



REGULAR MEETING AGENDA

Date: 9/10/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

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

7:00 p.m. Regular Meeting

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Presentations and Proclamations

D1. Ester Bugna memorial presentation

E. Public Comment

Under “Public Comment,” the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under public comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under public comment other than to provide general information.

F. Consent Calendar

F1. Adopt Resolution No. 6519 authorizing the annual destruction of obsolete records
 ([Staff Report #19-171-CC](#))

F2. Approve the 2019-20 Finance and Audit Committee work plan ([Staff Report #19-188-CC](#))

F3. Adopt Resolution No. 6522 authorizing the installation of turn restrictions in and around the Belle Haven neighborhood ([Staff Report #19-189-CC](#))

F4. Reject all bids for the reconstruction of Nealon Park tennis courts project ([Staff Report #19-184-CC](#))

F5. First reading of the reach code amendments to the 2019 California Building Standards Code
 ([Staff Report #19-187-CC](#))

G. Regular Business

- G1. Reconsideration of Resolution No. 6512 establishing a process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects ([Staff Report #19-162-CC](#))
- G2. Introduction of Ordinance No. 1058 adopting a local minimum wage ordinance effective January 1, 2020 ([Staff Report #19-186-CC](#))

H. Informational Items

- H1. City Council agenda topics: September to November 2019 ([Staff Report #19-182-CC](#))
- H2. Update on the emergency water storage/ supply project ([Staff Report #19-190-CC](#))

I. City Manager's Report

J. City Councilmember Reports

K. Adjournment

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

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

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

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the city clerk's office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 8/29/2019)

**STAFF REPORT****City Council**

Meeting Date: 9/10/2019
Staff Report Number: 19-171-CC

Consent Calendar: **Adopt Resolution No. 6519 authorizing the annual destruction of obsolete records**

Recommendation

Staff recommends adoption of Resolution No. 6519 authorizing the disposal of obsolete City records for the following departments: administrative services, city manager, community services, library, police, and public works departments, as specified in Exhibit A to the proposed resolution (Attachment A.)

Policy Issues

The proposed action is consistent with the City's current policy and adopted records retention schedule.

Background

The proposed resolution complies with the City's records retention schedule as amended November 15, 2011, by Resolution No. 6031.

The program provides for the efficient and proper management and protection of the City's records. The program also allows for the destruction of records deemed obsolete according to the City's adopted records retention schedule.

Analysis

The City is committed to managing its records according to best practices to ensure business, audit, legal and regulatory requirements are met. The California legislature has established guidelines, resources and support for retention of records by local governments and upon which the City's current schedule is largely based.

An adopted records retention schedule certifies the life, care and disposition of all agency records, and provides an agency with the legal authority to dispose of records entrusted in its care when they are no longer needed. Disposition may include sending appropriate records to an off-site storage facility, recycling unneeded records, and/or destroying unneeded records. Once records have fulfilled their administrative, fiscal or legal function, they should be disposed of as soon as possible in accordance with the established retention schedule. Keeping records beyond the retention period causes a burden on staff with more documents to manage and may effect response time to public records requests. Compliance with the records retention schedule is highly recommended as it improves staff efficiency and customer service when the status of information is up-to-date and available when needed. State law governs the timeframe that cities must retain records and provides that certain categories of documents may be destroyed upon adoption of a resolution by the City Council.

Exhibit A lists the documents that exceed the timeframe for retention according to Government Code sections 34090 and 34090.6 and Menlo Park Municipal Code section 2.54.

Impact on City Resources

There is no impact on City resources.

Environmental Review

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

Public Notice

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

Attachments

A. Resolution No. 6519

Report prepared by:
Judi A. Herren, City Clerk

RESOLUTION NO. 6519

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE DESTRUCTION OF OBSOLETE CITY RECORDS**

WHEREAS, the City of Menlo Park is committed to managing its records according to best practices to ensure business, audit, legal, historical and regulatory requirements are met; and

WHEREAS, the City of Menlo Park has an adopted records retention schedule adopted November 27, 2001, by City Council Resolution No. 5351 and amended November 15, 2011, by City Council Resolution No. 6031; and

WHEREAS, Section 2.54.110 of the Menlo Park Municipal governs the destruction of public records; and

WHEREAS, the City's records management program provides for the efficient and proper management and protection of the City's records and allows for the destruction of records deemed obsolete according the City's adopted records retention schedule.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby authorizes the destruction of the obsolete records described in Exhibit A requests for destruction of obsolete records, attached hereto and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that once the records are destroyed, the City Clerk will maintain all original certificates of destruction.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the tenth day of September, 2019, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this tenth day of September, 2019.

Judi A. Herren, City Clerk

OBsolete RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Record Title	Container	Dates	Retention Period
City Council form 700		2015	4 years
City Council form 700		2014	4 years
City Council form 700		2013	4 years
City Council form 700		2012	4 years
City Council form 700		2011	4 years
Agendas only, workshops		2011, 2012	No retention
Agreements and contracts approved by City Council – non infrastructure		1989, 1992, 1993, 1994, 1995, 1998	Completion + 5 years
Loan summary		1986, 1996, 2003,	payoff + 5 years
Proof of publications, public hearing, announcements		1979, 1992, 1996, 2000, 2010	2 years
Staff reports		1997, 1992, 2010	No retention
Speaker cards			After adoption of the Minutes
Government agencies (correspondent to and from outside)		1987, 1988, 1990, 2003,	2 years
Presentations/proclamations/commendation/memoriams		1991, 1992, 1994, 2014,	2 years
Election – new ballot measure		1995	6 months
Public record act correspondences – e-mails		2013, 2014, 2015, 2016	2 years
Environmental impact report – El Camino Real and downtown		April 2012	5 Years
Citizen and City Council correspondences		2011, 2014 and 2017	2 years

Department Head

Date

City Manager

Date

City Attorney

Date

City Clerk for City Council

Date

OFFICE USE ONLY:

Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____

OBSOLETE RECORDS DESTRUCTION REQUEST

City Clerk
701 Laurel St., Menlo Park, CA 94025
tel 650-330-6620



Date: 8/29/2019		Page: 1 of 1	
Department: CSD			
Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.			
Record Title	Container	Dates	Retention Period
Registration Forms & Emergency Cards	BOX 1	2010/2011	5 yrs
Family File for Childcare Programs	BOX 1	2010/2011	5 yrs
Sign-In/Sign-Out Sheets	BOX 2	2016	2 yrs
Staff Files	BOX 2	2008	10 yrs
Evaluations/Surveys	BOX 2	2008	2 yrs
Family File for Childcare Program	BOX 2	2000	5 yrs
Registration Forms & Emergency Cards etc	BOX 3	2012	5 yrs
Family File for Childcare Programs	BOX 3	2010	5 yrs
Registration Forms & Emergency Cards etc	BOX 4	2014	5 yrs
Class Instructive Agreement	BOX 4	2014	5 yrs
Childcare Files	BOX 4	2014	5 yrs
Sign-in/Sign-out Sheets	BOX 4	2013, 2014, 2016	2 yrs
Finance	BOX 5	2008, 2009, 2010, 2011, 2012, 2014, 2015	4 yrs
Family File for Childcare Program	BOX 6	2012 - 2014	5 yrs

Department Head *Adriane Hill Bird*

8/29/19
Date

City Manager

Date

City Attorney

Date

City Clerk for City Council

Date

OFFICE USE ONLY:
Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____

REQUEST FOR DESTRUCTION OF OBSOLETE RECORDS

Date: 8/29/19

Page: 1

Department: LIBRARY

Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule established by Council Resolution and in accordance with Government Code Section 34090 and 34090.6.

RECORD TITLE	CONTAINER	DATES	RETENTION PERIOD
Agendas only, workshops		2011, 2012	No retention
Agreements and Contracts approved by City Council – Non Infrastructure		1989, 1992, 1993, 1994, 1995, 1998	Completion + 5 years
Loan summary		1986, 1996, 2003,	payoff + 5 years
Proof of publications, public hearing, announcements		1979, 1992, 1996, 2000, 2010	2 years
Staff reports		1997, 1992, 2010	No retention
Speaker cards			After adoption of the Minutes
Government agencies (correspondent to and from outside)		1987, 1988, 1990, 2003,	2 years
Presentations/proclamations/commendation/memoriums		1991, 1992, 1994, 2014,	2 years
Election – new ballot measure		1995	6 months
PRA Correspondences – E-mails	<u>8 BOXES LIB 1-8</u>	2013, 2014, 2015, 2016	2 years
Environmental Impact Report – El Camino Real and Downtown		April 2012	5 Years
Citizen and City Council correspondences		2011, 2014 and 2017	2 years

OBSOLETE PROJECT READ TUTOR RECORD

MS Sean Dain
Department Head

8/29/19
Date

City Manager

Date

City Attorney

Date

City Clerk for Council

Date

OBSELETE RECORDS DESTRUCTION REQUEST

City Clerk
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620



Date: 08/21/2019		Page: 1 of 2	
Department: Police Department			
Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.			
Record Title	Container	Dates	Retention Period
Police reports: sealed juvenile and adult cases	Locked filing cabinet in secure area of records	All records up until 12/31/2013	Sealing date + 5 years or according to court order
Parking permits	File shelf in records	All records until 12/31/2016	2 years
Police report logs	On website and stored in police N drive	All records until 12/31/2016	2 years
Recordings for telephone and radio Communications/dispatch tapes, tape recordings (CAD)	File shelf in dispatch	All records not marked as evidence until 12/31/2017	1 year
Crime stats provided to Department of Justice and on City website	File shelf in records and on City website and Stored in police N drive	All records until 2016	2 years
Evidence request forms	File shelf in property	All records until 2016	2 years or after case is adjudicated if longer
Internal property disposition forms	File shelf in property	All records until 2016	2 years or after case is adjudicated if longer
UCR (unified crime reporting) and MACR (master arrest and citation register) records	File shelf in records	All records until 2016	2 years
Civil subpoena requests and documents	Filing cabinet in records	All records until 2016	2 years
Body camera footage	Local server accessed by IT and PD	All records since 2016	2.5 years

