



SPECIAL AND REGULAR MEETING AGENDA

Date: 6/18/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

City Councilmember Catherine Carlton will be participating by phone from:
30 Rue des Merciers
Avallon, Bourgogne
Franche – Comte
89200, France

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.

6:00 p.m. Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)

- A. Call To Order**
- B. Roll Call**

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

CL1. Closed session conference with real property negotiators pursuant to Government Code Section 54956.8.
Property: 1283 Willow Road, Menlo Park [APN: 062103640]
Agency Negotiating Parties: City Attorney Bill McClure, City Manager Starla Jerome-Robinson, Deputy City Manager/Public Work Director Justin Murphy
Negotiating Parties: Representatives of MidPen Housing Corporation
Under negotiation: Price and terms of potential purchase of the Property

7:00 p.m. Regular Meeting (City Council Chambers)

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Presentations and Proclamations**
 - D1. Proclamation: June as Immigrant Heritage Month
 - D2. Proclamation: Juneteenth
- E. Commissioner Reports**

- E1. Library Commission update and announcements ([Staff Report #19-090-CC](#))

F. 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.

G. Consent Calendar

- G1. Accept the City Council meeting minutes for May 13, 2019 ([Attachment](#))
- G2. Approve public engagement plan for a local minimum wage ordinance effective January 1, 2020 ([Staff Report #19-125-CC](#))
- G3. Amend the fiscal year 2018-19 budget ([Staff Report #19-136-CC](#))
- G4. Authorize the city manager to enter into agreements with Chrisp Company and Tri-Valley Striping for citywide street signage and striping program and authorize the city manager the option to extend the agreements for up to three additional years ([Staff Report #19-131-CC](#))
- G5. Authorize the city manager to enter into an agreement with Universal Building Services and Supply Co. for janitorial services at Bedwell Bayfront Park up to the budgeted amount ([Staff Report #19-133-CC](#))
- G6. Receive and file the Library Commission’s work plan 2019-2020 ([Staff Report #19-126-CC](#))

H. Public Hearing

- H1. Adopt Resolution No. 6483 overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments for landscaping assessment district for fiscal year 2019-20 ([Staff Report #19-128-CC](#))
- H2. Adopt Resolution No. 6505 to collect the regulatory fee at the existing rates to implement the City’s stormwater management program for fiscal year 2019-20 ([Staff Report #19-129-CC](#))

I. Regular Business

- I1. Authorize the city manager to execute an agreement with Noll & Tam Architects for Belle Haven branch library conceptual design options, site analyses and preliminary cost estimates ([Staff Report #19-130-CC](#))
- I2. Approve resolutions: adopting the fiscal year 2019–20 budget and capital improvement plan and appropriating funds; establishing the appropriations limit for fiscal year 2019–20; establishing a consecutive temporary tax percentage reduction in the utility users’ tax rates through September 30, 2020; and establishing citywide salary schedule effective July 7, 2019 ([Staff Report #19-135-CC](#))

- I3. Direct staff to draft a permanent ordinance prohibiting commercial cannabis land uses and outdoor personal cannabis cultivation ([Staff Report #19-124-CC](#))

J. Informational Items

- J1. City Council agenda topics: July to September 2019 ([Staff Report #19-132-CC](#))
- J2. Summary of City Council's direction to pursue alternatives to citywide temporary development moratorium for purposes of reassessing current community values ([Staff Report #19-134-CC](#))

K. City Manager's Report

L. City Councilmember Reports

M. 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: 06/13/2019)

**COMMISSION REPORT****City Council**

Meeting Date: 6/18/2019
Staff Report Number: 19-090-CC

Commission Report: Library Commission update and announcements

Recommendation

Staff recommends that the City Council receive the semiannual update from the Library Commission.

Policy Issues

The City Council requires Commissions to provide semiannual updates at a regularly scheduled Council meeting.

Background

The Library Commission discussed their upcoming City Council update at their February 25 meeting¹ and approved the content of their update at their March 18 meeting². Library Commission Chair Kristen Leep will provide the update.

Analysis

An analysis is not required.

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.

¹ https://www.menlopark.org/DocumentCenter/View/20704/Staff-report_LC_2019-02-25_Quarterly_report_to_Council

² https://www.menlopark.org/DocumentCenter/View/20887/Staff-report_LC_2019-03-18_Library-Commission-semi-annual-update

Attachments

None.

Report prepared by:

Nick Szegda, Assistant Director of Library Services

Report approved by:

Sean Reinhart, Director of Library Services



SPECIAL MEETING MINUTES – DRAFT

Date: 5/13/2019
Time: 5:30 p.m.
City Hall/Administration Building
701 Laurel St., Menlo Park, CA 94025

5:30 p.m. Closed Session (City Hall - “Downtown” Conference Room, 1st Floor)

A. Call to Order

Mayor Mueller called the meeting to order at 5:35 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller

Absent: None

Staff: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Bill McClure, Administrative Services Director Lenka Diaz, Labor Attorney Charles Sakai, Deputy City Manager/Public Work Director Justin Murphy, City Clerk Judi A. Herren (excused at 5:47 p.m.)

Public Comment

- Sergeant Jeff Cooley spoke on behalf of the Police Sergeant Association regarding the pay differential between officers and the importance of rank and authority within the police department.
- Lynne Bramlett spoke on the need of adding new diversity goals to the labor agreements (Attachment).

CL1. Closed session conference with labor negotiators pursuant to Government Code §54957.6 regarding labor negotiations with the American Federation of State, County, and Municipal Employees Local 829 (AFSCME) and Confidential employees; Service Employees International Union Local 521 (SEIU); Menlo Park Police Sergeants Association (PSA); Menlo Park Police Officers’ Association (POA); and Unrepresented Management.

Attendees: City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Bill McClure, Administrative Services Director Lenka Diaz, Labor Attorney Charles Sakai

CL2. Closed session conference with real property negotiators pursuant to Government Code Section 54956.8.

Property: 1283 Willow Road, Menlo Park [APN: 062103640]

Agency Negotiating Parties: City Attorney Bill McClure, City Manager Starla Jerome-Robinson, Deputy City Manager/Public Work Director Justin Murphy

Negotiating Parties: Representatives of MidPen Housing Corporation

Under negotiation: Price and terms of potential purchase of the Property

Adjournment

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STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-125-CC

Consent Calendar:

Approve public engagement plan for a local minimum wage ordinance effective January 1, 2020

Executive Summary

This regular business item seeks City Council approval of a public engagement plan for the adoption of a local minimum wage ordinance (LMWO) effective January 1, 2020, that is higher than the minimum wage provided under the general laws of the State of California. This recommendation does not commit the City Council to take any action on the LMWO when the final recommended ordinance is considered at a public hearing tentatively scheduled for September 10.

