



REGULAR MEETING AGENDA – AMENDED

Date: 12/17/2019
Time: 7:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

This amended agenda includes updates to items E1, E2, and F3.

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.

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Public Comment**

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

E. Consent Calendar

- E1. Waive the second reading and adopt Ordinance No. 1064 banning sale of flavored tobacco and e-cigarette devices ([Staff Report #19-277-CC](#))
- E2. Waive the reading and adopt Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code ([Staff Report #19-276-CC](#))

F. Regular Business

- F1. Recognition of the outgoing Mayor
- F2. Selection of Mayor and Vice Mayor ([Staff Report #19-242-CC](#))
- F3. Appoint City Council representatives and alternates to various regional agencies, as liaisons to City Council advisory bodies, and disband inactive advisory bodies ([Staff Report #19-243-CC](#))
- F4. Provide direction to the City’s voting delegate regarding regional vacancies for the next City Selection Committee meeting December 20, 2019 ([Staff Report #19-244-CC](#))

G. City Manager's Report

H. City Councilmember Reports

I. 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: 12/12/2019)



STAFF REPORT

City Council

Meeting Date: 12/17/2019

Staff Report Number: 19-277-CC

Consent Calendar: Waive the second reading and adopt Ordinance No. 1064 banning sale of flavored tobacco and e-cigarette devices

Recommendation

Staff recommends that the City Council waive the second reading and adopt Ordinance No. 1064 banning sale of flavored tobacco and e-cigarette devices (Attachment A.)

Policy Issues

State law requires two City Council actions, a first reading and second reading, to amend or add to a city's municipal code.

Background

November 5, the City Council conducted a study session on flavored tobacco and e-cigarette regulation. The City Council indicated it would be supportive of a local ban modeled after San Mateo County. In addition, after hearing from the local Chamber of Commerce, the City Council expressed a desire to prohibit vaping in areas of the city where smoking is currently prohibited.

December 10, the City Council unanimously voted to introduce an ordinance banning flavored tobacco and e-cigarettes as discussed at the study session. At the hearing, the City Council heard from concerned residents and requested the ordinance be further expanded to include the following provisions:

- Inclusion of a recital regarding the American Medical Association's (AMA) November 19 call for banning of all vaping devices;
- Authorize city manager and code enforcement officer to withdraw tobacco retail permits following violation or ordinance;
- Prohibition against free samples/coupons related to tobacco products;
- Prohibition against out of package samples of tobacco products;
- Prohibition against self-service displays of tobacco products; and
- Include "distribution" in the definition of "sell."

A redlined version of the ordinance showing these changes is included in Attachment B.

Analysis

The ordinance will go into effect January 17, 2020. The County of San Mateo will send letters to tobacco retailers informing them of the ordinance and requesting them to comply by the effective date. In addition, volunteers trained by the County will visit each of the current tobacco retailers in Menlo Park and encourage

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STAFF REPORT RELEASE NOTICE

The Staff Report No. 19-276 for waive the second reading and adopt Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code, adopt Resolution No. 6532 ratifying the Menlo Park Fire Protection District ordinance adopting amendments to the 2019 California Fire Code with modifications, and adopt Resolution No. 6530 to direct fines collected for violations of the construction and demolition recycling ordinance (12.48) to be used for zero waste initiatives will be available by 5 p.m. on December 12, 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 12/5/2019.)

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STAFF REPORT

City Council

Meeting Date: 12/17/2019

Staff Report Number: 19-242-CC

Regular Business: Selection of Mayor and Vice Mayor

Recommendation

Staff recommends the City Council select a Mayor and Vice Mayor for 2020.

Policy Issues

The proposed action conforms to current practice.

Background

The Menlo Park Municipal Code, Section 2.04.120, states that the City Council shall meet in December of each year and choose one of its members as Mayor and one as Vice Mayor (formally Mayor Pro Tem.)

Staff recommends the following process for the selection of the Mayor and Vice Mayor:

- The current Mayor turns the meeting chair over to the city clerk
- The city clerk will take nominations from the City Council for Mayor
- Votes for each nominee will be taken until a city councilmember receives a majority vote thereby selecting the new Mayor
- The city clerk will return the meeting chair to the new Mayor
- The Mayor will take nominations for Vice Mayor
- Votes for each nominee will be taken until a city councilmember receives a majority vote thereby selecting the new Vice Mayor

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is a minor 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.

Report prepared by:
Judi A. Herren, City Clerk

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Date: 12/17/2019
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City Council Chambers
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STAFF REPORT RELEASE NOTICE

The Staff Report No. 19-243 for appoint City Council representatives and alternates to various regional agencies to City Council subcommittees and as liaisons to City Council advisory bodies will be available by 5 p.m. on December 12, 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 12/5/2019.)

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STAFF REPORT

City Council

Meeting Date: 12/17/2019

Staff Report Number: 19-244-CC

Regular Business: Provide direction to the City's voting delegate regarding regional vacancies for the next City Selection Committee meeting December 20, 2019

Recommendation

Staff recommends that the City Council provide direction to the City's voting delegate regarding vacancies on various regional boards to be voted on at the next City Selection Committee meeting December 20, 2019.

