



**CITY COUNCIL AGENDA
REGULAR MEETING
CITY OF HALF MOON BAY**

TUESDAY, FEBRUARY 20, 2024

**HYBRID MEETING (SEE NEXT PAGE)
ADCOCK COMMUNITY CENTER
535 KELLY AVENUE
HALF MOON BAY, CA 94019**

**Joaquin Jimenez, Mayor
Harvey Rarback, Vice Mayor
Robert Brownstone, Councilmember
Deborah Penrose, Councilmember
Debbie Ruddock, Councilmember**

7:00 PM

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the agenda and will have a maximum of three minutes to discuss their item. Comments on City Manager Updates and Consent Calendar items should be made during the Public Forum section of the agenda. Those wishing to speak on a Business or Public Hearing matter will be called forward at the appropriate time during that item's consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the agenda are on file in the Office of the City Clerk at City Hall where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

<http://hmbcity.com/>

**Wi-Fi: HMB Public
Password: Recreation1**

HYBRID MEETING PARTICIPATION PROTOCOLS

*This meeting will be held in-person and via Zoom for public participation. Remote participation is provided as a supplemental way to provide public comment, but this method does not always work. The public is encouraged to attend in person to ensure full participation. Public comments may be made in-person or remotely via Zoom, and interpretation will be available. All Councilmembers and staff will participate in person. During any public comment portions, attendees may use the “raise your hand” feature and will be called upon and unmuted when it is their turn to speak. The meeting will also be streamed on Channel 27, on pacificcoast.tv, and on Facebook at www.facebook.com/cityofhalfmoonbay. Please click to join the webinar: <https://us06web.zoom.us/j/87674804231> or join by phone at 669-900-9128, using Webinar ID 876-7480-4231. If joining by phone, use *9 to raise your hand, *6 to mute and unmute.*

ROLL CALL / PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PROCLAMATIONS AND PRESENTATIONS

MAYOR'S ANNOUNCEMENTS OF COMMUNITY ACTIVITIES AND COMMUNITY SERVICE

REPORT OUT FROM RECENT CLOSED SESSION MEETINGS

CITY MANAGER UPDATES TO COUNCIL

PUBLIC FORUM

1. CONSENT CALENDAR

1.A WAIVE READING OF RESOLUTIONS AND ORDINANCES

1.B POTENTIAL ACQUISITION OF SAN MATEO COUNTY APNS 065-082-030, 065-152-070, 065-155-080, 065-157-030, 065-181-060, 056-125-040, 056-128-070, 065-023-170, 065-024-370, 065-031-220, 065-031-240, 065-034-050, 065-192-110, 065-074-030, 065-171-080, 065-155-090, 065-203-190, 065-032-170, 065-072-030, 065-181-020, 065-032-040, 065-184-020, 065-191-040, HALF MOON BAY

Staff Recommendation: Adopt a resolution authorizing the City Manager to execute an Agreement to Purchase Tax-Defaulted Property with the County of San Mateo to acquire 23 tax-defaulted parcels located in the West of Railroad and Wavecrest Planned Development areas, and authorizing City staff to negotiate with Coastside Land Trust to potentially reconvey the Wavecrest parcels.

[STAFF REPORT](#)

[RESOLUTION](#)

[ATTACHMENT 2](#)

[ATTACHMENT 3](#)

1.C AMENDMENT TO ALTA PROFESSIONAL SERVICES AGREEMENT FOR EASTSIDE PARALLEL TRAIL IMPROVEMENTS (CIP NO. 619)

Staff Recommendation: Adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Alta Planning and Design, Inc., increasing the contract by \$36,270 for a new total not-to-exceed amount of \$162,893 for design services on the Eastside Parallel Trail North – Segment 4 Improvement Project (CIP No. 619).

[STAFF REPORT](#)

[RESOLUTION](#)

[ATTACHMENT 2](#)

[ATTACHMENT 3](#)

2. ORDINANCES AND PUBLIC HEARINGS

3. RESOLUTIONS AND STAFF REPORTS

3.A WORK SESSION AND DIRECTION ON AUTOMATED LICENSE PLATE READERS (ALPR)

Staff Recommendation: Receive this report and provide direction to staff whether to return to the City Council with additional details regarding procurement, costs, and implementation of Automated License Plate Readers (ALPR) within Half Moon Bay.

[STAFF REPORT](#)

[ATTACHMENT 1](#)

[ATTACHMENT 2](#)

3.B MINIMUM WAGE ORDINANCE AMENDMENT OPTIONS

Staff Recommendation: Receive an update regarding amendment options to the City's minimum wage ordinance adopted on February 4, 2020, and provide direction for possible modifications.

[STAFF REPORT](#)

3.C BUDGET AMENDMENT FOR JOHN L. CARTER PARK IMPROVEMENTS PROJECT (CIP NO. 0611)

Staff Recommendation: Adopt a resolution authorizing the transfer of \$1,250,000 to Capital Improvements Project No. 0611 – John L. Carter Park Improvements Project.

[STAFF REPORT](#)

[RESOLUTION](#)

FOR FUTURE DISCUSSION / POSSIBLE AGENDA ITEMS

CITY COUNCIL REPORTS

ADJOURNMENT

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Catherine Engberg, City Attorney

TITLE: **POTENTIAL ACQUISITION OF SAN MATEO COUNTY APNs 065-082-030, 065-152-070, 065-155-080, 065-157-030, 065-181-060, 056-125-040, 056-128-070, 065-023-170, 065-024-370, 065-031-220, 065-031-240, 065-034-050, 065-192-110, 065-074-030, 065-171-080, 065-155-090, 065-203-190, 065-032-170, 065-072-030, 065-181-020, 065-032-040, 065-184-020, 065-191-040, HALF MOON BAY**

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute an Agreement to Purchase Tax-Defaulted Property with the County of San Mateo to acquire 23 tax-defaulted parcels located in the West of Railroad and Wavecrest Planned Development areas, and authorizing City staff to negotiate with Coastside Land Trust to potentially reconvey the Wavecrest parcels.

FISCAL IMPACT:

The County of San Mateo has assessed the final redemption cost of the 23 parcels at a total of \$176,489.39; including a 10% closing contingency amounts to a total of \$194,138.33. The City will use Lot Retirement Funds (traffic mitigation payments from the sponsor of the 63-unit Ailanto Pacific Ridge project) to fund the purchases. No General Fund monies will be used.

BACKGROUND:

I. 2020 Land Use Plan Update

On October 20, 2020, the City Council approved an LUP Update, the culmination of a multi-year effort that commenced in 2013. The LUP Update includes policies affecting the West of Railroad Planned Development (WRR PD) and North Wavecrest Planned Development areas.

a. West of Railroad PD area

The WRR PD area has been designated Regional Public Recreation with a PD overlay since the 1985 certified LUP. This designation was carried forward in the recent update to the LUP. The 2020 LUP Update allows residential development in the WRR PD area, but prioritizes public acquisition. It provides:

The West of Railroad PD has long been envisioned for public land acquisition with the intent of preserving the larger blufftop area for its significant habitat, coastal access and recreation, and scenic value. While the 1996 Land Use Plan [update of 1985 LUP] included Planned Development policies for West of Railroad, it prioritized public acquisition by the State Department of Park and Recreation to assure an adequate buffer between residential and recreational use in an area where the width of current public ownership is quite limited.

Because this area is located immediately east of the City blufftop lands, these lots should be considered for acquisition directly by the City, through the City's lot retirement program, or by land trusts. Public land acquisition would allow this land to be used for green infrastructure to address runoff and erosion concerns along this blufftop area. It would also allow space for managed retreat of the Coastal Trail as the bluffs erode to maintain public access and recreational opportunities.

2020 LUP Update at 2-55.

b. North Wavecrest PD area

The North Wavecrest PD (Wavecrest PD) area is a substantially undeveloped PD. The 2020 LUP Update allows residential development in the Wavecrest PD area, but prioritizes public acquisition. It provides:

North Wavecrest PD is envisioned primarily for habitat conservation and restoration, hazard avoidance, public access and recreation, and lower-cost visitor serving uses as consistent with Coastal Act priorities. Low-impact camping, Coastal Trail connections, ecotourism, birding, small ancillary facilities, and other similar types of low- impact outdoor recreational uses would be supported. As in the case for the West of Railroad PD, public land acquisition is highly desired to achieve this vision. A transfer of development rights (TDR) program could also potentially help achieve this vision while providing for increased development potential in the Town Center.

2020 LUP Update at 2-57, 58.

II. City's Lot Retirement Program

The City would acquire the tax-defaulted lots in the Wavecrest and WRR PD areas using funds paid by the developer of the Pacific Ridge subdivision. On or about October 15, 2008, the Coastal Commission approved the Coastal Development Permit (CDP) application of Ailanto Properties Inc. (Ailanto) to construct 63 housing units on land adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City (Ailanto Project). The Coastal Commission approved the CDP subject to Ailanto's payment

of \$45,000 per new housing unit it constructed, for a total of \$2.835 million, to allow the City to purchase and retire other property in the City to mitigate the cumulative traffic impacts of the Ailanto Project (Lot Retirement Funds).¹

The City's acquisition of land in the Wavecrest and WRR PD areas would both mitigate cumulative traffic impacts of the Pacific Ridge subdivision and implement coastal resource policies in the City's certified 1985 Land Use Plan, 1996 Local Coastal Program, and 2020 Land Use Plan Update. The City's 2020 Coastal Land Use Plan Update prioritizes acquisition/retirement of lots in the Wavecrest and WRR PD areas in light of their significant habitat, coastal access and recreation, fractured ownership, and scenic value.

Consistent with these policies, the City has purchased ten parcels in the WRR area and has filed eminent domain actions to acquire seven other lots. This tax sale acquisition will allow the City to acquire 21 parcels in the Wavecrest PD area and two parcels in the WRR PD area. Staff has conducted preliminary investigation of the properties, including mapping the parcels.

DISCUSSION:

The properties proposed for acquisition (Property) consists of San Mateo County APNs 065-082-030, 065-152-070, 065-155-080, 065-157-030, 065-181-060, 056-125-040, 056-128-070, 065-023-170, 065-024-370, 065-031-220, 065-031-240, 065-034-050, 065-192-110, 065-074-030, 065-171-080, 065-155-090, 065-203-190, 065-032-170, 065-072-030, 065-181-020, 065-032-040, 065-184-020, 065-191-040 located in the Wavecrest and WRR PD areas. The Properties are tax-defaulted allowing the City to acquire the properties in a direct purchase from the County, i.e. a Chapter 8 sale.