/s/ Dave Bertini
 Department Head

8/23/19
 Date

 City Manager

 Date

City Attorney

Date

City Clerk for City Council

Date

OFFICE USE ONLY:

Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____

OBSELETE RECORDS DESTRUCTION REQUEST

City Clerk
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6620



Date: August 14, 2019		Page: 1 of 2	
Department: Public Works			
Current retention schedules show that the records listed below are now ready for destruction. Authorization by the parties listed below provides written consent to destroy these obsolete records in accordance with the retention schedule establish by City Council resolution and in accordance with Government Code § 34090 and 34090.6.			
Record Title	Container	Dates	Retention Period
Traffic collision reports (copies of sheriff's report)		2009 and below	10 years
Traffic counts, summaries, reports		1999 and below	20 years
Traffic speed surveys		1999 and below	20 years
Underground service alerts from utility companies "USA's" - (digging on property)		January 2019 and below	6 months
Bonds - project funding		When no longer required	When no longer required
NPDES - national pollutant discharge elimination system program (includes enforcement actions)		2014 and below	5 years
Tree removal permits		2014 and below	5 years
Water pollution prevention program (NPDES)		2014 and below	5 years
Bicycle safety training prog		2017 and below	2 years
Truck permits		2015 and below	4 years
Backflow inspections/appro		2017 and below	2 years

 Department Head

 Date

 City Manager

 Date

 City Attorney

 Date

 City Clerk for City Council

 Date

OFFICE USE ONLY:

Date approved by City Council: _____ Resolution No.: _____ Date destroyed: _____



STAFF REPORT

City Council

Meeting Date: 9/10/2019
Staff Report Number: 19-188-CC

Consent Calendar: Approve the 2019-20 Finance and Audit Committee work plan

Recommendation

Staff recommends approval of the 2019-20 Finance and Audit Committee work plan.

Policy Issues

City Council Procedure # CC-19-004 directs all advisory commissions and committees to develop an annual work plan, finalized by a majority of the commission/committee, and presented to the City Council for direction and approval on an annual basis.

Background

The Finance and Audit Committee (FAC) met July 17 to review a draft work plan and a majority of the committee recommended approval of an amended work plan to City Council. On August 23, staff met with the FAC chair and vice chair on to confirm the elements of the amended work plan drafted by staff after the July 17 meeting were consistent with the FAC recommendations. The work plan, as amended by the FAC, is included as Attachment A.

The FAC does not have a current work plan but City Council Procedure # CC 19-004 identifies a number of ongoing focus areas, including:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City's external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Analysis

The FAC developed a work plan aligned with its mission of facilitating an environment that focuses on accurate, efficient, and transparent financial reporting in an easy to understand format. The FAC expressed an interest in engaging the public in the City's fiscal status, and improving those documents, meetings, online resources and other communication that inform and prepare the public to participate in City Council's financial decision making processes. Each of the items recommended by the FAC is explained in greater detail below.

Research and recommend tools for City Council's use in financial decision-making

Based on information provided by Mayor Mueller, the FAC recommends investigating a tool which would allow City Council members to better understand the long-term effects of financial decisions. Such a tool would have the benefit of helping both City Council members and members of the community to understand

the City's current financial position as well as the relative magnitude of differential outcomes based on changes to categories of revenues or expenditures. Due to the complexity and uncertainty of such a tool, staff estimates that a total of 60 to 80 hours of staff time would be necessary to assist in evaluation and presentation to City Council for this project.

Review public documents/reporting and identify opportunities to improve formatting and usefulness

Under the broader umbrella of reviewing public documents and reporting for opportunities to improve formatting, the FAC identified several communication tools it felt could provide greater transparency and accessibility of the City's financial information. Specific documents or reports in this category include:

- Fiscal year 2019–20 budget in brief
- Fiscal year 2018–19 comprehensive annual financial report (CAFR)
- Fiscal year 2018–19 popular annual financial report (PAFR)
- 2020-21 budget
- Website finance dashboard
- Quarterly investment reports

The staff time requirements for each of these projects varies, but incremental improvement to the majority of these documents is already included in the finance division work plan each year. The estimated necessary staff resources to make reasonable progress on these documents ranges from two to 15 hours per month throughout the year, varying depending on the month and publication schedule for the documents and reports.

Support delivery of easy-to-use, timely, complete and transparent financial information

Within this category of the proposed work plan, the FAC chose to focus on the capital improvement plan (CIP) included in the City Council adopted budget and unfunded pension liability reporting.

CIP

Previous FAC meetings have included discussions about understanding how CIP projects are prioritized in addition to how budgeted and realized expenditures are communicated. The FAC hopes that by focusing on increasing availability of information and communication with the community, more people will be informed and engaged in City Council CIP discussions. The resource estimate for this project ranges from 120 to 200 hours of staff time and would require coordination with various departments' staff within the City. It is important to note that continuous, incremental improvement of the CIP program has already been identified as a priority by finance division staff. Changes recommended by the FAC were included in the fiscal year 2019-20 budget development process and incorporating more of their recommendations is anticipated in the fiscal year 2020-21 budget development process.

Unfunded pension liability review

This category of the proposed work plan focuses on increasing the public's understanding of the City's unfunded pension liabilities. Considerations include how this information is presented and communicated in the budget document and at public meetings. The resource estimate for this project ranges from 20 to 40 hours of staff time and \$5,000 to \$10,000 in outside actuarial consulting support. It is important to note that, while this project was identified by the FAC before the release of a San Mateo County Civil grand jury report on pension liabilities, some recommendations in that report may overlap with the objectives of this project.

Parking lot items

Based on the FAC's meeting schedule and a desire to focus on a manageable project volume, the FAC identified a number of projects which could be considered in future work plans. These projects are identified in the attached proposed work plan in order to retain a record but are not recommended by the FAC for

inclusion on the 2019-20 work plan. Due to their exclusion from the recommended work plan for the current year, the information required to complete the additional table columns has not yet been determined.

Ongoing responsibilities

Two focus areas, including (1) meeting with the City's independent auditor to review financial statements and audit findings, and (2) annual review of the City's investment policy, have been included on the recommended FAC work plan but do not represent substantial new work. Due to the ongoing nature of these projects and relatively low resource requirements, neither the FAC nor staff recommends adding prioritization or otherwise altering these FAC responsibilities.

While implementing the FAC fiscal year 2019-20 work plan, finance staff plan to also make progress on a multiyear replacement of budget and financial accounting software, implementation of recommendations to the purchasing and procurement process, and documenting and providing organizational training on finance processes and procedures.

Impact on City Resources

No additional City resources are required to begin work on the identified fiscal year 2019-20 work plan items. At current staffing levels, the finance division estimates discretionary project capacity at approximately 40 hours per month, or 480 hours per year, at the level of complexity required to make substantial progress on the fiscal year 2019-20 work plan projects. Consulting services related to actuarial calculations of pension liabilities are included in the fiscal year 2019-20 adopted budget. Should work plan items require more staff time to complete or should expansion of current work plan items or additional work plan items be recommended, staff will work with the FAC to identify potential additional resources needed, and return to City Council for approval.

Environmental Review

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

Public Notice

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

Attachments

A. Recommended 2019-20 FAC work plan

Report prepared by:
Dan Jacobson, Finance and Budget Manager

Report reviewed by:
Lenka Diaz, Administrative Services Director



Finance and Audit Committee

Administrative Services
 701 Laurel St., Menlo Park, CA 94025
 tel 650-330-6640
menlopark.org/319/Finance-and-Audit-Committee

WORK PLAN 2019-20

Mission Statement	
To facilitate an environment that focuses on accurate, efficient, and transparent financial reporting in an easy to understand format.	
Committee Members Listing and Term Expirations	
Sody Tronson (Chair)	April 30, 2021
Ron Shepherd (Vice Chair)	April 30, 2020
Roger Royse	April 30, 2020
Brian Westcott	April 30, 2021
Shaun Maguire	April 30, 2021
Ray Mueller	Set by City Council
Drew Combs	Set by City Council
Committee Priorities	
The City Council has identified the following priorities for the Committee:	
<ol style="list-style-type: none"> 1. Annual review of the City's CAFR <ul style="list-style-type: none"> ● Activities: <ul style="list-style-type: none"> ○ Committee review of the audited financial statements. ○ Meet with the auditor and recommend action by the City Council. ○ Recommend changes to format to increase accessibility for community members. 2. Annual review of the City's investment policy <ul style="list-style-type: none"> ● Review changes to the City's investment policy and portfolio 	
Work Plan Worksheet	

Step 1 - Review purpose of Committee as defined by Menlo Park Council Procedure # CC-19-0004

The Finance & Audit Committee is charged primarily to support delivery of timely, clear and comprehensive reporting of the City’s fiscal status to the community at large. Specific focus areas include:

- Review the process for periodic financial reporting to the City Council and the public, as needed
- Review financial audit and annual financial report with the City’s external auditors
- Review of the resolution of prior year audit findings
- Review of the auditor selection process and scope, as needed

Step 2 - Develop or review a Mission Statement that reflects that purpose (Who we are, what we do, who we do it for, and why we do it)

To facilitate an environment that focuses on accurate, efficient, and transparent financial reporting in an easy to understand format.