The recommendation is that the City Council:

1. Approve public engagement plan

The public engagement plan was prepared using elements from the Institute for Local Government's (ILG) TIERS public engagement framework. The TIERS public engagement framework was developed by the ILG, the pre-eminent nonprofit dedicated to assisting local leaders to govern openly, effectively, ethically, work collaboratively and foster healthy and sustainable communities. Key elements of the plan, as discussed in the analysis section, include:

- *Level of public participation*

The purpose of the recommended public engagement plan is to inform key stakeholders and city staff members of the role of public engagement plays in the City Council's evaluation of a LMWO. The City Council has already reached consensus on the key elements of the LMWO therefore the recommended level of participation is "inform" (Attachment A.) Unless compelling new information is gathered through the public engagement process, public input is unlikely to result in substantive changes to the draft ordinance.

- *Stakeholder engagement*

Stakeholder engagement will include open houses, mailers to business operators, modest in-person outreach to small businesses and nonprofits and a project webpage for updates and frequently asked questions. More detail regarding the work plan is in Attachment B.

And

2. Confirm key elements of the draft ordinance

The public engagement plan will "inform" stakeholders of a draft LMWO (Attachment C.). The key elements of the ordinance are:

- *Minimum wage*

Section 5.76.030 of the draft LMWO requires that all employers in Menlo Park pay a minimum of \$15.00 per hour to employees working more than two hours per week beginning January 1, 2020, and may adjust annually in January thereafter. Staff has also implemented the minimum wage for city-paid employees.

- *Annual adjustments*

As drafted, the LMWO provides the City Council with the authority to set the minimum wage annually with an affirmative vote of the City Council in July of each year for effect the upcoming January 1. If

the City Council takes no action, the minimum wage remains unchanged. The draft LMWO also includes provisions for the City Council to revert to the State of California minimum wage in the event of an economic downturn.

- *Applicability*

Section 5.76.040 and 5.76.050 of the LMWO, as drafted, applies to all employers in Menlo Park, excluding federal, state, county and school district employers, with no provision for a phased implementation based on the number of employees.

Policy Issues

The City Council has already reached consensus on the most significant policy consideration: There is a compelling need for the City of Menlo Park to pursue a LMWO effective January 1, 2020. The areas of policy consideration for the requested City Council action in this report are summarized by the following questions:

- What level of public participation (IAP2 public participation spectrum, Attachment A) does the City Council request from stakeholders and workshop participants?
- Is the proposed engagement plan adequate to collect the desired feedback?
- Does the draft ordinance accurately reflect the key elements desired by the City Council in a LMWO?

Discussion

At their May 7, meeting, the City Council provided direction to staff to advance the adoption of a LMWO effective January 1, 2020. At that time, staff advised the City Council that it would return June 4 with a revised public engagement plan for City Council approval. Due to resource constraints, staff was unable to complete the report in time for the City Council's consideration June 4. The May 7 report can be found online as Attachment D.

In order to meet the implementation date of January 1, 2020, the LMWO must be adopted no later than September 24. With potential adoption September 24, staff will have three months to prepare the required notices to employers and conduct implementation information sessions necessary to educate employers and employees about the new ordinance.

Approve public engagement plan

The public engagement plan can be viewed as the City's initial commitment to the public engagement in the development of a policy, project or program. A key element for a new initiative, using the TIERS model, is setting clear expectations in the timing, budget, and how public engagement will influence the decision making process. Another key element of a successful public engagement plan is identifying key stakeholders to ensure that the engagement is as inclusive as possible, including non-English speaking stakeholders.

While the plan attempts to focus in on the most significant elements of the public engagement, it is somewhat fluid and designed to adapt as new information emerges. There are, however, constraints that will dictate staff's ability to complete a public engagement plan and deliver a LMWO for City Council adoption. The most significant constraint is time. In order to meet the City Council's desired implementation date for a LMWO, January 2, 2020, the City Council made the following determinations at their May 7 meeting:

- *No new research*

The City Council determined that the work completed by other agencies, as provided in the May 4 staff report, Attachment D, is sufficient to justify a LMWO in Menlo Park

- *Draft ordinance*
The City Council determined that there are sufficient LMWO examples to avoid extensive research required to draft an ordinance from scratch. The City Attorney's Office has prepared a draft ordinance, Attachment C
- *Truncated public engagement*
The City Council directed staff to return with an updated public engagement plan to achieve a January 1, 2020, implementation

A key step in the TIERS public engagement framework is assessing the level of public participation and how participation will influence the decision making process. To help clarify the various options, TIERS references the International Association for Public Participation's (IAP2) public participation spectrum, Attachment A. Given that the City Council has already reached consensus on key elements of a draft LMWO, public participation falls into the "inform" level. For the "inform" level, the goal is to assist the public in understanding the problem triggering the need for a LMWO and the solution provided by the draft ordinance. Through the public engagement, it will be made clear to participants that the City is seeking input on the LMWO and is interested in hearing compelling information that might suggest that the City Council reconsider key elements of the draft LMWO. For example, through the engagement process, staff may collect sufficient information that small businesses will experience hardships with the new ordinance. The hardship may be addressed through a staggered implementation date such as \$14.00 per hour for employers of 10 or fewer beginning January 1, 2020, and \$15.00 per hour beginning January 1, 2021. Staff will collect the information and transmit it to the City Council ahead of the public hearing to seek City Council direction on whether to incorporate the feedback in the LMWO.

It is critical to note that unsupportive community input on key elements of the LMWO could delay the implementation of a LMWO into 2021. The purpose of this report is to set realistic expectations and confirm that the City Council is ready, with information made known to date, to devote the resources necessary to adopt a LMWO in September 2019. The City has not previously imposed a mandate on private businesses that may have an impact on their day-to-day operations and the community input may or may not be supportive.