On February 13, 2024, the San Mateo County Board of Supervisors adopted a resolution authorizing execution of an agreement between the County of San Mateo and the City of Half Moon Bay for the purchase of the tax-defaulted Properties.² The County of San Mateo has broken down the final redemption cost for each parcel as follows:

APN #	Final Payment Due
065-082-030	\$6832.95
065-152-070	\$6929.73

¹ Lot retirement was imposed by the Coastal Commission on the Ailanto Pacific Ridge project to address the cumulative impact of growth. In lieu of the developer implementing lot retirement, the Coastal Commission's approval provided that the developer would submit funds to the City of Half Moon Bay to implement lot retirement. This impact and funds collected from the Ailanto project for the Highway 1 – Terrace Avenue signalization project, which was to address near-term, not cumulative, impacts of the project.

² The February 13, 2024 materials related to this Board of Supervisors action are available at: <https://sanmateocounty.legistar.com/LegislationDetail.aspx?ID=6509015&GUID=176D0148-F2AD-46E9-8646-F2241CDE89C3>.

065-155-080	\$6576.76
065-157-030	\$6929.73
065-181-060	\$6576.76
056-125-040	\$7729.70
056-128-070	\$11,124.14
065-023-170	\$6667.69
065-024-370	\$6574.21
065-031-220	\$7520.02
065-031-240	\$9358.13
065-034-050	\$11,438.51
065-192-110	\$34,798.06 ³
065-074-030	\$5184.44
065-171-080	\$6797.47
065-155-090	\$3562.17
065-203-190	\$3988.49
065-032-170	\$4587.92
065-072-030	\$4525.75
065-181-020	\$6332.42
065-032-040	\$5792.53
065-184-020	\$3981.32
065-191-040	\$3409.69

General Plan consistency

The City's 2020 LUP Update, which serves as the City's Land Use Element, imposes PD land use designation policies on the areas. The Properties are currently vacant and undeveloped and are in a natural state. The 2020 LUP Update notes that the Wavecrest PD and WRR PD, where the Properties are located, have long been envisioned for public land acquisition, with the intent to preserve the larger blufftop area for its significant habitat, coastal access and recreation, and scenic values.

Staff will request that the Planning Commission confirm this finding at a regular meeting prior to close of escrow pursuant to Government Code section 65402.

CEQA

Staff has concluded that the acquisition is exempt from the requirements of the California Environmental Quality Act, Public Resources Code sections 21000 et seq. (CEQA), under CEQA Guidelines 14 CCR section 15301 (Existing Facilities) and section 15061(b)(3) (no possibility of effect on environment) because the City's acquisition of the Property will cause no change in the current physical condition of the Property as vacant land and will result in no change to the current use of the Property as vacant land.

³ This parcel is significantly more expensive because its assessed value is relatively high, at \$114,128. Further inquiry as to the valuation is ongoing.

Summary

Staff recommends that the Council adopt a Resolution (Attachment 1) authorizing the City Manager to execute an Agreement to acquire 23 tax-defaulted parcels located in the West of Railroad and Wavecrest Planned Development areas, and further direct staff to negotiate with Coastside Land Trust to potentially reconvey the 21 Wavecrest parcels to the Land Trust. The agreement will track the California State Controller's Office template, which is attached as Attachment 2.

ATTACHMENTS:

1. Resolution authorizing the City manager to execute an Agreement to Purchase Tax-Defaulted Property with the County of San Mateo for the City's purchase of the 23 tax-defaulted parcels for \$194,138.
2. California State Controller's Office Sample Form "Agreement to Purchase Tax-Defaulted Property."

Resolution No. C-2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE COUNTY OF SAN MATEO TO ACQUIRE TAX DEFAULTED PARCELS, SAN MATEO COUNTY APNS 065-082-030, 065-152-070, 065-155-080, 065-157-030, 065-181-060, 056-125-040, 056-128-070, 065-023-170, 065-024-370, 065-031-220, 065-031-240, 065-034-050, 065-192-110, 065-074-030, 065-171-080, 065-155-090, 065-203-190, 065-032-170, 065-072-030, 065-181-020, 065-032-040, 065-184-020, 065-191-040

WHEREAS, the City is seeking to acquire property in the North Wavecrest Planned Development (Wavecrest PD) and West of Railroad Planned Development (WRR PD) areas to protect significant habitat and scenic values, provide an area for green infrastructure to control drainage and manage hazards/erosion, manage retreat of the Coastal Trail, mitigate cumulative traffic impacts through the City's lot retirement program, and maintain public access and recreational opportunities in the West of Railroad area, implementing the City's 1985 Local Coastal Land Use Plan (LUP), 1996 certified Local Coastal Program, and 2020 LUP Update; and

WHEREAS, the vacant parcels known as San Mateo County Assessor's Parcel Numbers (APNs) 065-082-030, 065-152-070, 065-155-080, 065-157-030, 065-181-060, 056-125-040, 056-128-070, 065-023-170, 065-024-370, 065-031-220, 065-031-240, 065-034-050, 065-192-110, 065-074-030, 065-171-080, 065-155-090, 065-203-190, 065-032-170, 065-072-030, 065-181-020, 065-032-040, 065-184-020, 065-191-040 (Properties) are located within the Wavecrest PD and WRR PD areas, including 21 within Wavecrest PD area and two (2) within the WRR PD area; and

WHEREAS, on October 15, 2008, the Coastal Commission approved a modified coastal development permit authorizing the construction of 63 housing units by Ailanto Properties on land adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City (Ailanto Project), subject to the project sponsor's payment of \$45,000 per new housing unit constructed by the project sponsor (for a total of \$2.835 million) to allow the City to purchase and retire other property in the City to mitigate the traffic impacts of the Ailanto Project; and

WHEREAS, on June 20, 2021 the City Council adopted a resolution approving the establishment of a Lot Acquisition and Retirement Fund with the Ailanto Project mitigation funds with the purpose of acquiring and retiring development rights on existing legal parcels; and

WHEREAS, the City intends to use the Lot Acquisition and Retirement Fund to acquire the tax defaulted Properties; and

WHEREAS, the City has applied to acquire the Properties from the County of San Mateo through a Chapter 8 tax sale; and

WHEREAS, on February 13, 2024, the San Mateo County Board of Supervisors adopted a resolution authorizing execution of an agreement between the County of San Mateo and the City of Half Moon Bay for the purchase of the tax-defaulted Properties; and

WHEREAS, the City intends to negotiate with Coastside Land Trust to potentially reconvey the 21 parcels located in the Wavecrest PD for open-space protection; and

WHEREAS, the City's 2020 LUP Update, which serves as the City's Land Use Element, designated the Properties as Regional Public Recreation or Unincorporated Communities, and imposes PD land use designation policies on the area, prioritizing public acquisition directly by the City; and

WHEREAS, the County of San Mateo has assessed the final redemption cost to be \$176,489.39 for the Properties;

WHEREAS, the City and the County have negotiated an Agreement to Purchase Tax-Defaulted Property whereby the City will acquire fee title to the Properties for \$176,489.39 ; and

WHEREAS, the City Council exercises its independent judgment and finds that the acquisition is exempt from the requirements of the California Environmental Quality Act under section 15301 (Existing Facilities) and section 15061(b)(3) (no possibility of effect on environment) because the City's acquisition of the Properties will cause no change in the current physical condition of the Properties as vacant land and will result in no change to the current use of the Properties as vacant land; and

WHEREAS, the City Manager recommends that the Council approve the City's purchase of the Property for \$194,138.33 (which includes a 10% contingency for transaction costs) to advance the City's objective of retiring lots with the potential for residential development in the Wavecrest PD and West of Railroad PD areas.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council Authorizes the City Manager to execute an agreement to acquire the tax defaulted Properties for a total of \$194,939.80, and take all other actions reasonably necessary to effectuate the purchase.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 20th day of February, 2024 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Joaquin Jimenez, Mayor

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTY

This agreement is made this (day) day of (month), (year) by and between the (county) County Board of Supervisors and (purchasing entity), in accordance with provisions of California law. The County (“SELLER”), subject to the State Controller’s approval, does hereby agree to sell to (purchaser) (“PURCHASER”) the real property described in Exhibit ‘A’ of this agreement.

The real property situated within said county, hereinafter set forth and described in Exhibit ‘A’ of this agreement, is tax defaulted and is subject to the power of sale by the tax collector of said county for the nonpayment of taxes.

The PURCHASER agrees to pay the sum of \$(price) and which is tendered in the form of (cash/negotiable paper/etc) with this document.

The following is a *sample listing* of terms and conditions, any of which may be included in Chapter 8 Sale Agreements at the discretion of the County. ***This list is not inclusive and pursuant to California Revenue and Taxation Code sections 3795.5 and 3794.3 the board of supervisors may establish conditions of sale.***

Consultation with county counsel is recommended before establishing conditions of sale

In consideration of the mutual promises herein set forth, the parties mutually agree as follows:

- Approval by the State Controller. California Revenue and Taxation Code section 3795 requires this agreement to be submitted to and approved by the California State Controller before it becomes final. This agreement is not in effect until the California State Controller’s authorization is received and the noticing process is complete.
- Purchase and Evidence of Title. Within 21 days from the effective date of this agreement, the PURCHASER agrees to pay a sum sufficient to redeem the delinquent property taxes pursuant to California Revenue and Taxation Code section 3793.1(a) or a reduced price in accordance with section 3793.1(b). The approval and notice process will determine the effective date of the sale and the final purchase price. The PURCHASER agrees to pay the amount specified in Exhibit ‘___’ for the properties described in Exhibit ‘A’. Payment shall be in cash or certified funds payable to the (county) County Tax Collector. Upon receipt of said sums by the Tax Collector, the Tax Collector shall execute and record a deed conveying the title to said property to PURCHASER and after recordation the deeds will be returned to the purchaser by the County Clerk/Recorder.
- No Representation. The SELLER makes no representation concerning the condition of title to the subject property. The SELLER does not warrant title to the property or make any representations concerning the title. Additionally, the SELLER makes no representation concerning the physical condition of the subject property and the PURCHASER acknowledges that it is not relying upon any statements or representations of the SELLER concerning the subject property and is purchasing the subject property in its ‘as is’ condition.
- Other Expenses: The PURCHASER shall pay the other expenses in addition to the purchase price of the property, including but not limited to: the cost of giving notice of the notice of agreement, the cost of publishing or posting the notice of agreement, the cost of proceeding to obtain a clear title to the property,

(SCO 8-13)(9-16)

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTY

and the expenses incurred in the payment, compromise, or other method of removal of any liens or adverse claims against the property.