Step 3 - Discuss any priorities already established by Council

- Annual City audit and CAFR review
- Annual review of the City’s investment policy

Step 4 - Brainstorm goals, projects or priorities of the Committee

<u>Brainstorm goals, projects or priorities of the Committee</u>	<u>Benefit, if completed</u>	<u>Mandated? by State/local law or by Council direction</u>	<u>Policy change? At Council level</u>	<u>Resources needed for completion Staff or creation of subcommittees</u>	<u>Estimated Completion Time</u>	<u>Measurement Criteria How will we know how we are doing?</u>
Research and recommend a tool(s) for Council’s use in financial decision-making	Increased ability of City Council to efficiently process information I during financial decision making	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staff time; Committee and City Council meeting presentation	60 – 80 hours	City Council will accept a recommended tool(s) supported by the FAC
Review public documents/ reporting and identify opportunities to improve presentation (formatting) and usefulness of information to Council and the general public <ul style="list-style-type: none"> • 2019-20 Budget in Brief • 2018-19 Comprehensive Annual Financial Report (CAFR) • 2018-19 Popular Annual Financial Report (PAFR) • 2020-21 Budget • Website dashboard • Investment reports 	Improved formatting and understanding of City financial information will increase public engagement in the City’s fiscal status	Yes <input checked="" type="checkbox"/> CAFR No <input checked="" type="checkbox"/> All other documents /reports	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Finance Staff, City Manager’s Office (including Public Engagement), and Committee time	2 -15 hours per month throughout the year	<ul style="list-style-type: none"> • Receive survey responses that measure an increase in knowledge • Emails regarding or public comment at the 2020-21 budget public hearing, 2020 goal setting, and other City Council meetings will increase • Webpage hits of the published documents will increase

Support delivery of easy-to-use, timely, complete and transparent financial information. <ul style="list-style-type: none"> • Capital Improvement Plan program • Unfunded pension liability 	Improved public's understanding of the CIP program and unfunded pension liability	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Finance, City Manager's Office, and Public Works Staff time; Committee time (subcommittees created); and actuary consulting services, coordination with Public Engagement Manager	160 – 240 hours	<ul style="list-style-type: none"> • Increased public participation in meetings where these two topic areas are discussed. • Receive survey responses that measure an increase in knowledge
Parking lot items						
Sale of Assets		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Review of Utility User's Tax Cap		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Listing of parcels exempt from property taxes		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Developer Agreements		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Community Amenities Fund		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Use of multiple investment advisors		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Consultant and contractor policy review		Yes <input type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>			
Step 5 - Prepare final work plan for submission to the City Council for review, possible direction and approval and attach the worksheets used to determine priorities, resources and time lines.						
Step 6 - Once approved, use this plan as a tool to help guide you in your work as an advisory body.						
Step 7 - Report out on status of items completed. Provide any information needed regarding additional resources needed or/and to indicate items that will need additional time in order to complete.						



STAFF REPORT

City Council

Meeting Date:

9/10/2019

Staff Report Number:

19-189-CC

Consent Calendar:

Adopt Resolution No. 6522 authorizing the installation of turn restrictions in and around the Belle Haven neighborhood

Recommendation

Staff recommends the City Council adopt Resolution No. 6522 (Attachment A) authorizing the installation of turn restrictions in and around the Belle Haven neighborhood.

Policy Issues

The proposed project is consistent with policies stated in the 2016 general plan circulation element. These policies seek to maintain a safe and efficient circulation system that promotes a healthy, safe and active community and quality of life throughout Menlo Park.

Background

On August 20, staff provided a project update for the implementation of the approved Belle Haven traffic calming plan (Plan) to the City Council. Additionally, based on previous community feedback, staff recommended the implementation of turn restrictions at key locations to reduce cut through traffic in the neighborhood.

After a comprehensive discussion, the City Council directed staff to:

- Remove the proposed right turn restriction at Chilco Street and Terminal Avenue
- Implement turn restrictions at select locations to minimize impact to local residents, and then the remaining locations if cut-through traffic conditions do not improve

A link to the August 20 staff report is provided as Attachment B.

Analysis

Based on feedback from past similar projects, staff recommends implementing the turn restriction in two phases as outlined below and illustrated in Attachment C, with consideration to implement the second phase through a separate future resolution if cut-through traffic conditions do not improve.

Given that the aim of both the Plan and Phase 1 of the turn restriction project is to reduce neighborhood cut-through traffic, staff recommends combining the evaluation effort of both projects to achieve a comprehensive assessment of their effectiveness. As a result, staff anticipates returning to the City Council in summer 2020 with evaluation results and final recommendations, as outlined in Table 2 of the August 20 staff report.

Table 1: Phase 1 intersection turn movement restriction		
Location ¹	Turn movement	Duration
Chilco Street / Constitution Drive	Northbound left	Weekdays: all day (except buses)
Hamilton Avenue / Almanor Avenue	Westbound left	Weekdays: 3:30 p.m. to 7 p.m.
Hamilton Avenue / Sevier Avenue	Eastbound right	Weekdays: 3:30 p.m. to 7 p.m.
Hamilton Avenue / Madera Avenue	Eastbound right	Weekdays: 3:30 p.m. to 7 p.m.
Hamilton Avenue / Carlton Avenue	Eastbound right	Weekdays: 3:30 p.m. to 7 p.m.

¹Assume the applicable portions of Chilco Street and Hamilton Avenue are north-south roadways.

Table 1: Phase 2 intersection turn movement restriction		
Location ¹	Turn movement	Duration
Chilco Street / Constitution Drive	Southbound right	Weekdays: 3:30 p.m. to 7 p.m.
Newbridge Street / Carlton Avenue	Northbound right	Weekdays: 3:30 p.m. to 7 p.m.

¹Assume the applicable portions of Chilco Street and Newbridge Street are north-south roadways.

Staff anticipates to implement Phase 1 turn restriction signs within three weeks after the adoption of the resolution. After implementation, violation warnings are issued for the first 30 days and citations thereafter.

Impact on City Resources

Implementation of this project will be funded through the City’s signing and striping maintenance program. Ongoing monitoring efforts will require resources from the City’s police department.

Environmental Review

The recommendation is categorically exempt under Class 4 (minor modifications) of the current State of California Environmental Quality Act Guidelines.

Public Notice

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

Attachments

- A. Resolution No. 6522
- B. Hyperlink – August 20 City Council staff report: menlopark.org/DocumentCenter/View/22538/I3---20190820-Belle-Haven-traffic-mgmt-plan?bidId=
- C. Neighborhood turn restriction implementation plan

Report prepared by:
Kevin Chen, Associate Transportation Engineer

Report reviewed by:
Nicole H. Nagaya, Interim Public Works Director

RESOLUTION NO. 6522

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AUTHORIZING THE INSTALLATION OF TURN RESTRICTIONS IN THE BELLE
HAVEN NEIGHBORHOOD**

WHEREAS, regional commute traffic accessing the Dumbarton Bridge (State Route 84) has resulted in significant cut-through traffic concerns in Menlo Park neighborhoods; and,

WHEREAS, residents noted ongoing construction projects in the Bayfront area have exacerbated the neighborhood cut-through traffic conditions; and,

WHEREAS, the City has received requests for installation of turn restrictions to alleviate the cut-through traffic conditions; and,

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

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby authorize the installation of turn restriction signs at the locations identified below:

1. Northbound Constitution Drive to restrict left turns on weekdays onto Chilco Street, except buses
2. Westbound Almanor Avenue to restrict left turns from 3:30 p.m. to 7 p.m. weekdays onto Hamilton Avenue
3. Eastbound Sevier Avenue, eastbound Madera Avenue, and eastbound Carlton Avenue to restrict right turns from 3:30 p.m. to 7 p.m. weekdays onto Hamilton Avenue

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the tenth day of September, 2019, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this tenth day of September, 2019.

Judi A. Herren, City Clerk





STAFF REPORT

City Council
Meeting Date: 9/10/2019
Staff Report Number: 19-184-CC

Consent Calendar: **Reject all bids for the reconstruction of Nealon Park tennis courts project**

Recommendation

Staff recommends that the City Council reject all bids received for the reconstruction of Nealon Park tennis courts project.

Policy Issues

The project is consistent with the City’s general plan policy LU-6.1 park and recreation system – develop and maintain a parks and recreation system that provides areas, playfields and facilities conveniently located and properly designed to serve recreation needs of all Menlo Park residents.

Background

The City maintains 15 tennis courts of which five are located at Nealon Park. The courts are evaluated for repairs in an effort to prolong their functionality and community benefit. These repairs vary from interim patch work to full reconstruction. The project budget is currently \$340,405 for fiscal year 2019-20 and is anticipated to receive an additional \$120,000 at the start of each fiscal year thereafter.

The Nealon Park tennis courts were assessed for maintenance upgrades in 2018 and both interim and permanent repairs have since been installed or planned. A surface patching and recoating project was completed in October 2018 to seal cracking at various locations. In July 2019, staff issued a request for bids to perform asphalt restoration, surface coating, and replacement of tennis appurtenances at Nealon Park.

Analysis

On July 26, the City received three bids for the project.

Table 1: Project bids	
Firm	Bid amount
A. Saviano Co, Inc.	Withdrawn
B. Interstate Grading and Paving, Inc.	\$417,900
C. Guerra Construction Group	\$649,500

Firm A withdrew its proposal pursuant to public contract code Section 5103, which allows a bidder to withdraw their proposal citing a mathematical mistake being made in the completion of the bid proposal. Proposals from Firms B and C far exceed the available project budget.

A field review of the conditions at Nealon Park indicate that the patching and resurfacing installed in 2018 has performed better and extended the useful life longer than anticipated and reconstruction of the courts can be deferred at this time. Staff will reevaluate the needs of all 15 courts maintained by the City and reassess the project scope in accordance with available funding. It is also anticipated that bidding the asphalt work in the winter for work to be performed in the summer of 2020 will result in more competitive pricing as contractors plan their summer work. Therefore, staff recommends that the City Council reject all bids for the project.

Impact on City Resources

This action has no impact to City resources. The project will be re-scoped in accordance with available funding and maintenance needs.

Environmental Review

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

Public Notice

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

Attachments

None.

Report prepared by:
Michael Fu, Senior Civil Engineer

Report reviewed by:
Christopher T. Lamm, Assistant Public Works Director



REGULAR MEETING AGENDA

Date: 9/10/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

STAFF REPORT RELEASE NOTICE

The Staff Report No. 19-187 for introduction of Ordinance No. 1057 adopting updated building codes and local amendments to the 2019 California Energy Code to require higher levels of building electrification and solar production for newly constructed buildings to reduce greenhouse gas emissions effective January 1, 2020 will be available by 5 p.m. on September 5, 2019.

Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting the City Clerk's Office at 650-330-6620. (Posted 8/29/2019.)