The public engagement plan focuses primarily on direct media and a project webpage to inform businesses of the City's consideration of a LMWO. To supplement the direct mail, staff will host two open houses to review the LMWO with interested parties. The first meeting is envisioned for late July/early August with sufficient notice by mail, social media and print media. The second workshop is tentatively planned following the public hearing and first reading of the LMWO September 10. This timing capitalizes on free media coverage, to the extent that the media reports on the LMWO. If new information is learned regarding the LMWO sufficient to influence the ordinance's key elements, staff may return to the City Council for a check-in to confirm direction with the new information.

While typically the "inform" level of public participation does not include substantive outreach to specific groups for their direct input, a member of the City Council requested that special attention be paid to nonprofit organizations. The number of nonprofit organizations (independent schools, social service groups, etc.) is sufficiently small that staff will make special outreach to these organizations to understand whether an exemption for nonprofits may be compelling new information for City Council consideration. Staff will also provide an informational presentation to community groups, such as the Chamber of Commerce, on request.

The City Council's approval of the public engagement plan is critical to a successful process. If the City Council desires a higher level of public participation or more extensive outreach that direction will be most valuable now, at this point in the process. Additional workshops or outreach is possible but may have an

impact on the staff's ability to complete other work or the project timeline.

Confirm key elements of the draft ordinance (Attachment C)

At their May 7, meeting, the City Council provided direction on several key elements of the LMWO. The City Attorney has prepared a draft LMWO that incorporates that direction:

- *Minimum wage*

The draft LMWO, Section 5.76.030, requires that all employers in Menlo Park pay a minimum of \$15.00 per hour to employees working more than two hours per week beginning January 1, 2020, and may adjust annually in January thereafter. This action provides for an early adoption of the State of California's general laws that achieve a \$15.00 per hour minimum wage January 1, 2023, for all employers in the state. Unlike the State of California's general law, the draft LMWO does not distinguish between employers of different sizes. The State's minimum wage provides a one-year delay in implementation of the \$15.00 per hour minimum for employers with 25 or fewer employees. Specific to City of Menlo Park employees:

1. City-paid employees

At the City Council's May 7 meeting, several City Councilmembers expressed an interest in implementing a higher minimum wage for City-paid employees before January 1, 2020, to serve as an example to the community. It was staff's understanding that the City Council desired an early, administrative, implementation of the \$15.00 per hour minimum for city-paid employees. Staff has begun the process of implementing the minimum wage for all new hires for starting at \$15.00 per hour minimum. Additionally, staff is in the process of implementing the \$15.00 per hour minimum wage for existing employees who are paid less than \$15.00 per hour. Finally, staff has fulfilled its obligation under state law to extend an invitation to bargaining group representative to meet and confer over the City's decision to pay no less than \$15.00 per hour for temporary employees. As of this report preparation, the City has not received a request to meet and confer over the impact of the minimum wage.

2. Unfunded pension liability

The City Council's direction to staff to increase the wage of any employee below \$15.00 per hour to \$15.00 per hour no later than July 1, has no impact on the City's pension liabilities. Pension liabilities are only incurred for employees who receive benefits and there are no benefited City employees earning a wage less than \$15.00. As such, the City will not experience an upward growth in wages for benefited employees by this action.

- *Annual adjustments*

Sections 5.76.030 of the draft LMWO provides the City Council with the authority to set the minimum wage annually with an affirmative vote of the City Council no later than September of each year for effect the upcoming January 1. If the City Council takes no action, the minimum wage remains unchanged, unless the State of California minimum wage exceeds the local minimum wage in Menlo Park. The draft LMWO also includes provisions for the City Council to suspend the LMWO and revert to the State of California minimum wage in the event of an economic downturn but for not more than 12 months at a time.

- *Applicability*

Section 5.76.040 of the LMWO, as drafted, applies to all employers in Menlo Park, excluding federal, state, county and school district employers, with no provision for a phased implementation based on the number of employees. As discussed in the public engagement plan section of this report, a City Councilmember requested that staff perform special outreach to nonprofits to understand if the minimum wage adversely affects their ability to provide services. The draft LMWO presumes that there is no compelling evidence to suggest that the LMWO would adversely affect nonprofits located in Menlo Park. Through the outreach effort, if information emerges that the draft LMWO would affect local nonprofits in a negative manner, staff will return to the City Council for their direction on potential exclusions for nonprofits. Section 5.76.050 provides a waiver for

collective bargaining, an element that was found in several other LMWO examples referenced in the creation of the draft ordinance.

- **Enforcement**

Section 5.76.090 details enforcement measures for the LMWO. At this time, staff has not identified who will provide the enforcement, however there is a preference to explore contract services as has been done in neighboring jurisdictions. As part of the ordinance adoption, staff will present additional information on enforcement options. Specifically, the draft ordinance provides 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.

Impact on City Resources

The public engagement plan will require an estimated \$ in direct staff resources, a \$5,000 budget for temporary clerical support services, and a budget of \$15,000 for a robust print and social media campaign, mailed notices to business owners, translation services and supplies for community workshops. Additional funds will be required if the City ultimately elects to outsource enforcement of the LMWO. An estimated outsource contract, based on the City of Redwood City's experience, could be in the neighborhood of \$15,000 to \$25,000 per year, however, no analysis has been conducted to assess the estimate. The direct staff resources are already budgeted but the time devoted to this project will decrease availability to work emergency or new projects.

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. IAP2 level of public participation diagram
- B. Updated LMWO work plan
- C. Draft LMWO
- D. Hyperlink – May 7 staff report: menlopark.org/DocumentCenter/View/21432/H1-20190507-Minimum-Wage-CC

Report prepared by:
Nick Pegueros, Assistant City Manager

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IAP2 SPECTRUM, OF PUBLIC PARTICIPATION

International Association for Public Participation: www.iap2.org

	Increasing Level of Public Impact on the Decision 				
	Inform	Consult	Involve	Collaborate	Empower
Public participation goal	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the public	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide
Example techniques	<ul style="list-style-type: none"> ▪ Fact sheets ▪ Web sites ▪ Open houses 	<ul style="list-style-type: none"> ▪ Public comment ▪ Focus groups ▪ Surveys ▪ Public meetings 	<ul style="list-style-type: none"> ▪ Workshops ▪ Deliberative polling 	<ul style="list-style-type: none"> ▪ Citizen advisory committees ▪ Consensus-building ▪ Participatory decision-making 	<ul style="list-style-type: none"> ▪ Citizen juries ▪ Ballots ▪ Delegated decision

Notes



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Local Minimum Wage Ordinance (LMWO) Draft Work Plan