- Intent of Use. The public purpose and specified intent of use set forth by the PURCHASER for the purchased property is as follows: _____
- Jurisdiction Boundaries. If the PURCHASER is a 'district' as defined by Government Code 56036(a) the purchased property must be within their jurisdiction, unless a letter from purchasers' legal counsel stating that either the influence has been extended by the Local Agency Formation Commission (LAFCo) to include the property or the property may be purchased without conflict with sphere of influence parameters.
- Real Property Taxes, Fiscal Year (current)-(current): The purchase price does not include the property taxes for Fiscal Year (current)-(current). The PURCHASER shall be responsible for payment in full of the Fiscal Year (current)-(current) property taxes for the property in addition to the purchase price.
- Treated as a Single Transaction: The SELLER shall sell the property(s) listed in Exhibit '___' as a single transaction to the PURCHASER in consideration of the receipt of the payments in listed in this agreement.
- Redemption: If any of the properties listed in Exhibit '___' are redeemed prior to the effective date of this agreement, this agreement shall be null and void as to that property or properties. Notwithstanding the foregoing, the agreement shall be binding and shall remain in full force and effect with respect to any remaining property (s).
- Void/Incomplete Purchase: This agreement shall become null and void and the right of redemption restored upon the failure of the PURCHASER to comply with the terms and conditions of this agreement prior to the tax deed recordation. The PURCHASER will be required to reimburse the Tax Collector for the costs for producing notice, publication, and actual costs incurred for preparing and conducting the agreement sale if these expenses have already been incurred.
- Indemnity: The PURCHASER shall indemnify the SELLER from and against any and all liability, loss, costs, damages, attorney's fees, and other expenses which the SELLER may sustain or incur by reasons of a challenge to validity of the tax default sale of the property described in Exhibit '___'. Pursuant to California Revenue and Taxation Code section 3809, a proceeding based on alleged invalidity or irregularity of any proceeding instituted can only be commenced within one year after the date of execution of the Tax Collector's deed.
- Environmental Condition of Property. The property acquired pursuant to this agreement may contain hazardous wastes, toxic substances, or other substances regulated by federal, state, and local agencies. The SELLER in no way whatsoever assumes any responsibility, implied or otherwise, and makes no representations that the property (s) are in compliance with federal, state, or local laws governing such substances. The SELLER in no way assumes any responsibility, implied or otherwise, for any costs or liability of any kind imposed upon or voluntarily assumed by the PURCHASER or any other owner to

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTY

remediate, clean up, or otherwise bring into compliance according to federal, state, or local environmental laws property purchased.

- CERCLA. The SELLER and the PURCHASER agree that under United States Code, title 42, section 9601(20,d), the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) expressly excludes local and state governments from clean up liability for properties they acquire as a result of tax delinquencies. Notwithstanding this provision, the PURCHASER shall defend, indemnify, and hold harmless the SELLER, its board of supervisors, officers, claims, actions, liabilities, losses, damages, and costs , including reasonable attorneys' fees, arising out of or resulting from the performance of this agreement, regardless of whether caused in part by a party indemnified hereunder, including but not limited to allegations that the SELLER and/or the SELLER's officers, directors, agents, employees, or volunteers are liable for costs or other charges related to the remediation, clean up, or other work necessary to bring any property purchased under this agreement into compliance with deferral, state, or local environmental laws.

AGREEMENT TO PURCHASE TAX DEFAULTED PROPERTY

The undersigned hereby agree to the terms and conditions of this agreement and are duly authorized to sign for said agencies.

Note: If more than one executed copy is required, add the following statement above the signature block:

This document is being executed in counterpart each of which constitutes an original

ATTEST:

PURCHASER

By: _____

ATTEST:

CLERK OF THE BOARD OF SUPERVISORS

By: _____

By: _____
DEPUTY

By: _____

Note: If the property is located within the boundaries of a city, add this signature block:

Pursuant to the provisions of Revenue and Taxation Code section 3775, the governing body of the City of (city) hereby agrees to the selling price as provided in this agreement.

ATTEST:

DEPUTY

CITY OF _____
By: _____

Note: If the agreement is with the State or a county, use this signature block:

Pursuant to the provisions of Revenue and Taxation Code section 3775, the Controller agrees to the selling price hereinbefore set forth and, pursuant to the provisions of section 3795, approves the foregoing agreement this this (day) day of (month), (year) is approved.

MALIA M. COHEN, CALIFORNIA STATE CONTROLLER

By: _____

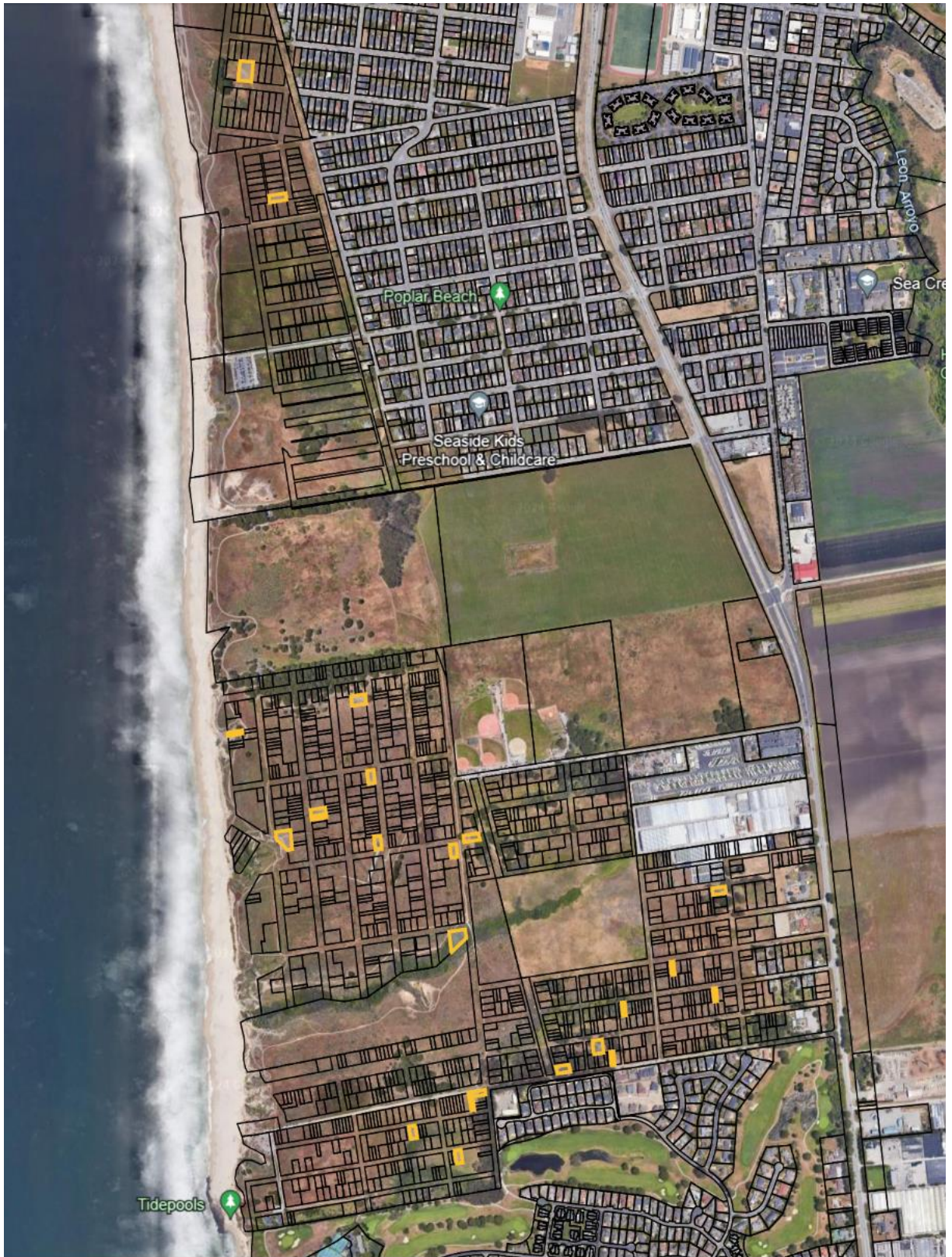
Note: For agreements with agencies other than the State or a county, use this signature block:

Pursuant to the provisions of Revenue and Taxation Code section 3795, the Controller approves the foregoing agreement this this (day) day of (month), (year) is approved.

MALIA M. COHEN, CALIFORNIA STATE CONTROLLER

By: _____

ATTACHMENT 3 - Property Map
(properties shown in yellow)



BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Maz Bozorginia, Public Works Director/City Engineer

TITLE: **AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH ALTA FOR EASTSIDE PARALLEL TRAIL IMPROVEMENTS (CIP NO. 619)**

RECOMMENDATION:

Adopt a resolution authorizing the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Alta Planning and Design, Inc., increasing the contract by \$36,270 for a new total not-to-exceed amount of \$162,893 for design services on the Eastside Parallel Trail North – Segment 4 Improvement Project (CIP No. 619).

FISCAL IMPACT:

There is adequate funding included in the capital budget for this action. Once the design phase is completed, it will be advertised for construction and will be brought back to the City Council for additional action. A summary of the funding sources is shown below:

Source	Amount
SMCTA	\$980,000
MTC	\$350,000
City (General Fund)	\$35,000
Total Project Budget	\$1,365,000

STRATEGIC ELEMENT:

This recommendation supports the following Elements of the Strategic Plan: *Infrastructure and Environment, Healthy Communities and Public Safety, and Inclusive Governance.*

BACKGROUND:

The City's adopted Capital Improvements Program (CIP) includes projects to extend the Multi-Modal Trails throughout City limits adjacent to Highway 1. The City has previously completed the construction of varying segments of the trails as far south as Wavecrest Road and as far north as Roosevelt Blvd. Additional trail segments are also in various phases of design and environmental review as the City moves towards increasing connectivity for alternative modes

of transportation including biking and walking. A map of current and future multi-modal routes is attached to this report (Attachment 3).

The City's adopted Bicycle and Pedestrian Master Plan (2019) calls for the extension of the Eastside Parallel Trail for the final 0.3 miles to the northern City limits which will connect to the newly constructed San Mateo County Trail (Coronado Avenue in El Granada to the northern City Limits). The City's project includes a Class I multi-use path that will be an 8-ft wide asphalt path plus 2 feet of decomposed granite on each side. The proposed trail is located on the east side of Highway 1 extending the existing path from its northern terminus at Roosevelt Boulevard to the northern City limits at Mirada Road.

DISCUSSION:

On June 15, 2021, the City Council adopted a resolution authorizing the City Manager to execute a Professional Services Agreement with Alta Planning and Design, Inc. for final design, permitting and environmental services for the Eastside Parallel Trail North – Segment 4 Improvement Project (Project) in the amount of \$115,197.