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**STAFF REPORT****City Council**

Meeting Date: 9/10/2019
Staff Report Number: 19-162-CC

Regular Business: **Reconsideration of Resolution No. 6512 establishing a process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects**

Recommendation

Staff recommends that the City Council consider Mayor Pro Tem's request to reconsider Resolution No. 6512 establishing a process for notifying the City Council and public of final Planning Commission actions to facilitate City Council review of large or impactful development projects. (A copy of the reconsideration request is included as Attachment A. The resolution adopted July 15 is included as Attachment B and the link to the July 15 staff report is included as Attachment C.) If the City Council votes to reconsider the matter, the item can be heard this evening or can be heard at a future meeting.

Policy Issues

The City's long-range planning vision is set forth in its general plan and in the El Camino Real/ Downtown specific plan. With the recent update to the general plan, the City adopted three new zoning districts -- office (O), life sciences (LS) and residential mixed-use (R-MU.) However, based upon the City Council's recent conversation regarding development impacts and the creation of subcommittees, it is anticipated that the City Council may reopen some of these land use policies to reflect issues and concerns relative to long term development impacts and to identify further housing opportunities citywide. To ensure that ongoing discretionary projects are consistent with the City Council's current development vision, July 15, the City Council adopted a resolution directing staff to notify the City Council of large and impactful projects acted on by the Planning Commission to facilitate City Council appeal of such actions within the time prescribed by the Municipal Code.

Background

On June 11, following a lengthy special meeting on citywide development issues and how to address the City's jobs/housing imbalance, the City Council elected to form two City Council subcommittees to further make recommendations to the full City Council on a series of issues. In addition, the City Council directed staff to amend the zoning code (and other related documents, if applicable) to ensure that in the meantime approvals for large or impactful projects be made by the City Council rather than the Planning Commission.

On July 15, the City Council discussed different options for facilitating City Council review. Ultimately, the City Council adopted a resolution directing staff to notify the City Council of large or impactful projects acted on by the Planning Commission in order to facilitate City Council appeal of such actions within the time prescribed by the Municipal Code. The City Council directed staff to use the existing City Council email log (CCIN) in order to provide notice to both the City Council and public of Planning Commission

actions. In addition, the City Council also directed that staff report back in six months of the efficacy of the resolution.

On July 11, Mayor Pro Tem Taylor submitted a request for reconsideration of Resolution No. 6512. (Attachment A.) The request is based on her belief that the final decision for approval on major development projects lies with the elected City Councilmembers rather than the appointed Planning Commission.

Analysis

The City Council's procedures manual allows a councilmember of the prevailing majority to make a motion for reconsideration as follows:

Reconsideration of an item shall be allowed in accordance with the following City Council guideline: A councilmember of the prevailing majority when the previous vote was taken must make a motion for reconsideration. The City Council has determined that any motion for reconsideration should be made at the meeting immediately following that at which the action was taken. No motion for reconsideration will be entertained after this time unless the City Council determines significant new information has arisen which warrants such action.

The vote to adopt Resolution 6512 was unanimous. Since Mayor Pro Tem Taylor was on the prevailing side of the resolution, she is able to make a motion for reconsideration. However, since the City Council adopted the resolution July 15 and the next City Council meeting was July 16, technically the July 11 reconsideration request is not timely. While technically the request for reconsideration is not timely, since the subject matter of the reconsideration request is a City Council policy matter, the City Council can waive the timeliness issue and consider and act on the request for reconsideration – nobody is prejudiced by the lack of timeliness.

The City Council has several options, including:

1. Deny the request for reconsideration.
2. Approve the request for reconsideration and modify the resolution in any way the City Council chooses.
3. Approve the request and request one of the City Council subcommittees to provide direction to the full City Council on how to ensure that large or impactful projects are meaningfully considered by the City Council.
4. Provide direction to staff to return with options for consideration on how to modify the zoning ordinance to give the City Council final decision making authority for certain large or impactful projects as defined by the City Council.

If the City Council votes to reconsider Resolution No. 6512, this discussion can be heard this evening or can be heard at a future meeting.

Impact on City Resources

City Council review of Planning Commission decisions will result in additional workload for community development, public works and city attorney personnel. Adding this additional layer of review would increase planning division staff's workload in reviewing any changes made or additional input received between the Planning Commission decision and City Council appeal hearing, as well as drafting additional staff reports, conditions, resolutions or other related items. At present there are not enough consultants, staff or contract staff to manage the additional workload anticipated with the approval of the attached resolution authorizing appeals as a matter of course. To manage the work, the City may need to hire additional consultants and/or staff to assist with this planning effort or to backfill current senior staff to work

on preparing City Council appeals. This reallocation of staff resources could also impact staff review of other City Council priority projects such as amendments to the El Camino Real/Downtown specific plan and reviews of land use policies and regulations in the Bayfront area. Finally, this decision will require additional City Council meeting time and possibly more meetings.

Public Engagement

There was no public engagement process conducted in the preparation of this report. Development issues have been a topic of many recent City Council meetings.

Environmental Review

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

Public Notice

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

Attachments

- A. Mayor Pro Tem Taylor's request to reconsider Resolution No. 6512
- B. Resolution No. 6512
- C. Hyperlink: July 15 City Council staff report 19-147 –menlopark.org/DocumentCenter/View/22123/E3-20190715-Council-Call-Up-Policy-CC

Report prepared by:

Deanna Chow, Assistant Community Development Director

William M. McClure, City Attorney

Cara E. Silver, Assistant City Attorney

From: Taylor, Cecilia <CTTaylor@menlopark.org>
Sent: Thursday, July 18, 2019 12:22 PM
To: Mueller, Ray <RDMueller@menlopark.org>; Carlton, M.Catherine <CCarlton@menlopark.org>;
Combs, Drew <DCombs@menlopark.org>; Nash, Betsy <BNash@menlopark.org>
Cc: Jerome-Robinson, Starla L <SLRobinson@menlopark.org>; William L. McClure <wlm@jsmf.com>;
Taylor, Cecilia <CTTaylor@menlopark.org>
Subject: Reconsideration

To my Council Colleagues,

I am requesting a reconsideration of my vote on agenda item E3 on July 15, 2019. After more thought, I believe that the final decision for approval on major development projects lies with the elected City Council Members rather than the appointed Planning Commission.

The five of us were chosen by residents/voters who have put their trust in our commitment to protect their interests. The growth our city has experienced put residents on alert and concerned about the quality of their lives. I do not believe the authority to appeal a project is the same as the full Council being involved in the details of the project application.

I appreciate the opportunity to bring the discussion back to the Council for a reconsideration of this issue.

Thank you,

Cecilia Taylor, Mayor Pro Tem
City Council
701 Laurel Street
Menlo Park, CA 94025

RESOLUTION NO. 6512**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ESTABLISHING A PROCESS FOR NOTIFYING THE CITY COUNCIL AND
PUBLIC OF FINAL PLANNING COMMISSION ACTIONS TO FACILITATE CITY
COUNCIL REVIEW OF LARGE OR IMPACTFUL PROJECTS**

WHEREAS, at the public meeting on June 11, 2019, the City Council of the City of Menlo Park discussed a development moratorium proposed by Mayor Pro Tem Taylor and City Councilmember Nash;

WHEREAS, at the public meeting the City Council discussed the pace and amount of non-residential development, the increased jobs/housing imbalance, the particular impacts such development had in the Bayfront area and whether the City's operative policy documents reflect current community values;

WHEREAS, along with identifying two subcommittees, one for District 1 and another for Districts 2 through 5, to develop a proposed work plan relative to reviewing development potential in the city, the City Council suggested that staff consider taking steps to ensure that the City Council be given the opportunity to review large or impactful development projects;

WHEREAS, the majority of development projects that require discretionary approvals (e.g. use permits and architectural control), with the exception of projects including a rezoning, general plan amendment, major subdivision, conditional development permit, development agreement or other entitlement approved by the City Council, are finally approved by the Planning Commission;

WHEREAS, the City Council or individual city councilmember, pursuant to Menlo Park Municipal Code Section 16.86.025 may take an appeal from any final action of the Planning Commission in accordance with prescribed timelines;

WHEREAS, currently the City does not have a formal process for notifying the City Council of final actions taken by the Planning Commission and, given the City Council's meeting schedule, sometimes there is insufficient time to agendize authorizing an appeal of such action;

WHEREAS, at the public meeting on July 15, 2019, the City Council indicated its desire to review and to disseminate to the public through the established public City Council email log (commonly known as "CCIN") all final decisions made by the Planning Commission relative to large or impactful non-residential projects; and

WHEREAS, such large or impactful projects may include non-residential projects involving bonus level development, non-residential projects involving a net new increase in excess of 10,000 square feet and mixed use projects involving less than 2/3 of the total project square footage dedicated to housing and meeting either the bonus level or square footage trigger.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve:

1. Email notification of Planning Commission decision. The community development director or designee shall provide an electronic notice to the City Council and post a public notice on the Menlo Park City Council email log (ccin.menlopark.org) within 48 hours of any final action by the Planning Commission on a development project meeting the criteria set forth in Paragraph 2 below.

2. Criteria for notification. The following final actions by the Planning Commission taken after July 16, 2019 shall trigger notice under this resolution:

A. Bonus level development trigger. In the El Camino Real/Downtown specific plan area and the Bayfront area, where zoning provides development standards for base and bonus level development, any non-residential project exercising bonus level development.

B. Square footage trigger. Any non-residential project exceeding 10,000 net new square feet.

C. Residential mixed-use projects. Mixed-use projects meeting one of the above two triggers where less than 2/3 of the total project square footage is dedicated to residential use.

3. Contents of notice. The notice required by this resolution shall contain (a) a brief description of the project, (b) summary of action taken by the Planning Commission, (c) a link to the Planning Commission staff report for the project, (d) the date of the final Planning Commission decision, and (e) notice to the City Council and public that an appeal must be filed within 15 days of such date.

4. Waiver of appeal fee. The appeal fee shall be waived for any individual City Councilmember who elects to file an appeal within 15 days of the Planning Commission's decision on any development project covered by this resolution.

5. Other appeals. This resolution shall not affect the City Council or any individual city councilmember from otherwise appealing any other final action under Section 16.86.025 or 16.82.040.

6. Review of process. On or before January 15, 2020, the City Council shall review the effectiveness of this notification process.

7. Expiration. This resolution shall expire on November 30, 2020, unless rescinded, amended or renewed by the City Council.