Policy Issues

The proposed action conforms to current practice.

Background

The City Selection Committee meeting will take place in Colma December 20, 2019. According to the City Council of Cities bylaws, the Mayor is designated as the voting member for each city. Following past practice, this item is on the agenda in order to provide input to the Mayor or alternate for voting purposes.

Several regional seats will become vacant through the San Mateo County Council of Cities. Under consideration are the following:

Bay Area Air Quality Management District (BAAQMD)

- Selection of one (1) City Councilmember to serve on BAAQMD representing all cities (all cities eligible) fulfilling Belmont City Councilmember Davina Hurt's term through December 31, 2019

California Identification System (CAL-ID)

- Selection of one (1) City Councilmember to serve on CAL-ID representing all cities (all cities eligible) fulfilling Daly City City Councilmember Glenn Sylvester's term through December 31, 2019

San Mateo County Transportation Authority (SMCTA) - Northern

- Selection of one (1) City Councilmember to serve on the SMCTA representing Northern cities (eligible cities: Atherton, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos, Woodside) for a term of two (2) years beginning January 1, 2020 through December 31, 2021 fulfilling San Bruno City Councilmember Rico Medina's term through December 31, 2019

San Mateo County Transportation Authority (SMCTA) – all cities

- Selection of one (1) City Councilmember to serve on the SMCTA representing all cities (all cities are

eligible) for a term of two (2) years beginning January 1, 2020 through December 31, 2021 fulfilling Burlingame City Councilmember Emily Beach's term through December 31, 2019

City Selection Committee for 2020 (Attachment A)

- Election of a Chairperson to the City Selection Committee for 2020
(Note: Candidates must be a current Mayor or City Councilmember)
- Election of a Vice Chairperson to the City Selection Committee for 2020
(Note: Candidates must be a current Mayor or City Councilmember)

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is a minor 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. List of vacant positions provided by the City Selection Committee
- B. 2020 City Selection Committee proxy designee form

Report prepared by:
Judi A. Herren, City Clerk

Updated as of 10/28/19

Vacant Positions!

Please submit your “Letters of Interests” no later than **5p.m. on Friday, December 6, 2019** to Sukhmani Purewal, Secretary of City Selection Committee and Assitant Clerk of the Board of Supervisors via email or fax. Please email: spurewal@smcgov.org or fax: 650-363-1916.

The next City Selection Committee meeting will on December 20, 2019 in Colma along with Council of Cities Dinner (more info. to come)

➤ **Bay Area Air Quality Management District (BAAQMD)**

- 1 Regular Member
 - Davina Hurt, Belmont (position expiring 12/31/19)
 - New 2-year term will be from January 1, 2020 through December 31, 2021
 - All Cities eligible

➤ **San Mateo County Transportation Authority (SMCTA)**

- 1 Regular Member representing *Cities Northern*
 - Rico Medina, San Bruno (position expiring 12/31/19)
 - New 2-year term will be from January 1, 2020 through December 31, 2021
 - Eligible Cities: Brisbane, Colma, Daly City, Pacifica, San Bruno, & South San Francisco

➤ **San Mateo County Transportation Authority (SMCTA)**

- 1 Regular Member representing Cities-at-large
 - Emily Beach, Burlingame (position expiring 12/31/19)
 - New 2-year term will be from January 1, 2020 through December 31, 2021
 - All Cities eligible

➤ **California Identification System (CAL-ID)**

- 1 Regular Member
 - Glenn Sylvester, Daly City (position expiring 12/31/19)
 - New 3-year term will be from January 1, 2020 through December 31, 2022
 - All Cities eligible

➤ **Election of a Chairperson to the City Selection Committee for 2020**

➤ **Election of a Vice Chairperson to the City Selection Committee for 2020**

SAN MATEO COUNTY

CITY SELECTION COMMITTEE

ATTACHMENT B

Glenn R. Sylvester, Chairperson
Sue Vaterlaus, Vice Chairperson

Sukhmani S. Purewal, City Selection Secretary
400 County Center
Redwood City, 94063
650-363-1802

TO: Sukhmani S. Purewal, Secretary
City Selection Committee

SUBJECT: Alternate to the City Selection Committee

I _____, Mayor of the City/Town of _____,
hereby appoint Councilmember _____, to serve as my
alternate to the City Selection Committee meeting(s).

In the absence of my appointee, I then appoint: **(Please choose one)**

Councilmember _____ to represent me

Vice-Mayor and each Councilmember in order of seniority

(You must check only ONE of the following options)

My alternate is to serve for the:

_____ meeting only
Date

duration of my term of office as Mayor

I do not choose to appoint an alternate

Signature of Mayor

Date

Please return to:

Sukhmani S. Purewal, Secretary
City Selection Committee
Hall of Justice, 400 County Center / CMO 105
Redwood City, CA 94063

Or Fax to 650 363-1916 or bring to the meeting

If you should have any questions please do not hesitate to call me (650) 363-1802