

AGREEMENT AMENDMENT

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



Agreement #:

Amendment #: 002417-1

AGREEMENT FOR SERVICES BETWEEN THE CITY OF MENLO PARK AND HORTSCIENCE | BARTLETT CONSULTING

THIS FIRST AMENDMENT is made and entered into this 26 day of March, 2019, by and between the CITY OF MENLO PARK, a Municipal Corporation, hereinafter referred to as "CITY," and HORTSCIENCE | BARTLETT CONSULTING, formerly known as HORTSCIENCE, INC., hereinafter referred to as "FIRST PARTY."

1. Pursuant to Section 4 Compensation and Payment of Agreement No. 002417, ("Agreement"), Section 4 Compensation and Payment [amendment to section] to read as follows"

"CITY shall pay FIRST PARTY an all-inclusive fee that shall not exceed \$199,000 (\$130,000 for heritage tree ordinance update and \$69,000, per fiscal year, for general arborist services) as described in Exhibit "A-1" Scope of Service. This compensation shall be based on the rates described in Exhibit "A-1". All payments, including fixed hourly rates, shall be inclusive of all indirect and direct charges to the Project incurred by FIRST PARTY. The CITY reserves the right to withhold payment if the CITY determines that the quality of the work performed is unacceptable."

2. Pursuant to Section 23 Term of Agreement of Agreement No. 002417, ("Agreement"), Section 23 Term of Agreement [amendment to section] to read as follows"

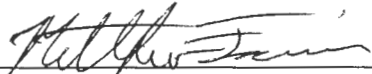
"This agreement shall remain in effect for the period of July 1, 2018 to June 30, 2021 unless extended, amended, or terminated in writing by CITY."

Except as modified by this Amendment, all other terms and conditions of Agreement No. 002417 remain the same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

SIGNATURE PAGE TO FOLLOW

FOR FIRST PARTY:



Signature

3/20/2019

Date

Matthew Farin

Printed name


Vice President

Title

06-0254490

Tax ID#

APPROVED AS TO FORM:



William L. McClure, City Attorney

3/26/19

Date

FOR CITY OF MENLO PARK:




Starla Jerome-Robinson, City Manager

3/26/19

Date

ATTEST:



Judi A. Herren, City Clerk

3/26/19

Date

Heritage Tree Ordinance Review and Update Community Task Force Scope

Summary: The heritage tree ordinance governs trees growing on private property. Over the past several years, concerns arose with development related heritage tree appeals, unpermitted removals, and enforcement of tree replacements. As a result, the City Council included reviewing the heritage tree ordinance for potential amendments as part of their 2017 and 2018 work plans.

The desired outcome of the heritage tree ordinance review and update is to ensure a significant and thriving population of large healthy trees in Menlo Park for public enjoyment and environmental sustainability while balancing property rights and implementation efficiency. The ordinance update will evaluate current issues and successes related to the ordinance and explore options based on best practices from other communities to achieve the desired outcome.

The City Council has authorized creation of a community task force to fill an essential role in the heritage tree ordinance update. This document provides general direction to the task force, scope of duties, and roles and responsibilities.

General Direction: The task force will function as a *collaborative* engagement process. This means that the task force will be a *partner* in each aspect of the heritage tree ordinance update, such as development of alternatives and choice of the preferred option. Working in partnership with the consultant team and staff, the task force will ensure that diverse interests and concerns are discussed and worked through to find middle ground solutions to meet the desired outcome described above. Staff will look to the task force for advice and innovation in formulating solutions and options, and incorporate task force advice and recommendations into decisions to the maximum extent possible.

Key Roles and Responsibilities of the Task force:

- *Attend all meetings or at minimum 75% of all meetings (see attached schedule)*
- Work in partnership with staff and other members of the task force while advocating for their particular interest
- Manage conflict by listening to differing values, concerns and experiences, and work through them to find and propose middle ground solutions
- Review the background materials in advance of meetings if provided
- Recommend to staff a list of criteria to weigh options against
- Review best practices provided by consultant and recommend to staff, practices that could address existing issues with or enhance the ordinance in Menlo Park
- Review and discuss policy options to make a final recommendation to City Council
- *Develop a recommendation to the City Council on the preferred option for the heritage tree ordinance by summer 2019 and final recommendation by winter 2019*
- Assist with communitywide engagement once City Council has selected a preferred option
 - This will be a *consult* type of community engagement where information about the draft ordinance (preferred option) is provided communitywide, and any member of the public can provide feedback that *may* influence the final recommendation and decision