8. CEQA. This resolution is exempt from the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fifteenth day of July, 2019, by the following votes:

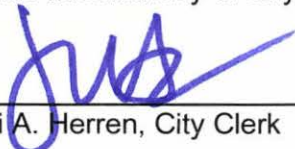
AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fifteenth day of July, 2019.



Judi A. Herren, City Clerk

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STAFF REPORT

City Council

Meeting Date: 9/10/2019
Staff Report Number: 19-186-CC

Regular Business: Introduction of Ordinance No. 1058 adopting a local minimum wage ordinance effective January 1, 2020

Recommendation

Staff recommends that the City Council introduce Ordinance No. 1058 adopting a local minimum wage ordinance effective January 1, 2020.

Policy Issues

State law allows general law cities to adopt a local ordinance that establishes a minimum wage required of all employers subject to the local ordinance to pay a wage that is higher than the minimum wage set by the general laws of the State of California.

Background

The City Council first included the consideration of a local minimum wage ordinance (LMWO) in their 2018 work plan. When considering their 2019-20 goals, the City Council reaffirmed its interest in pursuing a LMWO. At the City Council's meeting May 7, the City Council directed staff to develop a draft ordinance and public engagement plan for a LMWO. Key elements of the draft ordinance included a \$15.00 per hour local minimum wage effective January 1, 2020. At the City Council meeting June 18, staff report #19-125-CC provided a draft ordinance for City Council consideration and a draft public engagement plan.

Analysis

City Council input on the proposed ordinance and engagement plan

At their meeting June 18, the City Council provided feedback on the draft minimum wage ordinance and approved a LMWO engagement plan. In their feedback, the City Council directed the following changes:

1. *Modification of the process to provide inflation adjustments to the minimum wage.* The draft LMWO provided for an annual adjustment process that required affirmative City Council action on a yearly basis. The revised language makes the inflation adjustments automatically and requires the City Council to take affirmative action to suspend the inflation adjustments.
2. *Elimination of the suspension clause.* The draft LMWO allowed the City Council to suspend the LMWO in an economic downturn. The temporary suspension provision would have allowed employers to lower the wage of active employees to the state minimum wage. At the City Council's direction, this provision was removed.
3. *Include special outreach to the Menlo Park Chamber of Commerce.*

Additional staff recommended changes

In addition to the changes directed by the City Council, and based on feedback received for various stakeholders, the recommended LMWO (Attachment A) includes the following changes:

1. *Section 5.76.030.b. - Cap of three percent on annual inflation adjustments.* The recommended ordinance includes a cap of three (3) percent for the annual inflation adjustments. This provision provides employers with greater certainty when planning their future payroll. The State of California minimum wage law currently provides for a 3.5 percent annual inflation adjustment. Given that the City of Menlo Park is an employer subject to the LMWO, staff recommends using the City's assumed growth in payroll of three percent to preserve the integrity of the 10-year forecast. For context, 0.5 percent of the City's total payroll, fully burdened with pension and other pays tied to hourly wage, is approximately \$260,000 per year.
2. *Section 5.76.020.b.1. - Definition of employee.* The original draft ordinance defined an employee as any individual working more than two (2) hours per week. Input received from stakeholders expressed concern that the definition is too stringent for small businesses. In particular, the concern applied to individuals who may work one day a week and are not reliant on the income for daily needs. The recommended ordinance increases the definition of an employee to be any individual working more than 10-hours, approximately one shift, per week. This allowance also addresses concerns expressed during earlier City Council meetings that LMWO could present an added burden for incidental work such as babysitting and dog walking.
3. *Section 5.76.040.c. - Add a learner's wage provision.* The California Department of Industrial Relations acknowledges that certain circumstances may justify paying a sub-minimum wage. One specific provision provides an allowance for sub-minimum wage or "learner's wage" while an employee is learning his/her new role. The learners wage applies only to the first 160-hours worked and cannot be lower than 85 percent of the minimum wage in effect at the time. Staff recommends including an exemption for learner's in the LMWO. Once learners have worked 160-hours, they would no longer qualify for the exemption under State law or LMWO.

Public engagement

As outlined in the City Council approved public engagement plan as presented June 18, staff did not undertake an extensive public engagement effort on this project. As noted in the report, the City of Redwood City's outreach and implementation process required two full years. Based on their review of the evidence compiled by Redwood City in their work, and considering that approximately half of the cities in the counties of San Mateo and Santa Clara have adopted local minimum wage ordinances, the City Council approved the truncated public engagement plan. The following outlines the efforts by staff to inform stakeholders of this policy matter:

1. *Postcards.* Staff sent direct mail notices (English and Spanish) to most business license holders. The postcard advised of the community meeting/information session August 22, directed employers to the City's minimum wage webpage, and contained the direct dial phone number and email address for the City's management analyst in economic development. Two phone calls and no emails were received.
2. *Email.* Staff sent a direct email blast to business, nonprofits, and other potential employers using various email registers. The emails contained the direct dial phone number and email address for the assistant city manager. One phone call and one email were received.
3. *Webpage.* A webpage on minimum wage (Attachment D) was created to provide background on the ordinance, access to the draft ordinance, and an outline of review process. The webpage contains the email address and direct phone number to the assistant city manager for interested individuals to learn more or share their concerns.
4. *Special outreach to nonprofits.* Direct outreach to nonprofits on three occasions (Attachment B.) City staff did not receive any feedback from the nonprofits contacted.
5. *Special outreach to Menlo Park Chamber of Commerce.* Staff met with Menlo Park Chamber of

Commerce President/CEO Fran Dehn August 14 to discuss the LMWO. Ms. Dehn noted that the definition of employee as anyone working more than two hours might require small businesses to reduce their hours of operation or create difficulties for businesses during the holiday season. Additionally, Ms. Dehn sought clarification of several provisions, including the annual inflation adjustments, and a variety of administrative/enforcement procedures. In addition to the August 14 meeting with Ms. Dehn, staff has had two informal conversations with her to better understand the impact of the ordinance on local businesses. Finally, the city manager attended the Chamber of Commerce's board meeting August 15 and discussed the LMWO with the board.

6. *First community meeting/information session.* Staff hosted an information session August 22. Approximately eight business owners, operators, and labor advocates attended the meeting. Staff ensured that an interpreter was present at the meeting although no attendees requested the service.
7. *Media coverage.* Local newspapers ran several stories covering the LMWO.
8. *Second community meeting/information session.* Based on extensive postcard and email noticing, a reasonable amount of print media coverage, and the number of comments/questions received, staff does not recommend a second community meeting/information session as planned.

Additional concerns raised regarding the LMWO

As part of the public engagement process, this section reflects some of the key concerns heard from business owners in the public outreach process. The feedback is not incorporated in the recommended ordinance. If the feedback is a matter that can be incorporated in the LMWO, staff has provided potential amendments to the ordinance for City Council consideration.

1. *Timing of the ordinance.* The recommended LMWO provides a minimum wage that increases January 1, 2020, by either +25 percent for employers with 26 or more employees or +36 percent for employers with 25 or fewer employees (the difference between state minimum wage and \$15.00 per hour.) Business owners expressed a request that the City Council consider phasing in the \$15.00 per hour increase to allow business more time to adapt to the change. The City Council may elect to modify the LMWO to provide a phase-in schedule, for example, \$14.00 per hour in 2020 and \$15.00 per hour in 2021.
2. *Impact of import tariffs on retail.* A local retailer expressed the concern that the LMWO will take effect shortly following the implementation of another phase of import tariffs are scheduled to take effect. The recommended LMWO does not address this issue. If the City Council desires to provide some relief to retailers in light of tariffs, the City Council may amend the recommended LMWO to exclude all retail from the LMWO until January 1, 2021.
3. *Impact of the LMWO on employees earning more than \$15.00 per hour.* The recommended LMWO does not have any provision for employees making more than \$15.00 per hour. Nonetheless, City staff received feedback that the new minimum wage would create pressure to raise wages of employees who earn more than \$15.00 per hour. If the higher wage earners required a similar adjustment, employers could see an increase in payroll expenses of 25 to 36 percent. The impact of such a significant increase could cause employers to reduce worker schedules. The City Council may elect to modify the LMWO to provide a phase-in schedule, for example, \$14.00 per hour in 2020 and \$15.00 per hour in 2021.
4. *Tips wage.* The Chamber of Commerce and several restaurateurs expressed concern about the LMWO and employees who earn tips as a regular part of their compensation. A request was made to credit tips toward the minimum wage. While the concern surrounding tips wages is understandable, the city attorney's office has provided Attachment C, which outlines why a tip-credit is not permissible in California.

Impact on City Resource

If approved by the City Council, staff estimates that the ongoing costs to administer the LMWO, including contract enforcement, at approximately \$54,000. City staff will return with a midyear budget amendment once the contract enforcement costs are known.

Environmental Review

This ordinance is not subject to the provisions of the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty to have no possibility of having a significant effect on the environment.

Public Notice

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

Attachments

- A. Ordinance No. 1058
- B. Nonprofit outreach list
- C. Memo from Assistant City Attorney Cara Silver re: prohibition against tip credit dated August 27
- D. Hyperlink – menlopark.org/minimumwage

Report prepared by:
Nick Pegueros, Assistant City Manager

ORDINANCE NO. 1058

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADDING CHAPTER 5.76 [LOCAL MINIMUM WAGE] OF TITLE 5 [BUSINESS
LICENSES AND REGULATIONS] OF THE MENLO PARK MUNICIPAL CODE
TO ADOPT A CITYWIDE MINIMUM WAGE FOR MENLO PARK EMPLOYEES**

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

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. The Bay Area in general and Menlo Park in particular are becoming increasingly expensive places to live and work.
- B. Payment of a minimum wage advances the interests of the City as a whole, by creating jobs that keep workers and their families out of poverty.
- C. A minimum wage will enable a worker to meet basic needs and avoid economic hardship.
- D. This ordinance is intended to improve the quality of services provided in the City to the public by reducing high turnover, absenteeism, and instability in the workplace.
- E. Prompt and efficient enforcement of this Chapter will provide workers with economic security and assurance that their rights will be respected.