Soon after this action, Caltrans staff and policy changes impacted the deliverables of the scope of work but did not impact the budget necessary. On August 5, 2021, a scope of work modification was approved administratively as Amendment No. 1. On May 6, 2022, Amendment No. 2 was approved for a time-extension due to the impacts on the project schedule. On December 8, 2022, Amendment No. 3 was approved under City Manager authority to again extend the contract expiration and added \$11,426 for additional coordination efforts with Caltrans, which brings the total contract amount not-to-exceed \$126,623.

Over the last year, new staffing changes at Caltrans again impacted the design support services provided by Alta and their subconsultant CAL Engineering (structural). Additional coordination on bridge-type selection process was needed and added several months to the schedule and many meetings for staff and design consultants to Caltrans comments. The additional scope of work by Alta is necessary to complete regulatory conditions including responding to Caltrans Permit Engineering Evaluation Review (PEER) comments and preparation of a Bridge General Plan.

The majority of funding for the project was obtained through grants from the San Mateo County Transportation Authority (SMCTA) and the Metropolitan Transportation Commission (MTC) for a total grant amount of \$1,330,000. The City's local match from general funds for the project is \$35,000, for a total project budget of \$1,365,000, which is adequate to cover the cost of this proposed amendment.

This project is very close to construction. The Coastal Development Permit was approved in 2023. A Lake and Streambed Alteration Agreement (regulatory requirement) was submitted on February 12, 2024, and is pending approval by the California Department of Fish and Wildlife.

Once Caltrans approval is given, the project will go out to bid and will be brought back to the City Council for consideration.

It is recommended that the City Council authorize the City Manager to execute this Amendment No. 4 with Alta Planning and Design, Inc. in the amount of \$36,270, for a new total not-to-exceed contract amount of \$162,893.

ATTACHMENTS:

1. Resolution
2. Alta Proposal dated December 21, 2023
3. Half Moon Bay Existing and Proposed Multi-Modal Trail Map

Resolution No. C-2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALTA PLANNING AND DESIGN, INC., INCREASING THE CONTRACT BY \$36,270 FOR A NEW TOTAL NOT-TO-EXCEED AMOUNT OF \$162,893, FOR DESIGN SERVICES ON THE EASTSIDE PARALLEL TRAIL NORTH – SEGMENT 4 IMPROVEMENT PROJECT (CIP NO. 619)

WHEREAS, the City’s adopted Capital Improvements Program (CIP) includes projects to extend the Multi-Modal Trails throughout City limits adjacent to Highway 1. The City has previously completed the construction of varying segments of the trails as far south as Wavecrest Road and as far north as Roosevelt Blvd; and

WHEREAS, the City’s adopted Bicycle and Pedestrian Master Plan (2019) calls for the extension of the Eastside Parallel Trail for the final 0.3 miles to the northern City limits which will connect to the newly constructed San Mateo County Trail (Coronado Avenue in El Granada to the northern City Limit); and

WHEREAS, the City has received grant funding from the San Mateo County Transportation Authority (SMCTA) and the Metropolitan Transportation Commission (MTC) for a total grant amount of \$1,330,000 with a City local match of \$35,000, for a total project budget of \$1,365,000; and

WHEREAS, on June 15, 2021, the City Council adopted a resolution authorizing the City Manager to execute a Professional Services Agreement with Alta Planning and Design, Inc. for final design, permitting and environmental services for the Eastside Parallel Trail North – Segment 4 Improvement Project (Project) in the amount of \$115,197; and

WHEREAS, on August 5, 2021, the City Manager authorized Amendment No. 1 to the contract for scope modifications which did not change the total contract amount; and

WHEREAS, on May 6, 2022, the City Manager authorized Amendment No. 2 to the contract for a time-extension to increase the contract date; and

WHEREAS, on December 8, 2022, the City Manager authorized Amendment No. 3 to the contract and increasing the contract amount by \$11,426, for a new total contract amount of \$126,623 for additional design support related to required Caltrans coordination; and

WHEREAS, over the last year, new staffing changes at Caltrans again impacted the design support services provided by Alta and their subconsultant CAL Engineering needing further coordination on bridge-type selection process; and

WHEREAS, Alta, at the request of staff, prepared a memorandum summarizing the additional required tasks and associated costs to complete the design and permitting for the project for an additional \$36,270 for a new total contract amount of \$162,893.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay hereby authorizes the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Alta Planning and Design, Inc., in the amount of \$36,270 for a new total not-to-exceed contact amount of \$162,893 for design services on the Eastside Parallel Trail North – Segment 4 Improvement Project (CIP No. 619).

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 20th day of February 2024, by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Joaquin Jimenez, Mayor



MEMORANDUM

To: Ray Razavi, City of Half Moon Bay

From: Brian Burchfield, Alta Planning + Design

Date: December 21, 2023

Re: Bicycle Connectivity North Project Additional Services

The following fee is to provide additional services on the City's Bicycle Connectivity North Project. Addressing additional rounds of Caltrans comments, meetings with Caltrans, and extension in the anticipated schedule have caused the current contracted budget to be fully spent. Remaining project tasks include:

- Responding to Caltrans comments on Foundation Report and Bridge General Plan
- Completing the Caltrans PEER form and attachments
- Finalizing 100% PS&E
- Responding to one round of clear and consistent comments from City staff and Caltrans on the 100% PS&E

Fee

Alta Planning + Design, Inc.							Cal Engineering and Geology				Total Task Fee
	Principal - Designer	Senior Associate Landscape Architect	Landscape Designer II	Engineering Designer III	Project Coordinator II	Alta's Sub Total	Principal	Associate Engineer	Senior Engineer	Sub #1 Sub Total	
	James Powell	Brian Burchfield	Katrina Ortiz	Madeline Muller	Kirsten Clausen		Chris Hockett	Kai Feng	Ronaldo Longoria		
2024 Hourly Rate*	\$265	\$245	\$130	\$175	\$115		\$250	\$225	\$210		
Construction Documents	2	8	16	24	0	\$8,770.00	0	0	0	\$2,660.00	\$11,430
100% PS&E	2	8	16	24		\$8,770.00	2	4	6	\$2,660.00	\$11,430
Bridge Type Selection	0	8	0	0	4	\$2,420.00	8	20	28	\$12,380.00	\$14,800
Task Management and Oversight		8			4	\$2,420.00				\$0.00	\$2,420
Site Reconnaissance						\$0.00				\$0.00	\$0
Bridge Site Data Submittal Package						\$0.00				\$0.00	\$0
Draft Final Hydraulic Report						\$0.00				\$0.00	\$0
Final Hydraulic Report						\$0.00				\$0.00	\$0
Draft Type Selection Report						\$0.00				\$0.00	\$0
Final Type Selection Report						\$0.00	4	8	12	\$5,320.00	\$5,320
Type Selection Meeting						\$0.00				\$0.00	\$0
Address Caltrans Comments						\$0.00	4	12	16	\$7,060.00	\$7,060
Caltrans PEER Process	0	12	12	16	0	\$7,300.00	4	4	4	\$2,740.00	\$10,040
Completion and Submittal of Draft and Final Minor Bridge Request						\$0.00				\$0.00	\$0
Completion and Submittal of Draft and Final PEER Form		8	12	16		\$6,320.00				\$0.00	\$6,320
Project Review Meetings		4				\$980.00	4	4	4	\$2,740.00	\$3,720
Staff Hours	2	28	28	40	4		12	24	32		\$36,270

Segment 4 (CIP No. 0619)



THE CITY OF
HALF MOON BAY
CALIFORNIA

Segment 2 (CIP No. 0595)

Pacific Ocean

Half Moon Bay



Segment 1 (CIP No. 0538)

Future Class 1 Trail Segments

- Segment 1 (CIP No. 0538)
- Segment 2 (CIP No. 0595)
- Segment 4 (CIP No. 0619)
- Eastside Parallel Trail South
- Naomi Patridge Trail South

Current Class 1 Trail Segments

- Half Moon Bay Maintained
- Other Jurisdiction Maintained

Housing Type

- Low Income
- Planned Low Income
- Moonridge (Farmworker Family Housing)

Education

- SMC K-12 Schools

SNAP And CalFresh Retailer

- Grocery Store/ Supermarket
- Farmers Markets
- Convenience Store/ Other

Basemap:

- Half Moon Bay: City Boundary

- ESRI Gray (light)

Data provided by: The City of Half Moon bay,
The City of Half Moon Bay Housing Element
2023 - 2031, The County of San Mateo, USDA

Eastside Parallel Trail South

Naomi Patridge Trail South



BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Captain Rebecca Albin, San Mateo County Sheriff's Office, Chief of Police Services

TITLE: **STUDY SESSION AND DIRECTION ON AUTOMATED LICENSE PLATE READERS**

RECOMMENDATION:

Receive a report and provide direction to Staff whether to return to the City Council with additional details regarding procurement, costs, and implementation of Automated License Plate Readers (ALPR) within Half Moon Bay.

FISCAL IMPACT:

There is no fiscal impact associated with this study session. Based upon the direction of the City Council, staff can return with details on costs associated with implementing ALPR.

STRATEGIC ELEMENTS:

This action supports several Strategic Plan Elements including: *Healthy Communities and Public Safety, Fiscal Sustainability, and Inclusive Governance.*

BACKGROUND:

On August 15, 2023, the Sheriff's Office presented their Annual Report for FY 2022-23. Following the presentation, Council requested a future update on Automated License Plate Readers (ALPR), including advancements in technology, protection of data, and other previously identified concerns, as well as how the deployment of ALPR might provide specific benefits to the residents of Half Moon Bay in curbing crime trends and helping improve community safety.

The question of using ALPR in Half Moon Bay was previously discussed at Council meetings in 2019. Some Council and community members voiced concerns about then-current technology, data protection, immigration issues, and privacy. Ultimately, the Council opted to await a then in-progress State audit of ALPR use in other jurisdictions. That audit found that most jurisdictions lacked sufficient policies and procedures, and often failed to follow any policies they did have in place or audit their own use of the technology. The State audit also cited a lack of safeguards to protect the data collected, and jurisdictions retained the data longer than necessary for the technology's stated purpose. Ultimately, the City did not revisit the use of ALPR due to the onset of the COVID-19 pandemic in early 2020.

Recently, in response to community concerns regarding improper and illicit activity, the Sheriff (with consent of the City) placed a mobile ALPR unit in the vicinity of Pilarcitos and Kelly Avenues. This action followed neighborhood meetings and general consensus agreement to, among other strategies, utilize mobile ALPR technology. The mobile unit has since been removed following a significant de-escalation of activity in the area. Additionally, over the past year the City and Sheriff have heard from community members and businesses interested in ways to keep their homes and businesses safer. Many of these conversations have included questions about whether ALPR is being utilized in Half Moon Bay and, if not, can it be implemented in Half Moon Bay.

