the draft water rate study
April 2020	City Council meeting to obtain feedback on water rates and approval to mail the Proposition 218 notice to MPMW property owners
May 2020	Public hearing to hear protests and to adopt a resolution setting new rates for the next five years
July 1, 2020	New rates become effective, and then are adjusted annually for the next five years on July 1

B&V completed the Study in early March 2020, and staff was on track to present findings and recommendations to City Council April 21.

Analysis

Due to COVID-19, staff will not be presenting the five-year rate study to City Council this month. Understanding the potential financial hardship caused to customers by COVID-19, staff is currently evaluating options to continue with existing rates as-is for fiscal year 2020-21 and will return to City Council in May/June 2020 with an update on possible next steps. Initial review of MPMW finances indicate that regular operations can continue with minimal impacts without modifying water rates in July for fiscal year 2020-21. In the update, staff will present the impacts of holding rates flat for fiscal year 2020-21 and will provide options to proceed with capital improvement projects which are also funded by rate revenues.

Public Notice

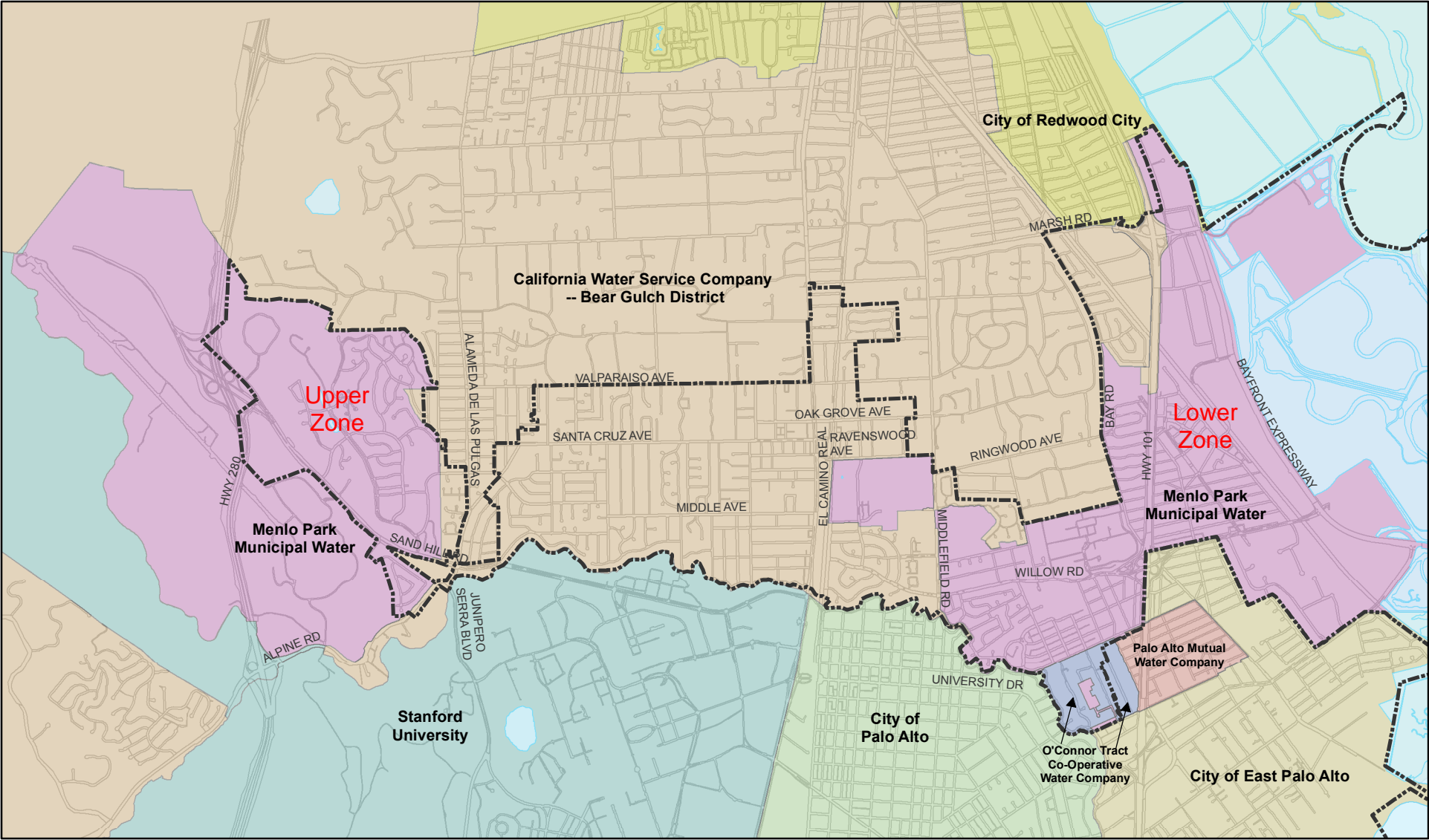
Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.