SECTION 2. ADDITION OF CODE. Chapter 5.76 [Local Minimum Wage] of Title 5 [Business Licenses and Regulations] of the Menlo Park Municipal Code is hereby added as follows.

**Chapter 5.76
LOCAL MINIMUM WAGE**

Sections:

- 5.76.010 Purpose.
- 5.76.020 Definitions.
- 5.76.030 Minimum Wage.
- 5.76.040 Exemptions.
- 5.76.050 Waiver through collective bargaining.
- 5.76.060 Notice, posting and payroll records.
- 5.76.070 Retaliation prohibited.
- 5.76.080 Implementation.
- 5.76.090 Enforcement.
- 5.76.100 Relationship to other requirements.

5.76.010 Purpose.

This ordinance shall be known as the "Minimum Wage Ordinance."

5.76.020 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings set forth in this section, except where the context clearly indicates a different meaning:

- a. "City" shall mean City of Menlo Park or any agency designated by the City of Menlo Park to perform various investigative, enforcement and informal resolution functions pursuant to this

chapter.

b. "Employee" shall mean any person who:

1. In a calendar week performs at least ten (10) hours of work for an employer as defined below; and

2. Qualifies as an employee entitled to payment of a minimum wage from any employer under the California minimum wage law, as provided under Sec. 1197 of the California Labor Code and wage orders published by the California Industrial Welfare Commission.

c. "Employer" shall mean any person, including corporate officers or executives, as defined in Sec. 18 of the California Labor Code, who directly or indirectly through any other person, including through the services of a temporary employment agency, staffing agency, or similar entity, employs or exercises control over the wages, hours, or working conditions of any employee and who is either subject to the city's business license requirements, conducts business in Menlo Park or maintains a business facility in the city.

d. "Minimum wage" shall have the meaning set forth in Sec. 5.76.030 of this chapter.

5.76.030 Minimum Wage.

a. Employers shall pay employees no less than the minimum wage set forth in this section for each hour worked within the geographic boundaries of the City of Menlo Park.

b. Effective January 1, 2020, the minimum wage shall be an hourly rate of \$15.00. To prevent inflation from eroding its value, beginning on January 1, 2021, and each January 1 thereafter, the minimum wage shall increase by an amount corresponding to the increase, if any, in the cost of living, not to exceed 3%. The prior year's increase in the cost of living shall be measured by the percentage increase, if any, as of August of the immediately preceding year of the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) for San Francisco – Oakland – Hayward, or its successor index, as published by the U.S. Department of Labor or its successor agency, with the amount of the minimum wage increase rounded to the nearest multiple of five cents (\$.05). If there is no net increase in the cost of living, the minimum wage shall remain unchanged for that year. The adjusted minimum wage shall be announced by October 1st of each year, or as soon as practicable thereafter if the Consumer Price Index for August has not yet been published, and shall become effective as the new minimum wage on January 1 of each year.

c. The City Council may, by resolution and upon a majority vote of the Council, temporarily suspend the inflation adjustment in the upcoming calendar year for a period of no more than one calendar year. At the end of the suspension period, the Minimum Wage shall be automatically adjusted by the change in Consumer Price Index in accordance with subsection b above and without further notice or action by the City Council.

In a resolution granting a temporary suspension of the annual inflation adjustment, the City Council shall make the following finding: Local or other economic conditions justify temporarily suspending the inflation adjustment.

Nothing herein shall prohibit the City Council from adopting consecutive temporary suspension periods, as provided herein.

d. A violation for unlawfully failing to pay the minimum wage shall be deemed to continue from the date immediately following the date that the wages were due and payable as provided in Part 1. (commencing with Sec. 200) of Division 2 of the California Labor Code, to the date immediately preceding the date the wages are paid in full.

5.76.040 Exemptions.

a. State, federal and county agencies, including school districts, shall not be required to pay minimum wage when the work performed is related to their governmental function. However, for work that is not related to their governmental function, including, but not limited to: booster or gift shops, non-K-12 cafeterias, on-site concessions and similar operations, minimum wage shall be required to be paid. Minimum wage shall also be required to be paid by lessees or renters of facilities or space from an exempt organization.

b. Any organization claiming "auxiliary organization" status under California Education Code Sec. 89901 or Sec. 72670(c) shall not be required to pay minimum wage. The organization, upon request of the city, shall provide documentary proof of its auxiliary organization status.

c. Any learner who has no previous or related experience in the occupation for which they are hired as identified in California Labor Code § 1192. This exemption shall only apply to the first 160 hours of employment as specified in Labor §1192.

5.76.050 Waiver through collective bargaining.

To the extent required by federal law, all or any portion of the applicable requirements of this chapter may be waived in a bona fide collective bargaining agreement, provided that such waiver is explicitly set forth in such agreement in clear and unambiguous terms.

5.76.060 Notice, posting and payroll records.

a. By December 1 of each year, the city shall publish and make available to employers a bulletin announcing the adjusted minimum wage rate for the upcoming year, which shall take effect on January 1 of each year. In conjunction with this bulletin, the city shall, by December 1 of each year, publish and make available to employers a notice suitable for posting by employers in the workplace informing employees of the current minimum wage rate and of their rights under this chapter. Such notice shall be in English and other languages as provided in any regulations promulgated under Section 5.76.080 (a).

b. Every employer shall post in a conspicuous place at any workplace or job site where any employee works the notice published each year by the city informing employees of the current minimum wage rate and of their rights under this chapter. Every employer shall post such notices in any language spoken by at least five (5) percent of the employees at the workplace or job site. Every employer shall also provide each employee at the time of hire with the employer's name, address and telephone number in writing.

c. Employers shall retain payroll records pertaining to employees for a period of four (4) years, and shall allow the city access to such records, with appropriate notice and at a mutually agreeable time, to monitor compliance with the requirements of this chapter. Where an employer does not maintain or retain adequate records documenting wages paid or does not allow the city reasonable access to such records, the employee's account of how much he or she was paid shall be presumed to be accurate, absent clear and convincing evidence otherwise.

5.76.070 Retaliation prohibited.

a. It shall be unlawful for an employer or any other party to discriminate in any manner or take adverse action against any person in retaliation for exercising rights protected under this chapter. Rights protected under this chapter include, but are not limited to: the right to file a complaint or inform any person about any party's alleged noncompliance with this chapter; and the right to inform any person of his or her potential rights under this chapter and to assist him or her in asserting such rights. Protections of this chapter shall apply to any person who mistakenly, but in good faith, alleges noncompliance with this chapter.

b. Taking adverse action against a person within ninety (90) days of the person's exercise of rights protected under this chapter shall raise a rebuttable presumption of having done so in

retaliation for the exercise of such rights.

5.76.080 Implementation.

a. Guidelines. The city manager or designee shall be authorized to coordinate implementation and enforcement of this chapter and may promulgate appropriate guidelines or rules for such purposes. Any guidelines or rules promulgated by the city shall have the force and effect of law and may be relied on by employers, employees and other parties to determine their rights and responsibilities under this chapter. Any guidelines or rules may establish procedures for ensuring fair, efficient and cost effective implementation of this chapter, including supplementary procedures for helping to inform employees of their rights under this chapter, for monitoring employer compliance with this chapter and for providing administrative hearings to determine whether an employer or other person has violated the requirements of this chapter.

b. Reporting Violations. An employee or any other person may report to the city in writing any suspected violation of this chapter. The city shall encourage reporting pursuant to this subsection by keeping confidential, to the maximum extent permitted by applicable laws, the name and other identifying information of the employee or person reporting the violation, provided, however, that with the authorization of such person, the city may disclose his or her name and identifying information as necessary to enforce this chapter or other employee protection laws. In order to further encourage reporting by employees, if the city notifies an employer that the city is investigating a complaint, the city shall require the employer to post or otherwise notify its employees that the city is conducting an investigation, using a form provided by the city.

c. Investigation. The city or its designated agent shall be responsible for investigating any possible violations of this chapter by an employer or other person. The city or its designated agent shall have the authority to inspect workplaces, interview persons and request the city attorney to subpoena books, papers, records or other items relevant to the enforcement of this chapter.

d. Informal Resolution. The city shall make every effort to resolve complaints informally, in a timely manner.

5.76.090 Enforcement.

a. Where prompt compliance is not forthcoming, the city shall take any appropriate enforcement action to secure compliance. In addition to all other civil remedies, the city may enforce this ordinance pursuant to Title 1 of the Menlo Park Municipal Code. To secure compliance, the city may use the following enforcement measures:

1. The city may issue an administrative citation with a daily fine for each day or portion thereof and for each employee or person as to whom the violation occurred or continued.
2. The city may issue an administrative compliance order.
3. The city may initiate a civil action for injunctive relief and damages and civil penalties in a court of competent jurisdiction.

b. Any person aggrieved by a violation of this chapter, any entity a member of which is aggrieved by a violation of this chapter or any other person or entity acting on behalf of the public as provided for under applicable state law may bring a civil action in a court of competent jurisdiction against the employer or other person violating this chapter and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation, the payment of any back wages unlawfully withheld, the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50) to each employee or person whose rights under this chapter were violated for each day that the violation occurred or continued, reinstatement in employment and/or injunctive relief; provided, however, that any person or entity enforcing this chapter on behalf of the public as provided for under applicable state law shall, upon prevailing,

be entitled only to equitable, injunctive or restitutionary relief to employees, and reasonable attorneys' fees and costs.

c. This section shall not be construed to limit an employee's right to bring legal action for a violation of any other laws concerning wages, hours or other standards or rights, nor shall exhaustion of remedies under this chapter be a prerequisite to the assertion of any right.

d. Except where prohibited by state or federal law, city agencies or departments may revoke or suspend any registration certificates, permits or licenses held or requested by the employer until such time as the violation is remedied.

e. **Relief.** The remedies for violation of this chapter include, but are not limited to: 1.

Reinstatement, and the payment of back wages unlawfully withheld, and the payment of an additional sum as a civil penalty in the amount of fifty dollars (\$50) to each employee or person whose rights under this chapter were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this code or State law.

2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Sec. 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Sec. 200) of Division 2 of the California Labor Code, to the date the wages are paid in full. 3.