Based on the direction from Council in 2023, Staff and the Sheriff have gathered information on the current technology being utilized by the County and other jurisdictions, best practices related to the use of ALPR, and reviewed updated policies on their use, including safeguarding data and imagery collected by ALPR. The Sheriff has recently updated their ALPR use policy, which now includes best practices, enhanced protections, and safeguards being utilized successfully in other jurisdictions. In 2023, the Sheriff and County also updated their policies related to collaboration with federal agencies on immigration enforcement issues. The new policies restrict the County from cooperating with ICE without a federal judicial warrant.

Staff also recently met with local representatives of the ACLU to inform them of the City's intent to discuss ALPR and to seek their input. The ACLU indicated concerns about the effectiveness of the technology in solving crimes, privacy, and potential abuses of data. The City received a follow-up letter which is attached. ACLU representatives have been invited to participate in the study session.

ALPR technology and implementation have evolved significantly since prior conversations. Notably, the ALPR technology being considered does not capture personal identifying information (PII), does not possess the ability to conduct facial recognition, nor does it share their information with private third parties. The Sheriff's Office believes the technology is proving to be an effective deterrent, investigative aid, and crime fighting tool wherever deployed.

Flock Safety (Flock) has emerged as an industry leader in license plate recognition technology. Flock license plate recognition technology is currently being utilized by the Sheriff's Office in unincorporated areas as well as contract cities of Millbrae, San Carlos, Woodside, and Portola Valley. The technology is being used by several other Cities within San Mateo County, throughout the Bay area, and the State of California.

DISCUSSION:

Automated License Plate Reader (ALPR) technology provides a means to identify vehicles of interest following a crime. The technology utilizes cameras which are directed at the body of car and license plate to capture the license plate (state, partial, paper, and no plate) and vehicle details (type and color) along with the time, date, and location of image capture. No images of the driver or other occupants are captured, and the technology does not include any capacity

for facial recognition. Flock Safety technology is currently utilized by the San Mateo County Sheriff's Office in unincorporated areas of the County including the Coastsides. The technology is widely used by other cities throughout San Mateo County. Similar technology is also utilized throughout the Bay Area to manage toll lanes, bridges, and traffic signals. The Sheriff's Office has found ALPR to be an invaluable resource, acting as a force multiplier, allowing the capture of information that may have otherwise been lost given the constraints of not always being able to be everywhere at all times. The force multiplier element is an important element for Half Moon Bay and the greater Coastsides given the patrol coverage, size of the area, and level of transient visitors.

The unique topography of Half Moon Bay allows those who live and work here to literally be separated from the rest of the Bayside cities, which in the case of ALPR is a benefit because it means anyone coming to commit crimes here would typically need to drive a car to do so. Additionally, there are times crimes occur, when witnesses may be reticent to come forward to share vital information like what the car looked like that fled the scene past where they live. ALPR technology can alleviate that, by capturing the vehicle's image and license plate, giving investigators a key piece of evidence to pursue.

In speaking with community members, the two main questions raised were, "Will ALPR be used to enforce laws from other states?" and, "Will ALPR be used for immigration purposes?" The answer is a resounding no to both questions. The San Mateo County Sheriff's Office has recently updated its ALPR policy to make sure it is consistent with best practices and language based on guidance from the State Attorney General's Office, current state law, anticipated state legislation, and the San Mateo County Attorney's Office. The policy is included in its entirety as Attachment 2 to this report. The policy provides clear understanding of the standard for records retention while providing local agencies the flexibility for longer retention.

Should the City Council direct, the Sheriff's Office can return with a more detailed plan for implementation with staff and Flock Safety. Many of the consultant team are former law enforcement and are helpful in analyzing traffic patterns and crime patterns to determine which locations make the most strategic sense for ALPR placement. ALPR are typically affixed to existing infrastructure (i.e street signs, light poles, etc.). The Sheriff's Office understands and welcomes consideration of a "Pilot" implementation program which would likely address the three entry/exit points to Half Moon Bay.

ATTACHMENT:

1. Letter dated January 8, 2024, from the ACLU North Peninsula Chapter
2. San Mateo County ALPR Administrative Policy



January 8, 2024

Matthew Chidester, Half Moon Bay City Manager
Captain Rebecca Albin, Half Moon Bay Police Chief
501 Main Street
Half Moon Bay, CA 94019

VIA EMAIL

Re: Consideration of Automated License Plate Readers

Dear Matthew and Captain Albin,

We appreciated the lively and frank discussion on December 21 and are writing to follow up with the resources we promised.

Despite public perception, property and violent crimes fell in the first half of 2023 compared to the first half of 2022.¹ There was an uptick in property and violent crime in 2022 as the destabilizing effects of the pandemic took their toll, but even then rates remained well below historic levels.² These statistics may be cold comfort for community members who have experienced property and violent crime this past year, but decision- and policy-makers as well as law enforcement should avoid using ineffective tools to address these issues and remain focused on advancing strategies that work: reducing youth violence, strengthening families and communities, and targeting the long-standing barriers to opportunity, including poverty and housing instability, that disproportionately impact Black, Latinx, and other communities of color.

ALPRs are of Questionable Effectiveness in Solving Crime

ALPR systems have not been meaningfully demonstrated to either prevent crime or improve public safety. To the contrary, studies indicate that ALPRs do not have a deterrent effect on

¹ Based on data released by the FBI from 48 major California cities. November 15, 2023, *Crime, Especially Homicide, Declines in California Cities in First Half of 2023*, Center of Juvenile & Criminal Justice. Available at <https://www.cjcj.org/news/research-memo/crime-especially-homicide-declines-in-california-cities-in-first-half-of-2023>.

² October 2023, *Crime Trends in California*, Public Policy Institute of California. Available at <https://www.pplic.org/publication/crime-trends-in-california/>.

crime, with a recent analysis of ALPR cameras in Alameda County finding that auto thefts actually increased following installation of a system in 2020, ending a period of steady decline.³ And while ALPR vendors make efficacy claims about their technology in reducing crime, public safety experts note that any reduction in crime cannot be attributed to ALPR themselves.⁴

Moreover, the error rate of the readers is astonishingly high. A randomized control trial in Vallejo, California, found that 37 percent of all ALPR “hits” from fixed readers and 35 percent from mobile ALPRs were misreads.⁵

ALPRs Threaten Residents’ Privacy, Particularly In Historically Overpoliced Communities

The privacy concern with ALPRs stems in large part from their characteristic of collecting the location information and images of *every* vehicle that crosses their path, not just those that are associated with a crime. The photos and all other related information typically are retained in a database in which data from a multitude of law enforcement agencies is stored. Together these databases routinely contain hundreds of millions of data points revealing the travel histories of millions of drivers who have committed no crime. The data from ALPRs can be collected, stored, and analyzed in a manner that reveals sensitive details about where those drivers work, live, associate, worship, seek medical care, and travel.⁶

The privacy concern is heightened by the fact that ALPRs have been known to be disproportionately deployed in historically over-policed neighborhoods regardless of crime rates.⁷

Given these serious privacy concerns, particularly for our more vulnerable neighbors, it is important to note the vanishingly small amount of potentially useful information collected from ALPRs in proportion to the vast quantity of data they scoop up. For example, between 2016 and 2017, the Los Angeles County Sheriff’s Department scanned 234.36 million license plates with a 0.22 percent hit rate, the San Bernardino County Sheriff’s Department scanned 162.69 million license plates with a 0.06 percent hit rate, and the Sacramento Police Department scanned 116.23 million license plates with a 0.1 percent hit rate.⁸

ALPR Data is Susceptible to Abuse

³ <https://twitter.com/laurendo/status/1473414317605150722?s=11>

⁴ 8 Louise Matsakis, Flock Safety Says Its License Plate Readers Reduce Crime. It’s Not That Simple, WIRED (Oct. 24, 2019), <https://www.wired.com/story/flock-safety-license-plate-readers-crime/>

⁵ Jason Potts, Research in Brief: Assessing the Effectiveness of Automatic License Plate Readers, THE POLICE CHIEF, March 2018, <https://theiacp.org/sites/default/files/2018-08/March%202018%20RIB.pdf>.

⁶ <https://www.aclu.org/documents/you-are-being-tracked-how-license-plate-readers-are-being-used-record-americans-movements>

⁷ <https://www.eff.org/deeplinks/2015/01/what-we-learned-oakland-raw-alpr-data>

⁸ [up.https://www.eff.org/pages/automated-license-plate-reader-dataset](https://www.eff.org/pages/automated-license-plate-reader-dataset)

California and the Bay Area are not immune from the unfortunate reality of misuse of the vast troves of data collected by ALPRs.

- The Marin County Sheriff settled a case in 2022 regarding the sharing of ALPR information with out-of-state agencies including Federal Immigration and Customs Enforcement.⁹
- 71 California law enforcement agencies are being accused of making ALPR data accessible to states that criminalize crossing state lines for abortion, which could be used to place an out-of-state abortion seeker at a California clinic.¹⁰
- A Black Walnut Creek man was pulled over, forced to his knees at gunpoint and handcuffed in front of his wife and daughters because of a license plate reader error.¹¹
- A Black San Francisco woman was forced out of her car at gunpoint and handcuffed because of a license plate reader error, resulting in a \$495,000 settlement with the city.¹²

The Half Moon Bay City Council's Concerns with ALPRs in 2019 Still Apply

The city declined ALPRs four years ago pending a state audit of ALPRs.¹³ The audit¹⁴ is instructive for many of the pitfalls of ALPRs and the multitude of shortcomings exhibited by the agencies tasked with their data management.

We welcome a follow-up meeting and look forward to continuing the discussion. In the interests of full transparency, we note that we might also reach out to city council members as bandwidth and interest permit.

Sincerely,

Jason Miles
Robin Montoya
Chowning Poppler
Beth von Emster

⁹ <https://www.aclunc.org/news/community-activists-reach-settlement-marin-county-sheriff-unlawfully-sharing-drivers-locations>

¹⁰ <https://www.aclunc.org/news/civil-liberties-groups-demand-california-police-stop-sharing-drivers-location-data-police-anti>

¹¹ <https://www.mercurynews.com/2021/06/23/opinion-at-gunpoint-police-handcuffed-me-because-of-a-license-reader-error/>

¹² <https://www.aclu.org/news/privacy-technology/san-francisco-woman-pulled-out-car-gunpoint-because>; https://www.sfexaminer.com/news/city-set-to-approve-wrongful-arrest-suit-settlement/article_2606ea3a-bd84-56b1-be3f-e6d608c397ca.html

¹³ https://www.hmbreview.com/news/state-audits-license-plate-readers/article_a75ef500-a348-11e9-ae13-fb224b7a6644.html

¹⁴ <https://www.auditor.ca.gov/reports/2019-118/summary.html#:~:text=Our%20audit%20of%20the%20use,ALPR%20images%20and%20associated%20data.>

Automated License Plate Readers (ALPRs)

420.1 PURPOSE AND SCOPE

The purpose of this Policy is to establish policy and procedures for the use and oversight of the San Mateo County Sheriff's Office Automated License Plate Reader (ALPR) technology.