Updated 6/8/19

Item	Activity	Approximate timeframe	Est. Level of effort (staff hours)	Estimated Cost	City staff involved
First City Council meeting	Preliminary research, prepare staff report and presentation, and develop draft work plan	5/7/19 City Council meeting	46	\$ 7,532	City Manager's Office (CMO), Administrative Services (AS)
Second City Council meeting	Follow-up to City Council questions from 5/7; City Council adoption of the public engagement plan	6/18/2019	56	\$ 11,612	CMO, AS, ED, CAO
Prepare public engagement plan	Identify stakeholders, establish level of public engagement (low to high), identify resources and tools necessary for engagement efforts (e.g., facilitator, survey, technology tools, etc.)	6/24/19 to 7/12/19	130	\$ 14,617	CMO, AS, Economic Development (ED), City Attorney's Office (CAO)
Initiate public engagement plan	Establish meeting schedules, secure necessary resources, develop communication tools which could include a project webpage, mailers to community based organizations, mailers to businesses, etc. Translate appropriate materials as necessary	7/15/19 to 8/15/19	129	\$ 15,253	CMO, AS, CAO
Workshops	Host a two workshops of focus group meetings to introduce the LMWO and hear initial feedback, concerns, recommendations	8/14/19 and 9/12/19			CMO, ED
		Meeting prep	40	\$ 4,986	
		Actual meetings	8	\$ 997	
Third City Council meeting	First reading of LMWO	9/10/2019	107	\$ 14,231	CMO, AS, ED, CAO
Fourth City Council meeting	Second reading of LMWO	9/24/2019	12	\$ 1,536	CMO, ED
Implementation	Notices to businesses, develop enforcement program, etc.	October to December 2019	190	\$ 19,166	CMO, ED
		Estimated Initial Cost	718	\$ 89,931	
Annual maintenance	City staff administration: Noticing, enforcement follow-up, etc.	Annual	210	\$ 24,152	CMO, ED
Annual maintenance	Contract services enforcement	Annual		\$ 30,000	TBD
Impact on labor costs	Annual increase in salary and unfunded pension liabilities if implemented	Annual		n/a	
		Estimated Annual Cost		\$ 54,152	

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**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 Exempt Organizations.
- 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 two (2) 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, , the City Council will review the February to February change in 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, to determine whether to increase to minimum wage for the subsequent calendar year. The City Council shall conduct this review in July and, if the City Council elects to increase the minimum wage, the City shall announce the increased wage by October 1 of each year and such increased wage shall become effective as the new minimum wage on January 1 of the subsequent year.
- c. The City Council may, by resolution and upon a majority vote of the Council, temporarily suspend the Minimum Wage for a period of no more than twelve (12) months. At the end of the suspension period, the Minimum Wage shall be automatically reinstated without further notice or action by the City Council.

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

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 Exempt organizations.

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.

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.

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.



STAFF REPORT

City Council

Meeting Date: 6/18/2018

Staff Report Number: 19-136-CC

Regular Business: Amend the fiscal year 2018-19 budget

Recommendation

Staff recommends that the City Council approve the following:

1. Increase transfer from the general fund to general capital fund by \$1.00 million in fiscal year 2018-19
2. Transfer \$0.89 million from the general capital fund to the library systems improvement fund in fiscal year 2018-19; \$0.45 million to fund Belle Haven branch library project, and \$0.44 million to fund the main library improvements project
3. Transfer funds from the Measure A fund to the shuttle program fund in an amount which results in no operating deficit as of June 30, 2019

Policy Issues

The City Council is required to approve all changes in the budget that increase appropriations and move monies between funds.

Background

As staff prepares the budget for the upcoming fiscal year, a key element in the process is generating estimates regarding current fiscal year actual revenue and expenditures. Based on activity through the end of May 2019, the city manager's proposed fiscal budget for fiscal year 2019-20 outlines an estimated general fund net revenue, or surplus, amounting to \$2.23 million. The general fund surplus is primarily the result of higher than anticipated personnel costs savings resulting from staff vacancies, and other operating expenditures are expected to be lower than budget as well. While the surplus is an estimate and may differ once the fiscal year is fully closed, staff has every expectation that allocation of up to \$1.0 million in a year-end transfer is unlikely to result in a deficit for the fiscal year ended June 30, 2019, once the audit is final.

Analysis

The City's budget is a combination of both operating and capital in an effort to provide the City Council and community with the most complete view of the city's finances. Following an extensive budget development process, staff is requesting the following items in the current year to set the baseline for the 2019-20 fiscal year budget:

1. Increase general fund transfer to the general capital fund
Staff is recommending that City Council transfer \$1.00 million from the general fund surplus to the general capital fund in order to provide additional funding to future planned projects. The City has \$9.82 million and \$9.32 million of capital expenditures planned this year and next year, respectively, and will need to find ways to help support this spending plan. Without the transfer in, the general capital fund's projected available balance is just \$0.21 million at the end of fiscal year 2019-20. This transfer will also help offset the cost of the next item.

2. Transfer of \$0.89 million from general capital fund to library systems improvement fund
In the 2019-20 proposed budget, staff has created two new projects in the library systems improvement fund that will be using released project fund balance of two projects from the general capital fund. Staff is recommending that the released project balance of the two projects, \$0.45 million and \$0.44 million, be transferred to the library systems improvement fund. These moneys will then be appropriated to fund the Belle Haven branch library project, \$0.50 million in fiscal year 2019-20 proposed budget, and the main library improvements project, \$0.44 million in fiscal year 2019-20 proposed budget.
3. Transfer funds from Measure A fund to shuttle program fund
The shuttle program is primarily funded by grants from the San Mateo County Transportation Authority, City/County Association of Governments and the Metropolitan Transportation Commission's Lifeline program that total over \$0.60 million per year. However, these grant sources require a local match, which the City funds from shuttle fees paid by local commercial employers (approximately \$0.065 million per year) and the balance would come from other local sources. The amount of the transfer is expected to vary slightly based on the operations of each fiscal year. Since no transfers for the local match have been completed since the shuttle fund was established in fiscal year 2016-17, there is a negative fund balance of \$0.30 million as of June 30, 2019. The exact magnitude of the transfer for this year is pending results of the year-end close process and audited financials, but is approximately \$0.05 million. However, this amount is not sufficient to fully eliminate the negative fund balance from prior fiscal years. Staff recommends the Measure A fund (which can be used for transportation programs) be used for the transfer this fiscal year. The \$0.05 million transfer would result in \$0.53 million in available fund balance in the Measure A fund at the end of the fiscal year. Staff will continue to look for strategies to reduce the historical negative fund balance from prior fiscal years.