Reimbursement of the city's administrative costs of enforcement and reasonable attorney's fees.

f. **Posted Notice.** If a repeated violation of this chapter has been finally determined, the city may require the employer to post public notice of the employer's failure to comply in a form determined by the city.

5.76.100 Relationship to other requirements.

This chapter provides for payment of a local minimum wage and shall not be construed to preempt or otherwise limit or affect the applicability of any other law, regulation, requirement, policy or standard that provides for payment of higher or supplemental wages or benefits, or that extends other protections.

SECTION 3. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act ("CEQA") under Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty to have no possibility of having a significant effect on the environment.

SECTION 5. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on this tenth day of September, 2019.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ray Mueller, Mayor

ATTEST:

Judi A. Herren, City Clerk

DRAFT

Organization	First outreach	Second outreach	Third outreach
APOSTOLIC ORIGINAL HOLY CHURCH OF GOD INC	✓	✓	✓
ART IN ACTION	✓	✓	✓
BETHANY LUTHERAN CHURCH	✓	✓	✓
BOYS & GIRLS CLUB OF THE PENINSULA	✓	✓	✓
CALIFORNIA FAMILY FOUNDATION	✓	✓	✓
CHURCH OF THE NATIVITY	✓	✓	✓
CHURCH OF THE PIONEERS FOUNDATION	✓	✓	✓
CRIME PREVENTION NARCOTICS DRUGS EDUCATIONAL CENTER	✓	✓	✓
FOUNTAIN OF LIFE GLOBAL CHRISTIAN MINISTRIES	✓	✓	✓
GERMAN AMERICAN SCHOOL PALO ALTO	✓	✓	✓
HOME OF CHRIST CHURCH	✓	✓	✓
JOBTRAIN INC	✓	✓	✓
JUVENTUS SPORT CLUB INC	✓	Asked to be removed	
LAS LOMITAS SPORTS AND AFTER-SCHOOL ACTIVITIES LEAGUE	✓	✓	✓
LIFEMOVES	✓	✓	✓
MENLO-ATHERTON NURSERY SCHOOL	✓	✓	✓
MID-PENINSULA EDUCATION CENTER INC	✓	✓	✓
NATIVITY OF THE HOLY VIRGIN ORTHODOX CHURCH	✓	✓	✓
OPEN MIND SCHOOL	✓	✓	✓
PENINSULA VOLUNTEERS	✓	✓	✓
PHILLIPS BROOKS SCHOOL	✓	✓	✓
REDEEMING GRACE CHURCH	✓	✓	✓
ST RAYMONDS CATHOLIC CHURCH	✓	✓	✓
SYNAPSE SCHOOL	✓	✓	✓
TRINITY SCHOOL	✓	✓	✓

MEMORANDUM

To: City Staff

From: Cara Silver, Assistant City Attorney

Date: August 27, 2019

Re: Prohibition against tip credit

This memorandum responds to recent questions regarding whether employers can credit tips against local minimum wage requirements. In some states, employers are allowed to credit tips toward the employee's minimum wage. This practice arises in restaurant and hospitality businesses and is sometimes called a "tip credit." California law, which provides stricter protections for the employee, expressly forbids tip credits. Below is the relevant text of Labor Code Section 351 prohibiting tip credits:

No employer or agent shall collect, take, or receive any gratuity or a part thereof that is paid, given to, or left for an employee by a patron, or deduct any amount from wages due an employee on account of a gratuity, or require an employee to credit the amount, or any part thereof, of a gratuity against and as a part of the wages due the employee from the employer.

Thus, tip credits are illegal in California.

In other cities that have imposed local minimum wages, some restaurants have added minimum wage surcharges or switched to tip pooling to address the additional labor cost. Under the service charge method, a mandatory service charge (can be a percentage of bill or flat fee) is added automatically to a customer's bill. This service charge does not constitute a tip under state law. The service charge legally belongs to the employer, who then may use it to pay employee wages. The benefit of the surcharge is that the restaurant does not have to increase the cost of the food items and the pricing is more transparent.

Under the tip pooling method, some or all of the tips earned by several employees are gathered and then distributed in previously-agreed percentages. In California, employer-mandated tip pooling is generally considered legal, as long as certain conditions are met:

- The people participating in the pool must be employees;
- The tips included in the pool must have been given to employees;
- The employer, the owner, the managers, and the supervisors cannot share in the tip pool; and
- Tips must be distributed in a fair and reasonable manner.

Tip pools usually include employees who customarily receive tips and are in the chain of service—such as servers, bussers, and bartenders.



STAFF REPORT

City Council Meeting Date: 9/10/2019
Staff Report Number: 19-182-CC

Informational Item: City Council agenda topics: September to November 2019

Recommendation

The purpose of this informational item is to provide the City Council and members of the public access to the anticipated agenda items that will be presented to the City Council. The mayor and city manager set the City Council agenda so there is no action required of the City Council as a result of this informational item.

Policy Issues

In accordance with the City Council procedures manual, the mayor and city manager set the agenda for City Council meetings.

Analysis

In an effort to provide greater access to the City Council's future agenda items, staff has compiled a listing of anticipated agenda items, Attachment A, through November 19. The topics are arranged by department to help identify the work group most impacted by the agenda item.

Specific dates are not provided in the attachment due to a number of factors that influence the City Council agenda preparation process. In their agenda management, the mayor and city manager strive to compile an agenda that is most responsive to the City Council's adopted priorities and work plan while also balancing the business needs of the organization. Certain agenda items, such as appeals or State mandated reporting, must be scheduled by a certain date to ensure compliance. In addition, the meeting agendas are managed to allow the greatest opportunity for public input while also allowing the meeting to conclude around 11 p.m. Every effort is made to avoid scheduling two matters that may be contentious to allow the City Council sufficient time to fully discuss the matter before the City Council.

Public Notice

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

Attachments

A. City Council agenda topics: September to November 2019

Report prepared by:
Judi A. Herren, City Clerk

Tentative City Council Agenda

#	Title	Department	Item type
1	Receive and file the Q4 preliminary close budget operations report	ASD	Consent
2	Receive and file the Q4 investment report	ASD	Consent
3	Approve response to San Mateo County civil grand jury report - soaring pension costs follow-up	ASD	Consent
4	Amend the 2019-20 adopted budget	ASD	Regular
5	Receive and file the Q1 investments and operations reports	ASD	Consent
6	Management benefits summary update	ASD	Regular
7	Below Market Rate Fund - MidPen Housing Loan Recommendation	CDD	Consent
8	Street Cafe Program Update	CDD	Informational
9	Short Term Rental Regulation - Community Outreach Plan and Update	CDD	Consent
10	Housing Commission report (last report April and work plan amendment in Sept.)	CDD	Committee Report
11	2019 building code cycle code adoption (updated every three years)	CDD	Regular
12	Regional projects and their traffic impact + the ability of the Town of Atherton to have input into the approval process	CMO	Joint session with Atherton City Council
13	Public safety - collaboration on policing	CMO	Joint session with Atherton City Council
14	Regional preparedness efforts (fires, earthquakes, etc.)	CMO	Joint session with Atherton City Council
15	Rail collaboration & CalTrain Service (Menlo Park/Atherton)	CMO	Joint session with Atherton City Council
16	Planning Commission interviews	CMO	Interviews
17	Communication plan presentation	CMO	Presentation
18	EQC update	CMO	Committee Report
19	Minutes: 8/20 and 8/27	CMO	Consent
20	Second reading for reach codes	CMO	Consent
21	City Council review of Planning Commission decisions (tentative)	CMO	Regular
22	City Council agenda topics: October to December 2019	CMO	Informational
23	Sister City Committee update	CMO	Committee Report
24	Consider applicants and make appointment to fill vacancies on the Park and Recreation Committee and Planning Commission	CMO	Committee Report
25	Minutes: 9/10	CMO	Consent
26	Second reading and adoption of local minimum wage ordinance	CMO	Consent
27	Add public EV charging fee and zero waste program fee to master fee schedule	CMO	Public Hearing
28	2020 redistricting (advisory or independent)	CMO	Regular

Tentative City Council Agenda

#	Title	Department	Item type
29	Update on climate action plan and zero waste plan progress	CMO	Regular
30	Report from City Council subcommittees on planning and zoning	CMO	Regular
31	City Council agenda topics: October to December 2019	CMO	Informational
32	Adopt City Council Procedure No. XXX: City Council powers and responsibilities; interactions with City staff	CMO	Regular
33	BAWSCA report to City Council from Kirsten Keith	CMO	Presentation
34	Minutes: 9/24	CMO	Consent
35	Adopt City Council Procedure Nos. XXX and XXX: City Council Communications; Meetings	CMO	Regular
36	Adopt Updates to the Heritage Tree Ordinance	CMO	Regular
37	City Council agenda topics: November 2019 to January 2020	CMO	Informational
38	Minutes: 10/15	CMO	Consent
39	Approve response to Civil Grand Jury report: "Electric Vehicle Adoption in the Cities and County of San Mateo"	CMO	Consent
40	City Council agenda topics: November 2019 to January 2020	CMO	Informational
41	Minutes: 10/29	CMO	Consent
42	Second Reading of Updates to the Heritage Tree Ord	CMO	Consent
43	Adopt City Council Procedure Nos. XXX and XXX: Resources and Finances; Conflicts and Liability	CMO	Regular
44	City Council agenda topics: December 2019 – February 2020	CMO	Informational
45	Parks and Recreation Commission update	CSD	Committee Report
46	Draft Park Recreation facility master plan	CSD	Informational
47	Receive, file and provide direction on Park Recreation facility master plan	CSD	Regular
48	Belle Haven branch library project - site analysis	LIB	Study Session
49	Library Commission update	LIB	Committee Report
50	Undergrounding	PW	Study Session
51	Award of a contract for Bedwell Bayfront Park Ranger Services to XXX, in the amount of \$XXX	PW	Consent
52	Review draft transportation impact fee	PW	Regular
53	Complete Streets Commission update (last update May)	PW	Committee Report
54	First reading of transportation impact fee ordinance	PW	Regular
55	Second reading and adoption of transportation impact fee ordinance	PW	Consent
56	Annexation procedure/policies/applications/West Menlo Triangle/Menlo Oaks annexation	PW, CMO	Study Session

Tentative City Council Agenda

#	Title	Department	Item type
57	Presentation: 2018-19 community development department and public works department organizational reviews prepared by Matrix Consulting	PW, CMO, CDD	Presentation



STAFF REPORT

City Council

Meeting Date:

9/10/2019

Staff Report Number:

19-190-CC

Informational Item:

Update on the emergency water storage/ supply project

Recommendation

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

Policy Issues

According to California Code of Regulations, Section 64554(a)(1), Chapter 16, Title 22, a water system serving more than 1,000 service connections must be able to meet four hours of peak hourly demand with storage capacity, source capacity, and/or emergency connections at all times.