Attachments


- A. MPMW service area
- B. Five-year rate schedule, adopted July 21, 2015


Report prepared by:
Pam Lowe, Senior Civil Engineer


Report reviewed by:
Christopher Lamm, Assistant Public Works Director




 City Limits

 Travel Ways









 Water





0 0.5 1 2 Miles

Water Provider

-  California Water Service Company – Bear Gulch District
-  City of East Palo Alto
-  City of Palo Alto
-  City of Redwood City
-  Menlo Park Municipal Water
-  Stanford University
-  Palo Alto Mutual Water Company
-  O'Connor Tract Co-Operative Water Company

Water Agencies Within and Surrounding Menlo Park





**Menlo Park Municipal Water District
2015/16 – 2019/20 Water Rates
(Adopted by City Council 7/21/15)**

	Sept 1 2015	July 1, 2016	July 1, 2017	July 1, 2018	July 1, 2019
MONTHLY FIXED METER CHARGE - All Customers					
<u>Meter Size</u>					
5/8"	\$17.93	\$20.08	\$22.49	\$25.19	\$28.21
3/4"	\$17.93	\$20.08	\$22.49	\$25.19	\$28.21
1"	\$29.88	\$33.47	\$37.49	\$41.99	\$47.03
1-1/2"	\$59.77	\$66.94	\$74.97	\$83.97	\$94.05
2"	\$95.63	\$107.10	\$119.95	\$134.34	\$150.46
3"	\$179.30	\$200.82	\$224.92	\$251.91	\$282.14
4"	\$299.43	\$335.36	\$375.60	\$420.67	\$471.15
6"	\$597.67	\$669.39	\$749.72	\$839.69	\$940.45
8"	\$956.27	\$1,071.02	\$1,199.54	\$1,343.48	\$1,504.70
10"	\$1,374.63	\$1,539.59	\$1,724.34	\$1,931.26	\$2,163.01
MONTHLY UNMETERED FIRE FIXED CHARGES					
<u>Meter Size</u>					
1-1/2"	\$10.76	\$12.05	\$13.49	\$15.11	\$16.93
2"	\$17.21	\$19.28	\$21.59	\$24.18	\$27.08
3"	\$32.27	\$36.15	\$40.49	\$45.34	\$50.79
4"	\$53.90	\$60.36	\$67.61	\$75.72	\$84.81
6"	\$107.58	\$120.49	\$134.95	\$151.14	\$169.28
8"	\$172.13	\$192.78	\$215.92	\$241.83	\$270.85
10"	\$247.43	\$277.13	\$310.38	\$347.63	\$389.34
12"	\$462.59	\$518.10	\$580.28	\$649.91	\$727.90
WATER CONSUMPTION CHARGE - All Customers, Rate per ccf*					
Tier 1: 0 - 6 ccf **	\$4.51	\$4.75	\$5.01	\$5.28	\$5.57
Tier 2: Over 6 ccf	\$4.64	\$5.32	\$6.09	\$6.97	\$7.98
WATER CAPITAL SURCHARGE - All Customers, Rate per ccf*					
All Usage	\$0.63	\$0.78	\$0.97	\$1.21	\$1.50
DROUGHT SURCHARGES - All Customers, Rate per ccf*					
Water Shortage Contingency Plan (adopted by City Council 5/24/16)					
Required Water Cutback %					
Stage 2: Up to 10%	\$0.11	\$0.18	\$0.26	\$0.30	\$0.36
Stage 3: Up to 20%	\$0.29	\$0.44	\$0.63	\$0.71	\$0.85
Stage 4: Up to 30%	\$0.52	\$0.79	\$1.11	\$1.24	\$1.48
Stage 5: Up to 50%	\$1.25	\$1.88	\$2.63	\$2.94	\$3.50
WATER CAPACITY CHARGES					
<u>Meter Size</u> (Increased annually by the ENR-CCI for San Francisco)	3.6%	3.5%	2.5%	2.8%	
5/8"	\$4,852	\$5,027	\$5,203	\$5,333	\$5,482
3/4"	\$4,852	\$5,027	\$5,203	\$5,333	\$5,482
1"	\$8,087	\$8,378	\$8,671	\$8,888	\$9,137
1-1/2"	\$16,173	\$16,755	\$17,341	\$17,775	\$18,273
2"	\$25,877	\$26,809	\$27,747	\$28,441	\$29,237
3"	\$48,520	\$50,267	\$52,026	\$53,327	\$54,820
4"	\$81,028	\$83,945	\$86,883	\$89,055	\$91,549
6"	\$161,733	\$167,555	\$173,419	\$177,754	\$182,731