Impact on City Resources

The anticipated fund balance in the affected funds are sufficient for these changes to be approved without causing any fund to fall into a negative balance.

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.

Report prepared by:
Brandon Cortez, Management Analyst II

Approved by:
Lenka Diaz, Administrative Services Director



STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-131-CC

Consent Calendar:

Authorize the city manager to enter into agreements with Chrisp Company and Tri-Valley Striping for citywide street signage and striping program and authorize the city manager the option to extend the agreements for up to three additional years

Recommendation

Staff recommends that the City Council authorize the city manager to enter into agreements with Chrisp Company and Tri-Valley Striping for the annual citywide street signage and striping program and authorize the city manager the option to extend the agreements for up to three additional years.

Policy Issues

This project is consistent with several policies in the 2016 general plan circulation element. These policies seek to provide and maintain a safe, efficient, attractive, user-friendly circulation system that promotes a healthy, safe, and active community and quality of life throughout Menlo Park.

Background

The City annually allocates funds from Measure A to repair and maintain city street signage and striping. Approximately 60 percent of the annual budget is used for striping maintenance and 40 percent for sign maintenance depending upon repairs needed annually. In July 2015, the City entered into agreements with Chrisp Company and Quality Striping Inc. for citywide signage and striping contracts with the option to renew the contracts for an additional three years. Those contracts expire June 30, after utilizing the allowable three years of contract extensions.

The program assists in maintaining safe and up-to-date signage and striping infrastructure that complies with current Federal and State standards.

As of January 2015, the Federal Highway Administration (FHWA) has established 11 new sign standards. The following are a few examples of the new standards:

- All signs must maintain a minimum retro-reflectivity
- All school crossing signs must be made of high intensity, fluorescent, yellow, green material
- All street name signs must conform to new lettering standards

At this time, there are no federally required minimum levels of retro-reflectivity for striping. However, in January 2017, the FHWA published a supplemental notice of proposed amendment proposing a revised set of standards for maintaining minimum retro-reflectivity to be incorporated in the manual on uniform traffic control devices.

The proposed citywide street signage and striping program will help meet these new standards. The program is currently divided into two areas:

- Routine signage and striping includes maintenance of the existing signs and striping to ensure it meets standards and is adequately visible to street users, including people walking, bicycling or driving
- Responsive signage and striping is performed on an as-required basis and includes all new installations as a result of non routine street signage and striping work. Such work is performed as a response to public requests, field investigations and emergency projects

Analysis

A request for informal bids was advertised on the City’s website. The project was bid on a unit price basis, allowing the contractor to perform work in the signage and striping program up to the amount budgeted each year for the program. The budgeted amount for this year is proposed to be \$115,000.

Staff received a total of three bids from responding companies that have the general competency for performing the work covered by this informal bid. All of the responding companies maintain offices within the 30 mile radius of the City as specified in the bid requirements.

Chrisp Company has completed contracts in the past for the City as part of the signage and striping program. The contractor maintains a staff of 180 and a minimum of 100 specialty construction vehicles. Because of their ability to safely handle traffic on high-volume roads efficiently, staff has regularly assigned larger projects to Chrisp Company.

Quality Striping Inc. has also completed contracts alongside Chrisp Company as part of the City’s signage and striping program. Although the contractor is not largely staffed like Chrisp Company, their ability to deliver results at a lower cost allowed staff to assign Quality Striping Inc. a variety of on-call and emergency work.

Tri-Valley Striping employs 15 employees in their service department and a box truck for storing materials and equipment. Unlike Chrisp Company or Quality Striping Inc., Tri-Valley has not completed any contracts for the City, but has performed work for similar projects in neighboring jurisdictions.

Staff reviewed all bids and took into consideration the size of projects completed by each bidder, their references and ultimately, the estimated cost of each bidder to perform the work. Staff then estimated quantities for typical projects to be completed and compared bid prices to complete those projects. The following table shows the bid comparisons for a typical signage and striping project:

Table 1: Bid comparisons for a typical project			
	Chrisp Company	Quality Striping Inc.	Tri-Valley Striping
Striping estimate	\$62,490	\$56,535	\$47,720
Signage estimate	\$37,125	\$23,710	\$14,100
Estimated total cost	\$99,615	\$80,245	\$61,820

Staff regularly schedules refreshing of striping on high-volume roadways. Of the three bids, staff determined that Chrisp Company is the only contractor with the personnel and operating machinery to perform striping

work on high-volume arterial roads with minimal traffic impact. For smaller projects on local roads and parking plazas, Quality Striping Inc. and Tri-Valley Striping both maintain similar sized crews and machines, however, Tri-Valley remains the lower bidder in signage and striping.

For these reasons, staff is recommending the City enter into agreements with both Chrisp Company and Tri-Valley Striping, using each company on an on-call basis depending on the work needed, with the option to extend the agreements for up to an additional three years. As projects are brought forward, staff will utilize judgement in determining the contractor to perform the assigned work.

Impact on City Resources

There is currently \$115,000 in the proposed fiscal year 2019-20 budget for the street signage and striping program funded by Measure A. Staff is not requesting additional resources to oversee work under this program; however, if the proposed budget amounts are modified before adoption, the contract amounts awarded to each contractor would be adjusted accordingly (e.g., if City Council modified the program to \$100,000 in this or a future year, the agreements would reflect that amount.)

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. Projects to be installed under these contracts are typically categorically exempt under CEQA Guidelines §§15301(c), minor alteration of existing public facilities.

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. None.

Report prepared by:
Marlon Aumentado, Junior Engineer

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

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STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-133-CC

Consent Calendar:

Authorize the city manager to enter into an agreement with Universal Building Services and Supply Co. for janitorial services at Bedwell Bayfront Park up to the budgeted amount

Recommendation

Staff recommends that the City Council authorize the city manager to enter into a three-year agreement with Universal Building Services and Supply Co. for janitorial services at Bedwell Bayfront Park with the option to extend the agreement for three additional one-year terms up to the authorized budget amount.

Policy Issues

This proposed action is consistent with City policy. The agreement amount exceeds the city manager's authority so requires City Council approval.