Key Roles and Responsibilities of City Staff:

- Work in partnership with the task force to develop a staff recommendation on a preferred option to City Council
- Provide advice and research to the task force
- Track input and provide feedback on results of the task force to the City Council
- Serve as information-givers, using technical expertise and professional experience to describe options as well as their pros and cons, benefits, and implications in order for the task force to formulate a recommendation to the City Council
- Develop a policy options analysis based on input from the task force
- Draft an ordinance update based on City Council's selection of a preferred option
- Conduct communitywide engagement of the draft ordinance (preferred option) before formal adoption by the City Council
- Implement the draft ordinance

Key Roles and Responsibilities of the City Council:

- Provide, guide, and clarify policy and scope direction to the task force and staff during the heritage tree update process
- Consider the recommendations put forward by staff and the task force
- Decide which option to pursue for wider community engagement
- Decide on which (if any) amendments will be made to the heritage tree ordinance

Givens (non-negotiable):

- The City Council is the decision maker on all changes to City ordinances and policies
- The task force's role is to make recommendations to City Council
- Staff and task force recommendations to City Council could differ entirely or on specific subject matter within the Heritage Tree Ordinance, but staff and task force will practice due diligence to reach agreement to the maximum extent possible
- The task force will operate under the Brown Act using Robert's Rules of Order and the City of Menlo Park Guide for Advisory Bodies
- The options analysis will be evidence-based, meaning that any options explored or considered will be based on quantitative and/or qualitative data from within the City of Menlo Park, other communities, or other credible sources
- Preferred option must be implementable, efficient and cost effective
- Preferred option must meet legal requirements for balancing property rights with community values
- The safety of the public will be maintained through evidence based data

Tentative Schedule Heritage Tree Task Force Meetings		
Meeting No.	Date and Time	Meeting Purpose
1	August 23, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Introduction and discussion of task force roles and responsibilities • Urban forestry education presentation • Review progress to-date and scope being considered for policy options analysis
2	September 13, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Review of current state of the ordinance • Review best practices by subject: (1) Intent and purpose and (2) Definition of heritage tree • Determine top 3-4 practices for each subject to include in the options analysis
3	October 3, 2018 6 pm to 9pm	<ul style="list-style-type: none"> • Continue to review best practices by subject: (3) Criteria for removals • Determine top 3-4 practices for each subject to include in the options analysis
4	October 25, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Continued to review best practices by subject: (4) Appeals Process and (5) Mitigation and replacement • Determine top 3-4 practices for each subject to include in the options analysis
5	November 14, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Continued to review best practices by subject: (6) Tree Establishment Fund and (7) Violations • Determine top 3-4 practices for each subject to include in the options analysis
6	December 6, 2018 6 pm to 9 pm	<ul style="list-style-type: none"> • Continued to review best practices by subject: (8) Enforcement and (9) Permit Process • Determine top 3-4 practices for each subject to include in the options analysis • Discuss initial outline and needs for policy options analysis
7	February 13, 2019 6 pm to 9 pm	<ul style="list-style-type: none"> • Review and discuss draft policy options analysis • Determine criteria to weigh options for selection of preferred option
8	March 13, 2019 6 pm to 9 pm	<ul style="list-style-type: none"> • Review and discuss preferred option • Discuss recommendation to City Council
9	April 10, 2019 6 pm to 9 pm	<ul style="list-style-type: none"> • Finalize recommendation to City Council on preferred option for May 2019 Council meeting
10	<i>June 12, 2019*</i> 6 pm to 9 pm	<ul style="list-style-type: none"> • <i>Placeholder if City Council provides different direction to the task force or additional work needs to be done</i>
11	<i>September 12, 2019*</i> 6 pm to 9 pm	<ul style="list-style-type: none"> • <i>Placeholder in the event that additional work needs to be done</i> • <i>Discuss feedback from communitywide engagement process</i>
12	October 10, 2019 6 pm to 9 pm	<ul style="list-style-type: none"> • Discuss feedback from communitywide engagement process • Finalize recommendation to City Council based on communitywide engagement and feedback

*Additional meetings may be added if deemed necessary