Larger sizes based on ratio of size to 5/8" – 3/4" meters.

* 1 ccf = one hundred cubic feet or approximately 748 gallons

** Tier 1 at least as much as SFPUC wholesale rate plus BAWSCA bond surcharge (\$0.46/ccf).

City Manager's Office

**STAFF REPORT****City Council****Meeting Date:****4/14/2020****Staff Report Number:****20-077-CC****Informational Item:****Update on Belle Haven community center and library****Recommendation**

The purpose of this information item is to provide the City Council and members of the public a brief update on the Belle Haven community center and library project.

Policy Issues

As an information item, there are no policy issues. Staff will identify any applicable policy issues for the City Council consideration as part of any action items related to the project.

Background

In October 2019, Facebook announced its intent to collaborate with the community and the City to build a new multigenerational community center and library on the site of the current Onetta Harris Community Center (OHCC,) Menlo Park Senior Center and Belle Haven Youth Center located at 100-110 Terminal Avenue. On December 10, 2019, staff provided an informational item staff report to provide an update to City Council while awaiting a written offer. In addition, the City Council appointed City Councilmembers Carlton and Taylor to an ad hoc subcommittee on this project. On December 16, 2019, Facebook submitted its offer for the City Council's consideration.

On January 28, the City Council approved a resolution of intent to collaborate with Facebook and accept the offer. On February 11, City Council conducted a study session to discuss current service levels and directed staff regarding changes to the preliminary recommendations. On February 25, City Council approved the interim service levels, appropriated \$1 million for interim services, waived purchasing requirements and expressed a willingness to convene special City Council meetings with 24-hour noticing related to any potential contracts in excess of the city manager's spending authority of \$75,000.

On March 10, the City Council initiated the process to abandon public utilities easements and a portion of Terminal Avenue currently occupied by Kelly Park, the Menlo Park Senior Center and the Belle Haven Pool. The next steps in the abandonment process involve review by the Planning Commission May 18 and City Council June 23.

Information related to the project is available on the City-maintained webpage (Attachment A).

Analysis

This staff report serves as an update on the project in the context of the COVID-19 emergency and a preview of the April 21 agenda topic on this project.

The Planning Commission was scheduled to hold a study session on the project March 23. In light of the various city, county and state orders in place by the middle of March, staff and Facebook decided it was best to postpone the study session item. Staff and the Facebook team have been able to continue working on technical aspects of the project in anticipation of being able to reschedule the Planning Commission study session, perhaps in May.

Staff has met with the City Council subcommittee to keep them apprised of the project's progress and will be reporting out to the full City Council April 21 on topics such as:

- Facebook's continued commitment to the project and community
- City contributions to the overall project budget
- Project schedule, steps and timeline
- Update on plans for interim services during construction
- Opportunities for community outreach and public engagement

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 – project page: menlopark.org/bellehaven

Report prepared by:

Justin Murphy, Deputy City Manager