Background

From 1983 through 2011, the City contracted with California Land Management to provide ranger services at Bedwell Bayfront Park. During early construction of the park, California Land Management assisted in implementing a management plan, and developed appropriate park signage and security measures. As additional park development phases were completed and more people started using the park, the daily activities of enforcing park regulations, performing cleanup and park maintenance activities increased. The ranger worked 70 to 92 hours per week depending on the time of year. Ranger duties included janitorial services for the restroom, daily patrol of the park, public contact, code enforcement, litter collection, fire suppression and opening and closing the front gate.

In 2011, an effort was made to reduce costs and a request for proposals (RFP) was issued for a reduced scope of services limited to janitorial services, litter collection and opening and closing the front gate. On June 14, 2011, the City Council authorized the city manager to enter into a four-year agreement with Universal Building Services and Supply Co. with the option to extend the contract for an additional four years. The agreement ends June 30.

Analysis

In May 2019, staff issued an RFP for janitorial services at Bedwell Bayfront Park. On June 10, two proposals were received. One proposal is from Universal Building Services and Supply Co., which is currently providing janitorial services at Bedwell Bayfront Park and the other proposal is from Maintenance Systems Management, Inc., which is providing janitorial services at the City's two aquatic centers. Staff is familiar with each service provider and has been generally satisfied with their respective performance. Over

a three-year period, the Universal Building Services and Supply Co. proposal of \$161,172 is \$11,341 higher than the Maintenance Systems Management, Inc. proposal of \$149,831. Given the relatively nominal difference in cost, staff recommends continuing to use Universal Building Services and Supply Co. for janitorial services at Bedwell Bayfront Park based on their familiarity with the facility. By continuing with the same janitorial contractor, staff will be able to invest more time in training and orienting the new contract park ranger, which is included in the proposed fiscal year 2019-20 budget. The ranger will be present during the park's busiest hours of the day and duties will include daily patrol, public contact, code enforcement, litter collection, fire suppression.

The proposed new janitorial agreement will begin July 1 and end June 30, 2022, with the option to extend the agreement for three additional one-year terms. Any price increase for an additional one-year term will be according to the consumer price index and may not exceed 5 percent in any year. Either party may terminate the contract with 90 days written notice.

Impact on City Resources

The annual cost for janitorial services varies each year. The total three-year agreement amounts to \$161,172. The proposed fiscal year budget for 2019-20 has sufficient funds for this service for the first year. Funding for future years will be requested during the budget process each year. The Bedwell Bayfront Park Maintenance fund is expected to deplete in fiscal year 2023-24, staff will need to reassess funding sources to continue to maintain the park.

Bedwell Bayfront Park janitorial services	
Fiscal year	Annual cost
2019-20	\$50,808
2020-21	\$53,724
2021-22	\$56,640

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. None.

Report prepared by:

Brian Henry, Assistant Public Works Director



STAFF REPORT

City Council

Meeting Date: 06/18/2019

Staff Report Number: 19-126-CC

Consent Calendar:

Receive and file the Library Commission's work plan 2019-2020

Executive Summary

This report transmits the Library Commission's work plan for 2019-2020 to City Council.

Policy Issues

The City Council periodically receives and files key operational documents from city commissions. The Library Commission advises and makes recommendations to the City Council about Library policies and services in alignment with City Council priorities and goals. City Council Policy CC-19-004¹ was adopted in May 2019 and outlines the procedures, roles and responsibilities of the City Council-appointed advisory bodies for optimal functioning.

Background

City Council Policy CC-19-004 requires commissions to develop an annual work plan and then report on the status of that work plan to the City Council. The policy also states that the work plan must be approved by a majority of the commission before being submitted to the City Council. The Library Commission began discussing updates to their work plan at their February 25 meeting, and continued their discussion at their March 18 and April 15 meetings. The Library Commission unanimously approved their work plan for 2019-2020 at their May 20 meeting.

Analysis

The Library Commission's work plan guides the work of the Commission for the coming year. The Commission's work plan seeks to align itself with City Council goals, the library's strategic plan, and the needs of the Menlo Park community. The Commission's primary goal is to support the efforts to build a new branch library in the Belle Haven neighborhood, a City Council top five priority for 2019.

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 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.

¹ <https://www.menlopark.org/DocumentCenter/View/21774/CC-19-0004-Commission-Committee-January-2019>

Attachments

- A. Hyperlink – Library Commission work plan 2019-2020:
menlopark.org/DocumentCenter/View/21776/LC_WP_2019_2020

Prepared by:
Nick Szegda, Assistant Director of Library Services

Reviewed by:
Sean Reinhart, Director of Library Services



STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-128-CC

Public Hearing:

Adopt Resolution No. 6483 overruling protests, ordering the improvements, confirming the diagram and ordering the levy and collection of assessments for landscaping assessment district for fiscal year 2019-20

Recommendation

Staff recommends that the City Council adopt Resolution No. 6483 (Attachment A) overruling protests, ordering the improvements, confirming the diagram, and ordering the levy and collection of assessments and increasing the tree assessment by 10 percent, which amounts to an increase of \$7.38 per single family equivalent per year and the sidewalk assessment by 20 percent, which amounts to an increase of \$7.22 per single family equivalent per year for the landscaping assessment district (District) for fiscal year 2019-20.

Policy Issues

The funds collected through the District are used for the maintenance of the City's trees and sidewalks. If the City Council does not adopt the resolution required for the collection of the assessments, the lack of adequate funding would impact the high level of service required for the proper care and maintenance of the City's trees and sidewalks.

Background

In 1983, the City of Menlo Park established a District for the proper care and maintenance of City street trees. In 1990, the City added an assessment for the repair and maintenance of sidewalks and parking strips in the public right-of-way damaged by City street trees. Funds generated by the District are also used for street sweeping services. Each year, the City must act to continue the collection of assessments. On May 21, the City Council adopted Resolution No. 6502 preliminarily approving the engineer's report and Resolution No. 6503 stating its intention to order the levy and collection of assessments for the District for fiscal year 2019-20. The staff report is included as Attachment B.