420.1.1 DEFINITIONS

Automated License Plate Reader (ALPR): A device that uses cameras and computer technology to compare digital images of license plates to existing law enforcement inquiries and/or investigations lists.

Detection: An ALPR read of a license plate within public view, including potential images of the plate and vehicle on which it was displayed, and information regarding the location of the ALPR at the time the data was obtained.

Hit: An alert from the ALPR system that a scanned license plate number may be in the National Crime Information Center (NCIC) or other law enforcement database for a specific reason including, but not limited to, being related to a stolen vehicle, wanted person(s), missing person(s), domestic violence protective order, registered sex offender or terrorist-related activity.

Hotlist: License plate(s) associated with existing law enforcement investigations.

Plate of Interest: A license plate appearing on a hotlist or that has been entered into the ALPR database and is believed to be associated with criminal activity and/or a vehicle/person of interest.

420.2 POLICY

It is the policy of the San Mateo County Sheriff's Office (SMCSO) to utilize ALPR technology only for official and legitimate law enforcement purposes, with the goal being to increase the efficiency and effectiveness of its public safety efforts in a manner that safeguards the legitimate privacy concerns of law abiding citizens. Consistent with Civil Code 1798.90.55, the Sheriff's Office shall provide the opportunity for public comment at a regularly scheduled meeting of the governing body of any area prior to the installation of any fixed ALPR camera.

Office personnel may use the ALPR system for official use only. Any matches received from the ALPR must be verified before enforcement action is taken unless exigent circumstances exist. ALPR data shall be retained for a minimum of thirty (30) days. Intelligence and investigative information may be retained for a longer period. Local governments may decide to retain their own ALPR data for a longer period.

420.3 GENERAL

1. ALPRs shall be used only by authorized employees of this Office who have been trained and certified in the use of the equipment pursuant to SMCSO requirements. Training shall consist of policy review and an examination via the Learning Management System (LMS).
2. No civilian or sworn member shall use or authorize the use of any ALPR system or any ALPR database information for any reason other than official law enforcement purposes.
3. A positive Hit within the ALPR Program does not establish probable cause unless other significant factors for a detention exist. Absent exigent circumstances, or other information that helps to establish probable cause for a detention, the Hit information/data must be confirmed prior to taking any related law enforcement action.

420.4 ROLES AND RESPONSIBILITIES

General Use

1. ALPR systems shall be deployed solely for official law enforcement purposes, including, but not limited to:

- A. Locating stolen vehicles, carjacked vehicles, stolen license plates, wanted or missing persons, or vehicles on the Hotlist;
- B. Canvassing areas surrounding recent crimes to capture license plates that may be connected to the crime event; and

2. ALPR Administrator

- A. The ALPR Administrator duties and Official Custodian duties are the responsibility of the Administrative Sergeant or designee for the applicable area.
- B. The ALPR Administrator shall ensure all ALPR system equipment is inspected, at a minimum, on a quarterly basis.
- C. The ALPR Administrator shall coordinate all training for use of the ALPR systems and related technologies.
- D. No member of the Office shall operate ALPR equipment or access ALPR data without first completing department-approved training.
- E. The following classifications are authorized to be trained in the use of the ALPR system:
 - i. Duly sworn peace officers.
 - ii. Professional staff whose duties require or call for the use of the system or data, for example, Community Service Officers assigned to investigative positions or Crime Analysts.

- F. Training in the use of the system shall consist of:
- i. Privacy and civil liberties protections.
 - ii. Legal authorities, developments and issues involving the use of ALPR data and technology.
 - iii. Current Office policy regarding appropriate use of ALPR systems.
 - iv. Technical, physical, administrative and procedural measures to protect the security of ALPR data against unauthorized access or use; and
 - v. Practical exercises in the use of the ALPR system.
- G. The ALPR Administrator shall submit an ALPR quarterly report to the Area Commander of any deployment of ALPR technology:
- i. The report will include at a minimum, total detections and hits generated from the ALPR equipment and confirmation that there is no data in the system older than is permitted by this policy.
- H. The Sheriff's Office will give an annual report to the Governing Bodies on the number of license plates captured in any given time period, number of times the data was accessed by law enforcement, including but not limited to, a report from the law enforcement agency as to how many of the license plates included in the data accessed were Hits on an active wanted list, the number of inquiries made by law enforcement personnel by agency relative to the data, the justification(s) for those inquiries, and information on any data retained beyond retention periods (maximum of 12 months) and the reasons for such retention.
- I. The ALPR Administrator shall conduct periodic audits of user queries as well as update access to the database. This includes eliminating access to persons separated from the organization for any reason.

3. ALPR Operators

- A. Shall ensure the ALPR cameras are properly affixed to the assigned Sheriff's patrol vehicle prior to starting their shift; inspecting units for damage or excessive wear.
- B. Upon discovery of any ALPR equipment that is inoperable or damaged in any way, the Operator shall:
 - i. Immediately notify the ALPR Administrator in writing.
 - ii. Document the damage/issue on the County Vehicle Damage form.

- C. Shall start the ALPR system software to activate the system and receive the automatic updated Hotlist at the beginning of each shift.
 - i. ALPR units installed on marked Sheriff's patrol vehicles shall be activated and used at all times unless the operator of the vehicle has not been trained and certified to use the system.
 - ii. Staff assigned unmarked Sheriff's vehicles equipped with an ALPR system may use their discretion on removing the external ALPR cameras based on mission needs.
- D. Shall ensure that the ALPR system software, hardware, and GPS are fully operational.
- E. Shall not attempt to repair defective or inoperable ALPR equipment

4. ALPR Hits

- A. When an alarm is received alerting operators of a positive Hit from the Hotlist database, a digital image of the license plate will be displayed on the mobile data computer screen.
- B. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall compare the digital image of the license plate to the Hotlist information to verify the Hit for both the state in which the license plate was issued and characters on the plate. ALPR systems will alert based on the alpha numeric characters displayed for license plates issued and false positives are possible based on license plates with the same numbers from other states. ALPR systems may also misread letters and numbers of similar shapes. This is the primary reason that, absent exigent circumstances, all positive Hits must be confirmed prior to taking law enforcement action.
- C. Absent exigent circumstances, or other information to establish probable cause for a detention, ALPR operators shall confirm the ALPR information by radio or mobile data computer to immediately confirm the Hit prior to taking enforcement or any other type of action.

420.5 ALPR DATA

- A. Internal Data
 - i. All ALPR data downloaded to the server will be stored for one year or the length of time approved by the jurisdiction in which it is deployed. After that time has elapsed, the data will be purged. If the applicable data has become, or it is reasonable to believe will become, evidence in a criminal or civil action, or is subject to a lawful action to produce records, it should be downloaded from the server onto portable media and booked into evidence.

B. Sharing Data

- i. Detection data generated from SMCOSO ALPR systems will be shared with requesting law enforcement agencies only after it is determined that the request is for official and legitimate law enforcement purposes.

C. Hotlists

- i. State and/or national standing Hotlists will be automatically downloaded into the ALPR database a minimum of once a day with the most current data overwriting the old data.
- ii. The Hits from these data sources should be viewed as informational; created solely to bring to law enforcement's attention the specific license plates that have been, or may have been, associated with criminal activity.

D. Plates of Interest

- i. License plate data added to the database will have an expiration date of no longer than 30 days.
- ii. Plates entered into the ALPR database will contain the following information as a minimum:
 - (a) Entering Deputy's name and contact information.
 - (b) Corresponding SMCSO event number.
 - (c) Short synopsis of the reason why the plate has been entered into the system. This information should be as descriptive as reasonable under the circumstances.

420.6 PROHIBITED USE

- A. ALPR usage is prohibited from invading the privacy of individuals or looking into private area or areas where a reasonable expectation of privacy exists, nor shall they be used to harass, intimidate or discriminate against any individual or group, nor for any purpose not specifically authorized by this policy.
- B. Unauthorized access, possession or release of data is a violation of policy and various federal and state criminal statutes. Any employee who accesses, possesses or releases data from the ALPR database without authorization or in violation of this policy and such additional policies established by this Office, may face discipline up to and including termination, criminal prosecution and/or civil liability.
- C. The Sheriff's Office does not permit the sharing of ALPR data gathered by the Office or its contractors/subcontractors/municipalities for purpose of federal immigration enforcement, pursuant to the California Values Act (Government Code § 7282.5; Government Code § 7284.2 et seq) – these federal immigration agencies include Immigrations and Customs Enforcement (ICE) and Customs and Border Patrol (CPB).

- D. The Sheriff's Office will also consider the California Reproductive Privacy Act (Health and Safety Code § 123460 - § 123469) before approving the sharing of ALPR data for the purpose of investigating any person seeking to exercise their reproductive health care rights within California. The Sheriff's Office does not permit the sharing of ALPR data gathered by the Office or its contractors/subcontractors for the purpose of prosecuting, investigating or initiating any legal proceeding against any person for the exercise of reproductive health care rights as defined by California law.
- E. The Sheriff's Office will not share ALPR data with federal or out-of-state agencies in compliance with Civil Code §§1798.90.55(b) and 1798.90.5(f).

420.7 REFERENCES

- (a) Vigilant Solutions Car Detector User Manual
- (b) Civil Code § 1798.90.51; Civil Code § 1798.90.53

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Lisa Rossi, Administrative Services Director
Bryan Lopez, Senior Management Analyst

TITLE: **MINIMUM WAGE ORDINANCE AMENDMENT OPTIONS**

RECOMMENDATION:

Receive an update regarding amendment options to the City's minimum wage ordinance adopted on February 4, 2020, and provide direction for possible modifications.

FISCAL IMPACT:

There is no fiscal impact associated with this report. Future fiscal impacts will vary depending on any proposed amendments to the ordinance.

STRATEGIC ELEMENT:

This update supports the *Healthy Communities and Public Safety* and *Inclusive Governance* elements of the Strategic Plan.