The project is consistent with the 2016 general plan, Policy LU-7.3 for supplemental water supply which states, “Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers and users.”

This is an overall high priority project as reflected in the capital improvement plan, the 2015 urban water management plan, and the 2018 water system master plan.

Background

The emergency water storage/ supply project (Project) focuses on providing emergency water for Menlo Park municipal water (MPMW) to help meet State regulations requiring emergency water be available at all times. MPMW purchases all of its water from San Francisco Public Utilities Commission (SFPUC) and is fully reliant on that supply to meet the needs of approximately 19,000 residents. MPMW has two enclosed water reservoirs located in the upper zone in the Sharon Heights area that can provide emergency water if needed. The lower zone located east of El Camino Real (Attachment A) does not have emergency supply. This means that more than 3,000 residences and businesses may not have water during a natural disaster or if SFPUC water is unavailable. The water system in the upper and lower zones are not physically connected to each other and therefore cannot share emergency supplies.

MPMW has emergency interconnections with four adjacent water suppliers: Cal Water, City of East Palo Alto, City of Redwood City, and O’Connor Tract Co-Operative Water Company. Each of these agencies rely on SFPUC for all or a large portion of their water supply. Staff is working closely with the City of Palo Alto on the design for the Pope/Chaucer bridge replacement, which will include a future agreement to construct another emergency interconnection.

The Project has a long history and many decisions have been made by past city councils. Links to these staff reports listed below are provided in the Attachments.

- October 5, 2010 – This staff report explained a change in the Project’s direction. The initial focus was to construct an underground reservoir at Seminary Oaks Park, however, due to public concern about negative project impacts to the neighbors, the project changed to installing wells only. The goal was to deliver at least 3,000 gallons per minute (gpm) in the event of a water emergency. The City Council approved the well criteria and ranked potential sites (Attachment B.)
- May 2, 2017 – This staff report provided an update on the potential well sites, and noted that staff would return with additional information once it was known if St. Patrick’s Seminary (Seminary) was open to the City purchasing or leasing property for the next well location (Attachment C.)

Update on the corporation yard emergency well

On January 22, 2013, the City Council approved proceeding forward with the first emergency well in the lower zone to be located at the City’s Corporation Yard, 333 Burgess Drive (Attachment D.) The well was drilled in 2017 and can produce up to 1,500 gpm, which is half of the 3,000 gpm wells only goal. The April 9 staff report provides the history on the well project (Attachment E.) The well facility is currently under construction to install the various well components (e.g., generator, disinfection equipment, associated piping) and is anticipated to be completed by the end of this year. Once constructed, water produced during periodic exercising of the well will be used for corporation yard activities (e.g., irrigation, vehicle washing and street sweeper) and will not normally be distributed to water customers unless there is an emergency and normal water supplies are low or unavailable.

Analysis

Since 2010, the Project has focused on installing wells only to meet the emergency supply requirements for MPMW’s lower zone. The 2018 water system master plan, which was accepted by the City Council May 22, 2018, lists the following recommended capital projects for MPMW in order to provide emergency supply to the lower zone.

- A second well with 1,500 gpm capacity (very high priority)
- A third well, if needed in order to meet the 3,000 gpm goal between all wells (very high priority)
- A 2.5 million gallon (MG) water reservoir and booster pump station (medium priority)

With this new information, staff has been investigating properties that could potentially accommodate a water reservoir, and is considering other ways to provide emergency supply to the lower zone.

- Over the past two years, staff has maintained contact with the Seminary. Initially, the Seminary wanted to focus on completing its sale of land to the Menlo Park Fire Protection District. Now, the Seminary is ready to pursue discussions to consider a proposal to enter into a purchase and/or lease agreement for a well and/or underground water reservoir.
- The draft parks and recreation facilities master plan mentions the potential for an underground water reservoir beneath the playing fields at Burgess Park and a well at Willow Oaks Park.
- The draft Willow Village master plan includes the evaluation of constructing an underground water reservoir beneath the proposed park/sports field on Willow Road.

Next steps

Staff will return to City Council at a later date to provide an update on the Project.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72

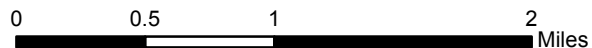
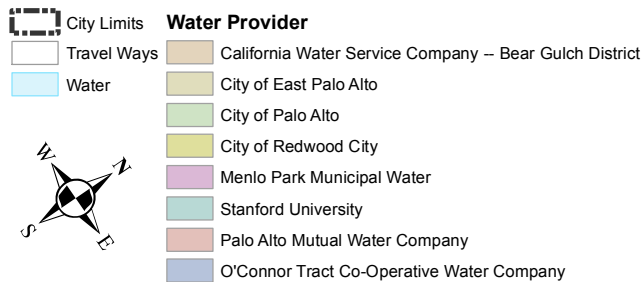
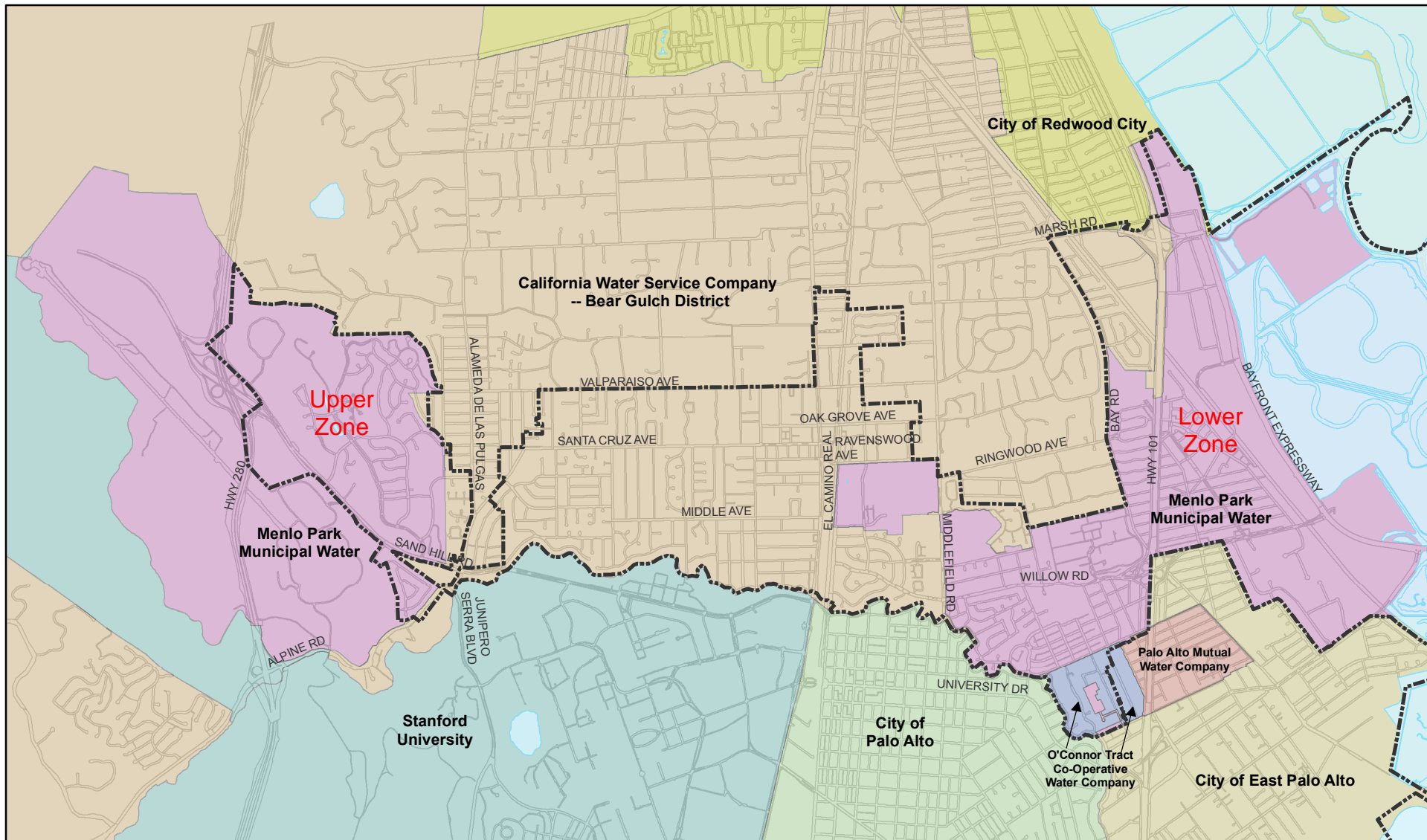
hours prior to the meeting.

Attachments

- A. Map of water agencies in Menlo Park
- B. Hyperlink – October 5, 2010 City Council staff report: menlopark.org/DocumentCenter/View/22764/H2-Att-B
- C. Hyperlink – May 2, 2017, City Council staff report: menlopark.org/DocumentCenter/View/14282/H1---Wells-2-and-3?bidId=
- D. Hyperlink – January 22, 2013 City Council staff report: menlopark.org/DocumentCenter/View/22763/H2-Att-D
- E. Hyperlink – April 9 City Council staff report - menlopark.org/DocumentCenter/View/21178/H4-20190409-Corp-yard-well-amend-CC

Report prepared by:
Pam Lowe, Senior Civil Engineer

Report reviewed by:
Christopher Lamm, Assistant Public Works Director



Water Agencies Within and Surrounding Menlo Park