Analysis

To cover the tree maintenance program's budget for fiscal year 2019-20, the engineer's report proposes an assessment of \$81.20 per single family equivalent (SFE) a year, which reflects a 10 percent increase from last year's assessment of \$73.82 (an increase of \$7.38.) The increase in the tree assessment accounts for additional tree care required due to pests and disease, increasing costs associated with the tree-pruning contract and a recent increase in the street sweeping contract due to increasing rates. The engineer's report also proposes a sidewalk assessment of \$43.38 per SFE a year, which reflects a 20 percent increase from last year's assessment of \$36.16 (an increase of \$7.22.) The increase in the sidewalk assessment is to continue addressing the annual sidewalk replacement needs and the current backlog. The assessments are

subject to an annual adjustment based on the engineering news record construction cost index for the San Francisco Bay Area. The maximum authorized assessment rate for fiscal year 2019-20, based on current and accumulated unused construction cost index increases reserved from prior years, are \$114.15 per SFE benefit unit for tree maintenance and \$50.96 per SFE benefit unit for sidewalk maintenance. These increases would be legally permissible without additional ballot proceedings.

The action taken by the City Council May 21, initiated the period in which any property owners can protest the amount of their proposed assessments. No protests have been received as of the date of this staff report. Before taking any final action, the City Council must conduct the public hearing and give direction regarding any protests received. If the City Council confirms and approves the assessments by adopting the resolution, the levies will be submitted to the county controller for inclusion on the property tax roll for fiscal year 2019-20.

Impact on City Resources

Funding for the entire tree-maintenance, street sweeping and sidewalk-repair programs under the District come from a variety of sources, including the carry-over of unspent funds from prior years, annual tax assessment revenues, Measure M and contributions from the general fund. If the City Council does not order the rate increase, levy and collection of assessments, the impact on City resources would be \$1,027,060 (the total amount of the proposed tree and sidewalk assessments) or result in a corresponding decrease in service levels to maintain street trees, street sweeping and sidewalks.

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 a legal notice in The Daily News, a local newspaper, June 7 and June 14, 2019, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6483
- B. Hyperlink – May 21 staff report: menlopark.org/DocumentCenter/View/21627/F1-20190521-Landscape-assessment-district-CC

Report prepared by:
Theresa Avedian, Senior Civil Engineer

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

RESOLUTION NO. 6483**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
OVERRULING PROTESTS, ORDERING THE IMPROVEMENTS,
CONFIRMING THE DIAGRAM AND ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS AND INCREASING THE TREE
ASSESSMENT AND THE SIDEWALK ASSESSMENT FOR THE CITY OF
MENLO PARK LANDSCAPING ASSESSMENT DISTRICT FOR FISCAL
YEAR 2019-20**

WHEREAS, on the twenty-first day of May, 2019, said City Council adopted Resolution No. 6503, describing improvements and directing preparation of the engineer's report for the City of Menlo Park landscaping district for fiscal year 2019-20, pursuant to provisions of Article XIID of the California Constitution and the Landscaping and Lighting Act of 1972; and

WHEREAS, said City Council thereupon duly considered said report and each and every part thereof and found that it contained all the matters and things called for by the provisions of said Act and said Resolution No. 6503 including (1) plans and specifications of the existing improvements and the proposed new improvements; (2) estimate of costs; (3) diagram of the District; and (4) an assessment according to benefits; all of which were done in the form and manner required by said Act; and

WHEREAS, said City Council found that said report and each and every part thereof was sufficient in every particular and determined that it should stand as the report for all subsequent proceedings under said Act, whereupon said City Council pursuant to the requirements of said Act, appointed Tuesday, June 18, 2019, at the hour of 7 p.m. or soon thereafter of said day in the regular meeting place of said City Council, City Council Chambers, Civic Center, 701 Laurel Street, Menlo Park, California 94025, as the time and place for hearing protests in relation to the continuation and collection of the proposed assessments for said improvements, including the maintenance or servicing, or both, thereof, for fiscal year 2019-20; and

WHEREAS, on June 18, 2019, at the hour of 7 p.m. or soon thereafter at 701 Laurel Street, Menlo Park, California, the public hearing was duly and regularly held as noticed, and all persons interested and desiring to be heard were given an opportunity to speak and be heard, and all matters and things pertaining to the levy were fully heard and considered by this City Council, and all oral statements and all written protests or communications were duly considered; and

WHEREAS, persons interested, objecting to said improvements, including the maintenance or servicing, or both, thereof, or to the extent of the assessment district, or to the proposed assessment or diagram or to the engineer's estimate of costs thereof, filed written protests with the city clerk of said City at or before the conclusion of said hearing, and all persons interested desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the continuation and collection of the assessments for said improvements, including the maintenance or servicing, or both, thereof, were fully heard and considered by said City Council.

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:

1. That protests against said improvements, including the maintenance or servicing, both, thereof, or to the extent of the assessment district, or to the proposed continued assessment or diagram, or to the engineer's estimate of costs thereof, for fiscal year 2019-20 be, and each of them are hereby overruled.
2. That the public interest, convenience, and necessity require and said City Council does hereby order the continuation and collection of assessments pursuant to said Act, for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, more particularly described in said engineer's report and made a part hereof by reference thereto.
3. That the City of Menlo Park landscaping district and the boundaries thereof benefited and to be assessed for said costs for the construction or installation of the improvements, including the maintenance or servicing, or both, thereof, are situated in Menlo Park, California, and are more particularly described by reference to a map thereof on file in the office of the city clerk of said City. Said map indicates by a boundary line the extent of the territory included in said District and the general location of said District.
4. That the plans and specifications for the existing improvements and for the proposed improvements to be made within the assessment district contained in said report, be and they are hereby, finally adopted and approved.
5. That the engineer's estimate of the itemized and total costs and expenses of said improvements, maintenance and servicing thereof, and of the incidental expenses in connection therewith, contained in said report, be and it is hereby, finally adopted and approved.
6. That the public interest and convenience require, and said City Council does hereby order the improvements to be made as described in, and in accordance with, said engineer's report, reference to which is hereby made for a more particular description of said improvements.
7. That the diagram showing the exterior boundaries of the assessment district referred to and described in Resolution No. 6503 therein and the lines and dimensions of each lot or parcel of land within said District as such lot or parcel of land is shown on the County assessor's maps for the fiscal year to which it applies, each of which lot or parcel of land has been given a separate number upon said diagram, as contained in said report, be and it is hereby, finally approved and confirmed.
8. That the continued assessment of the total amount of the costs and expenses of the said improvements upon the several lots or parcels of land in said District in proportion to the estimated benefits to be received by such lots or parcels, respectively, from said improvements, and the maintenance or servicing, or both, thereof and of the expenses incidental thereto contained in said report be, and the same is hereby, finally approved and confirmed.
9. Based on the oral and documentary evidence, including the engineer's report, offered

and received at the hearing, this City Council expressly finds and determines (a) that each of the several lots and parcels of land will be specially benefited by the maintenance of the improvements at least in the amount if not more than the amount, of the continued assessment apportioned against the lots and parcels of land, respectively and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, the aforesaid finding and determination as to special benefits.