BACKGROUND:

To address one of their five priorities for FY 2019-20, the City Council adopted Ordinance No. 2020-01 on February 4, 2020, establishing a local minimum wage in Half Moon Bay of \$15 per hour. Effective January 1, 2022, all businesses in Half Moon Bay are subject to a City-wide minimum wage that started at \$15 per hour, increasing annually based on the Consumer Price Index for San Francisco-Oakland-San Jose from the Bureau of Labor Statistics ("CPI"). The current minimum wage effective January 1, 2024, is \$17.01 per hour and does not differentiate based on business size or type.

During the August 15, 2023, Council meeting, staff were asked to research and begin outreach on possible amendments to the minimum wage ordinance, including increasing the minimum wage to \$19.00 per hour or more. During the discussion, the Council stated that the City needed to stay on top of the minimum wage and bring the topic back for consideration as the cost of living in Half Moon Bay continues to rise for families. They shared concerns that using the CPI to calculate the annual increase was not bringing the minimum wage near a living wage fast enough and it was imperative for the Council to take action to assist the struggling families in Half Moon Bay. At

a follow up meeting on November 30, 2023, the Council was presented with an update on options for amending the ordinance, and the direction staff was taking to educate the community and gather information related to amendment options. Following additional questions, staff were directed to bring back several options to the Council at a follow-up meeting.

DISCUSSION:

Based on previous Council feedback, Staff researched available options for increasing the minimum wage while also ensuring that measures are in place to prevent erosion of wages despite rising inflation. Common options include:

- Increasing minimum wage in steps over a period of time
- Splitting the minimum wage between small and large businesses or by business types
- Implementing CPI caps
- When implementing CPI caps also implementing a carryover provision
- Increasing the minimum wage fully as soon as is reasonably practicable
- A mix of the above options

Options

Increasing the minimum wage in steps over a period of time provides time for businesses to absorb and budget for potentially large employee expense increases. Businesses generally can absorb employee expense increases over time when given time to plan and price their goods and services accordingly. Most jurisdictions choose this or a variation of this method when increasing the minimum wage.

Separating the minimum wages by small and large businesses or by business type usually goes along with the stepped approach to raising the minimum wage and has the benefit of delaying potentially large cost increases over a longer period of time. This approach generally will extend the time and the steps for smaller businesses where at a point in the future, the wages would eventually equal the same minimum wage as larger businesses. This reduces the pressure on smaller businesses and sensitive industry types and reduces the potential for business failure that might result from large expense increases over too short of a period of time. This method is also quite a common approach when implementing minimum wage increases.

A CPI cap is used to smooth potential major employee expense increases during high inflationary years. The cap provides a maximum possible wage increase and allows businesses to budget for a maximum possible increase each year ensuring that they do not experience expenses that could not be planned for. CPI caps alone are susceptible to inflationary erosion in years that exceed the cap though generally CPI caps are usually higher than the average CPI increases.

A CPI carryover provision is used to offset potential inflationary erosion that can occur with CPI caps alone. When a CPI carryover provision is built into a minimum wage ordinance it ensures that the minimum wage does not erode with inflation over time by applying any excess CPI percentage to subsequent years. Generally, catch-up provision carryovers will continue to be added to following years until the actual CPI and the cap-adjusted CPI are equivalent. The

following year after a carryover is exhausted, the minimum wage would return to the actual CPI, provided it is below the set CPI cap.

For example - in the case of a high CPI year such as occurred in 2022 with a 5.7% CPI, in cities with a 3.5% cap, 2.2% of that would have been carried forward to 2023 limited to the same 3.5% total CPI increase. Since 2023 has a 3.4% CPI increase, the carryover would bring the total minimum wage increase to 3.5% leaving 2.1% remaining carryover for 2024 and potentially to future years until exhausted.

The attached Minimum Wage Comparison Table (Attachment 1) compares the 2023/24 minimum wages across different jurisdictions in the greater Bay Area. The table also indicates some differences among minimum wage ordinances.

Minimum Wage and Potential Unexpected Consequences

Staff has been working with the San Mateo County Human Services Agency and Health System to understand how raising minimum wage may impact eligibility for public assistance programs such as Medi-Cal, General Assistance, housing support, etc. However, these impacts are not straightforward and may depend on several factors, including the program type, household size, income and asset levels, and immigration status. The criteria for many programs are based on a nationwide standard, which doesn't take into account the disproportionately high cost of living in the Bay Area. We also are unsure of the number of households in Half Moon Bay that received public assistance.

We have been informed that based on current criteria, Half Moon Bay's minimum wage (along with many other cities) disqualifies some households from certain benefits. Additional increases to the minimum wage would likely disqualify additional households from certain public assistance programs, but the costs of those benefits are not easily determined. We are continuing to work with the County and provide information as it becomes available. The County and others are also advocating for changes to federally funded assistance programs, to better reflect eligibility based on our local cost of living.

Local Business Demographics

Also, at the November 30, 2023, Council meeting, staff were asked to research businesses and the number of employees within the City limits to assist Council in assessing the implications of raising the minimum wage. Based on information prepared by HdL (the City's business license operator), the following business types have shown to have the highest employee count:

Category	# Businesses	#Employees (Total)	# Employees (Average)
RETAIL - FOOD STORE	19	327	17
SERVICE - LODGING	11	377	34
RETAIL - RESTAURANTS	52	576	11
AG plus NURSERIES	9	98	11

According to business license records, there are a wide range of employees within different business categories, ranging from 1 employee to 275. There are approximately 134 businesses and 317 employees in total located south of Highway 92 on Main Street, which is considered the main business hub. There are many different types of businesses present, but the majority are restaurants. And although there are no formal statistics, research shows that many businesses on Main Street are women-owned.

Enforcement

Enforcement of minimum wage violations are generally handled by the State of California's Division of Labor Standards Enforcement (DLSE), or the San Mateo County District Attorney's Office. The City of Half Moon Bay facilitates education of the minimum wage and any changes based on the ordinance. Complaints initiated with the City are referred to the state or County for enforcement.

The County is also creating the Office of Labor Standards Enforcement to educate and enforce minimum wage laws for the County. The County is determining the scope of the office and if support will also extend to the cities within the County. The new office is expected to be up and running by July 1, 2024, with an initial focus on education.

Attachments:

Minimum Wage Comparison Table - San Mateo County

Attachment A:
Minimum Wage Ordinance Comparison Tables - San Mateo County

Minimum Wage Increase Methods/Possible Options				
Year	A) Immediate	B) Stepped	C1) Split Small	C2) Split Large
2024.0	\$17.01	\$17.01	\$17.01	\$17.01
2024.5	\$20.00	\$18.71	\$17.01	\$18.71
2025	Adj by CPI	\$20.00	\$18.71	\$20.00
2026	Adj by CPI	Adj by CPI	\$20.00	Adj by CPI
2027	Adj by CPI	Adj by CPI	Adj by CPI	Adj by CPI

* Steps use a 10% increase per step. Small Business delays first step until 2025

Minimum Wage CPI Increase Assuming Method B				
Year	Wage	CPI	CPI Capped @ 3.5%	Carryover
2024.0	\$17.01	N/A	N/A	N/A
2024.5	\$18.71	N/A	N/A	N/A
2025	\$20.00	N/A	N/A	N/A
2026	\$20.70	5.10%	3.50%	1.60%
2027	\$21.42	3.20%	3.50%	1.30%
2028	\$22.17	3.00%	3.50%	0.80%
2029	\$22.93	2.60%	3.40%	0.00%

*CPI percentages are not actuals and are used for illustrative purposes. Caps are an example based on common caps used by the State and many jurisdictions.

2023 Min Wage		2024 Min Wage	
Average	\$16.95	Average	\$17.51
Median	\$16.75	Median	\$17.35
High	\$23.15	High	\$23.94
Low	\$15.50	Low	\$16.00
Half Moon Bay	\$16.45	Half Moon Bay	\$17.01

Cities Differentiating by Business Type/Size		
City Name	Method	Current Status
Oakland	Industry Type	Differentiated
Emeryville	Business Size	Equalized
Sonoma	Business Size	Differentiated
Petaluma	Business Size	Equalized
Santa Rosa	Business Size	Equalized
Fremont	Business Size/Type	Equalized/Non-Profits Exempted
Hayward	Business Size	Differentiated
Novato	Business Size	Differentiated

Greater Bay Area City Wages by Year			2023 CPI = 3.40%	
Locality:	Adjusts Annually & Method	2023	2024	
Oakland, CA (Measure Z - Hotel Min Wage Without Health Benefits)	Annually by CPI	\$23.15	\$23.94	
Emeryville, CA large & small businesses	Annually by CPI	\$18.67	\$19.30	
Mountain View, CA	Annually by CPI	\$18.15	\$18.75	
Berkeley, CA	Annually by CPI	\$18.07	\$18.68	
San Francisco, CA (July 1st - June 30th)	Annually by CPI	\$18.07	\$18.68	
Sunnyvale, CA	Annually by CPI	\$17.95	\$18.55	
Oakland, CA (Measure Z - Hotel Min Wage with Health Benefits)	Annually by CPI	\$17.37	\$17.96	
El Cerrito, CA	Annually by CPI	\$17.35	\$17.92	
Palo Alto, CA	Annually by CPI but not greater than 5.0%	\$17.25	\$17.80	
Cupertino, CA	Annually by CPI	\$17.20	\$17.78	
Milpitas, CA	Annually by CPI	\$17.20	\$17.78	
Los Altos, CA	Annually by CPI	\$17.20	\$17.75	
Santa Clara, CA	Annually by CPI	\$17.20	\$17.75	
Redwood City, CA*	Annually by CPI max 5% rounded to 5 cents	\$17.00	\$17.70	
Sonoma, CA large businesses (26 or more employees)	Annually by CPI but not greater than 3.5%	\$17.00	\$17.58	
San Jose, CA	Annually by CPI max 5% rounded to 5 cents	\$17.00	\$17.55	
Petaluma, CA large & small businesses	Annually by CPI	\$17.06	\$17.45	
Santa Rosa, CA large & small businesses	Annually by CPI	\$17.06	\$17.45	
Fremont, CA large & small businesses	Annually by CPI Non-Profit exempt	\$16.80	\$17.37	
Belmont, CA*	Annually by CPI	\$16.75	\$17.35	
San Mateo, CA*	Annually by CPI max 3.5% w/catch up clause rounded to 5 cents	\$16.75	\$17.35	
South San Francisco, CA *	Annually by CPI	\$16.70	\$17.25	

East Palo Alto, CA*	Annually by CPI	\$16.50	\$17.10
Alameda, CA	Annually by CPI	\$16.52	\$17.08
San Mateo County, CA*	Annually by CPI	\$16.50	\$17.06
Burlingame, CA*	Annually by CPI	\$16.47	\$17.03
Half Moon Bay, CA*	Annually by CPI	\$16.45	\$17.01
Foster City, CA*	Annually by CPI but not greater than 3.0%	\$16.50	\$17.00
Hayward, CA large businesses (26 or more employees)	Annually by CPI but not greater than 5.0%	\$16.34	\$16.90
San Carlos, CA*	Annually by CPI But not greater than 3.5%	\$16.32	\$16.87
Novato, CA very large employer (100 or more employees)	Annually by CPI but not greater than 3.5%	\$16.32	\$16.86
Richmond, CA	Annually by CPI (-\$1.50) for Employer provided Health Plans	\$16.17	\$16.72
Menlo Park, CA*	Annually by CPI but not greater than 3.0%	\$16.20	\$16.70
Daly City, CA*	Annually by CPI	\$16.07	\$16.62
Novato, CA large employer (26 to 99 employees)	Annually by CPI but not greater than 3.5%	\$16.07	\$16.60
Sonoma, CA small businesses (25 or fewer employees)	Annually by CPI but not greater than 3.5%	\$16.00	\$16.54
Oakland, CA (Measure FF - General)	Annually by CPI	\$15.97	\$16.51
Novato, CA small employer (25 or fewer employees)	Annually by CPI but not greater than 3.5%	\$15.53	\$16.04
Hayward, CA small businesses (25 or fewer employees)	Determined by State of California	\$15.50	\$16.00
San Leandro, CA	Determined by State of California	\$15.50	\$16.00

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **February 20, 2024**

TO: Honorable Mayor and City Council

VIA: Matthew Chidester, City Manager

FROM: Maz Bozorginia, Public Works Director/City Engineer
Jonathan Woo, Assistant Engineer

TITLE: **BUDGET AMENDMENT FOR JOHN L. CARTER PARK IMPROVEMENTS PROJECT
(CIP NO. 0611)**

RECOMMENDATION:

Adopt a resolution authorizing the transfer of \$1,250,000 to Capital Improvements Project No. 0611 – John L. Carter Park Improvements Project.

FISCAL IMPACT:

This action requests a transfer of \$1,250,000 to the John L. Carter Park Improvements Project, adding to the previously allocated budget of \$6,360,000 for a new total not-to-exceed construction budget of \$7,610,000.

Breakdown of accounts being drawn from are as follows:

CIP No.	Title	Amount
1009	Main Street Safety Improvement	\$300,000
N/A	Fund 151 - General Capital Transfer	\$950,000
Total		\$1,250,000

The Main Street Safety Improvement Project (CIP No. 1009) was completed under budget with \$300,000 remaining in the fund balance. The remaining funds are requested from General Capital Reserves. With this action, the total amount of local funds dedicated to the project would be \$2,860,000, with \$4,750,000 coming from State funding. The allocation requested in this report includes approximately \$622,000 in uncommitted contingency funds, which will be necessary to complete the project.

STRATEGIC ELEMENT:

This action supports *the Infrastructure and Environment and Healthy Communities and Public Safety* Elements of the Strategic Plan.

BACKGROUND:

The Parks Master Plan, adopted by the City Council on February 5, 2019, identified John L. Carter Memorial Park (Carter Park) as an opportunity to increase community recreation at an underutilized City park. The John L. Carter Park Improvements Project (Project) includes a new performing arts amphitheater including terraced seating, a performance stage with storage space and changing room, a children's play area, picnic area, restroom and concession stand building, park access improvements, a nature trail, landscaping, lighting, and utility improvements.

On December 8, 2020, the Planning Commission approved the environmental review and adopted a mitigated negative declaration (MND) and approved PDP-19-059, an application for a Coastal Development Permit, Use Permit, Architectural Review, and Parking Exception, to allow the renovation of the park. On March 9, 2021, the Planning Commission approved an addendum to the MND for the project to clarify some lighting and height discrepancies for the theatrical stage. In FY 2021-22, Assemblymember Marc Berman was successful in obtaining funding through the California State Budget in the amount of \$4.75 million to assist the Project.

On April 19, 2022, the City Council approved the award of a construction contract to Wickman Development and Construction of San Francisco, California, in the bid amount of \$4,971,000 and a construction contingency amount of 15% (\$745,650), as well as contracts for biological monitoring and material testing and inspection services from qualified professionals, SWCA Inc. (\$35,079) and Bay Area Geotechnical Group (\$115,415), respectively.

On May 2, 2023, the City Council received an update on the project status, including delays related to the temporary construction easement (TCE), Coastside County Water District (CCWD) service upgrades and working with Mariner's Church property, and impacts from the significant weather impacts of late 2022 and early 2023 storms.

On June 20, 2023, the City Council adopted a resolution authorizing the City Manager to execute the agreement to acquire the TCE as well as a permanent pathway easement to formalize pedestrian and bicycle access from Main Street to Carter Park (\$273,150).

DISCUSSION:

This project has been subject to several delays due to unforeseen circumstances, including access constraints and adverse weather delays/design changes.

The initial construction commencement was impacted by potential litigation due to access restrictions and related requirements. Historically, access to Carter Park has been shared through the Stone Pine Shopping Center. There is no dedicated parking access, with visitors accessing the eateries, shops and services frequently and utilizing the park during favorable weather. Most patrons access by walking or biking, and for larger events, which are subject to the City's special event permit process, parking is coordinated with neighboring property

owners. Staff worked for over a year with adjacent property owners to obtain the rights necessary to access the site for construction.

Additionally, recent precipitation and flooding levels impacted Carter Park more than ever witnessed previously. During the fall and winter wet season of 2022 and 2023, the City and region experienced some of the heaviest rainfall totals on record. The National Weather Service identified more than 10 atmospheric rivers that brought this historic rainfall. The City experienced localized flooding in conjunction with these storm events, with significant flooding occurring in and along Pilarcitos Creek. Between December 31, 2022, and January 1, 2023, Pilarcitos Creek reached flows in excess of 2100 cubic feet per second (cfs), some of the highest recorded since USGS started monitoring at this site in 1967. The entire Pilarcitos Creek watershed, including Carter Park, was affected by these historic flows. Carter Park required clean-up, but no infrastructure was damaged. The original design of the project considered the role of the property in relieving flooding from the creek in heavy rain events, but the flooding of the last two years indicates that we should expect higher flows. Consequently, design modifications have been made to ensure the planned infrastructure can withstand the additional flooding now and in the future.

The time lost and impacts related to the access constraints and weather have had a ripple effect on the budget for this project. Additional funds have been used for those impacts related to the time delays, weather impacts, and access constraints. Additional unforeseen scope has also been required to complete the project including utility changes and a significant modification to the foundation of the performance stage based on newly observed weather impacts, as previously reported to the Council. As we move forward, there may be requests for additional funding from the project consultant team, which will be brought back for council consideration. A summary of the construction related expenses is presented in the table below:

Source	Amount
Construction Contract (Wickman)	\$ 4,971,000
Approved and Anticipated CCO's (Wickman)	\$ 915,851
Construction Management (Griffin)	\$ 245,000
Geotechnical Testing and Inspection (BAGG)	\$ 115,415
Design Construction Support (ELS)	\$ 209,275
Environmental Services (SWCA)	\$ 60,668
TCE, Access, and Utility related costs	\$ 470,569
Totals	\$ 6,987,778

Table 1 – Anticipated Final Construction Expenditures

The fiscal situation of the project is attributed to four main areas that were unforeseen at the time of construction award:

- Acquisition costs for the temporary and permanent easements through Stone Pine Shopping Center (\$273,150)

- Time-delay impacts to material and service costs associated with the easements as well as weather impacts and modifications due to historic precipitation and flooding (\$500,000)
- Revised construction cost of the performance stage foundation due to Winter 2022/23 storm related impacts (\$100,000)
- Utility fees, such as the water service agreement and additional PG&E fees (\$198,000).

In conclusion, there have been a number of issues that staff encountered during this construction phase. To date, staff have encountered more than \$1,000,000 in unforeseen costs. In order to complete this project, it is requested that the City Council adopt a resolution authorizing the transfer of \$1,250,000 from various capital projects to the John L. Carter Park Improvement Project (CIP No. 611).

ATTACHMENT:

Resolution

Resolution No. C-2024-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO TRANSFER \$1,250,000 FROM VARIOUS CAPITAL IMPROVEMENT PROJECTS TO THE JOHN L. CARTER PARK IMPROVEMENT PROJECT (CIP NO. 611)

WHEREAS, The John L. Carter Park Improvements Project includes a new amphitheater including terraced seating, a new stage with storage space and changing room, a children's play area, picnic area, restroom and concession stand building, park access improvements, a solidarity trail, landscaping, lighting, and utility improvements; and

WHEREAS, on December 8, 2020, the Planning Commission approved the environmental review, adopted a mitigated negative declaration (MND), and approved the Coastal Development Permit, Use Permit, Architectural Review, and Parking Exception for the project; and

WHEREAS, the City of Half Moon Bay, with support from Assemblymember Berman, was successful in obtaining funding through the FY 2021-22 California State Budget in the amount of \$4.75 million to assist the City in constructing improvements at John L. Carter Park; and

WHEREAS, on December 21, 2021, the City Council approved the filing of the project application for Carter Park with the State of California Local Assistance Specified Grant and authorized the City Manager to conduct all necessary business to complete the grant scope and enter into the funding agreement for the John L. Carter Park project; and

WHEREAS, on April 19, 2022, the City Council approved the award of a construction contract to Wickman Development and Construction of San Francisco, California, in the bid amount of \$4,971,000 and a construction contingency amount of 15% or \$745,650, as well as contracts for biological monitoring and material testing and inspection services from qualified professionals, SWCA Inc., in the amount of \$35,079, and Bay Area Geotechnical Group, in the amount of \$115,415; and

WHEREAS, On May 2, 2022, City staff provided an update to the project to the City Council. Staff provided information related to construction delays due challenges obtaining construction access through adjacent properties, as well as multiple design revisions to the project relating to electrical and utility changes, flood mitigation, and the modifications to the foundation for the stage; and

WHEREAS, staff has encountered more than \$1,000,000 in change orders, access expenses, permitting fees, and other miscellaneous expenses, and have exhausted the allocated funding per Resolution C-2022-21; and

WHEREAS, in order to fully complete this project, additional funding is needed.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Half Moon Bay hereby authorizes the Administrative Services Director to transfer \$950,000 from Fund 151 – General Capital Fund and \$300,000 from Capital Improvements Project No. 1009 Main Street Improvements for a total of \$1,250,000 to Capital Improvements Project No. 611 – John L. Carter Park Improvements Project.

I, the undersigned, hereby certify that the foregoing Resolution was duly passed and adopted on the 20th day of February 2024, by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Jessica Blair, City Clerk

Joaquin Jimenez, Mayor