10. That said engineer's report for fiscal year 2019-20 be, and the same is hereby, finally adopted and approved as a whole.
11. That the city clerk shall forthwith file with the auditor of San Mateo County the said continued assessment, together with said diagram thereto attached and made a part thereof, as confirmed by the City Council, with the certificate of such confirmation thereto attached and of the date thereof.
12. That the order for the levy and collection of assessment for the improvements and the final adoption and approval of the engineer's report as a whole, and of the plans and specifications, estimate of the costs and expenses, the diagram and the continued assessment as contained in said Report, as hereinabove determined and ordered, is intended to and shall refer and apply to said Report, or any portion thereof, as amended, modified, revised or corrected by, or pursuant to and in accordance with any resolution or order, if any, heretofore duly adopted or made by this City Council.
13. That the San Mateo County controller and the San Mateo County tax collector apply the City of Menlo Park landscaping district assessments to the tax roll and have the San Mateo County tax collector collect said continued assessments in the manner and form as with all other such assessments collected by the San Mateo County tax collector.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this eighteenth day of June, 2019.

Judi A. Herren, City Clerk

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STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-129-CC

Public Hearing:

Adopt Resolution No. 6505 to collect the regulatory fee at the existing rates to implement the City's stormwater management program for fiscal year 2019-20

Recommendation

Staff recommends that the City Council adopt Resolution No. 6505 to continue to collect the regulatory fee at the existing rates to implement the City's stormwater management program for fiscal year 2019-20 (Attachment A.)

Policy Issues

The funds collected through the regulatory fee are used for the stormwater management program, which includes maintenance of storm drains and creeks and ensuring regulatory compliance. If the City Council does not adopt the resolution for the collection of fees, the lack of adequate funding would impact the level of services required to maintain the storm drain system and meet state requirements.

Background

Two types of stormwater related fees and charges are funded by Menlo Park property owners: a local regulatory fee applicable to the City only, and a countywide fee applicable to general program activities benefiting all agencies within San Mateo County (County.) The countywide fee is collected directly by the County flood control district (which will transition to the upcoming Countywide Flood and Sea Level Rise Resiliency Agency,) while the local fee is collected by the City. The following background information is specific to the local regulatory fee program.

In 1991, the San Francisco Bay Regional Water Quality Control Board (Water Board) notified County and all incorporated cities within the county of the requirement to submit a municipal stormwater national pollutant discharge elimination system permit application. As part of the permit process, all agencies were also required to implement a stormwater management program with the intent of reducing the sources of pollution from stormwater discharges that enter San Francisco Bay from urban and developing areas. The Water Board adopted the most current countywide national pollutant discharge elimination system permit in November 2015, which became effective January 1, 2016. The new countywide national pollutant discharge elimination system permit incorporates provisions including goals, tasks, schedules and reporting requirements.

To comply with the national pollutant discharge elimination system permit requirements, the City must adopt, enforce, and implement all of the regulatory provisions. Municipal Code Chapter 7.42 (adopted in July 1994, updated in March,) stormwater management program, section 7.42.250 establishes a separate funding mechanism for the stormwater management program that requires the City to implement the regulatory fee. The funds collected are used to cover the expenses associated with the program, such as the cost for the

annual cleanup of San Francisquito Creek and administrative and professional services.

In fiscal year 2018-19, the budget for the stormwater management program was \$467,824 with the regulatory fee providing \$349,400 in funds. The remaining expenses were covered by the carry-over in the program fund balance. The current annual regulatory fee collected by the City is based on a rate of \$5.25 per 1,000 square feet of impervious area for each property in the community. Fees therefore vary per property, depending on the amount of impervious area associated with the parcel and its size. For single family homes in the Belle Haven and Willows neighborhoods, where parcels are typically smaller than others in the City, the annual fee averages between \$16 and \$18 per property. In central Menlo Park and in the Sharon Heights neighborhood, the annual fee ranges between \$20 and \$26 per property. The annual fee for a typical 5,000 square-foot downtown commercial property along Santa Cruz Avenue is \$26 per property. Since the regulatory fee was established, there have been no increases.

Analysis

Table 1 and Table 2 below show the budget for the stormwater management program for fiscal year 2019-20. It should be noted that some program tasks include administration of the national pollutant discharge elimination system permit requirements to ensure compliance and reporting needs.

The current fee structure (\$5.25 per 1,000 square feet of impervious area) is expected to generate revenues of \$336,973 in fiscal year 2019-20. With an estimated \$506,312 carry-over from fiscal year 2018-19, sufficient funds will be available for the proposed fiscal year 2019-20 stormwater management program expenditures. Therefore, staff proposes no change to the regulatory fee structure for fiscal year 2019-20 and recommends that City Council adopt a resolution allowing staff to continue to collect the stormwater fee at the existing rates from all developed parcels within the City boundaries. Once authorized, the fee database will be forwarded directly to the County for preparation of the fiscal year 2019-20 tax bills.

**Table 1: Stormwater management program
proposed expenditures for fiscal year 2019-20**

Staff administration and operating costs: City’s cost for personnel and operating expenses to implement the requirements of the national pollutant discharge elimination system permit, including reporting, participation in Technical Advisory Committee and subcommittees, storm drain management efforts and administration of the street sweeping program	\$340,842
Stormwater business inspections: Contract to perform business inspections per the national pollutant discharge elimination system permit (previously performed by the County)	\$80,737
Stormwater permit: Annual national pollutant discharge elimination system permit fee paid to State Water Resources Control Board	\$15,000
Watershed Outreach: City’s contribution to Grassroots Ecology for coordination of educational outreach, watershed planning and coastal cleanup day efforts.	\$15,200
General and administrative overhead: City’s obligation to the general fund for finance, information technology and administrative services	\$68,691
Miscellaneous professional services: Stenciling of storm drains, updating the storm drain base map, geographic information services development, hazardous material permit, etc.	\$23,763
Total	\$544,233

Table 2: Stormwater management program revenues and expenditures for fiscal year 2019-20 budget	
Projected beginning fund balance	\$506,312
Estimated revenues (based on impervious area per parcel)	\$336,973
Estimated revenues (from business inspection fees to cover costs for inspections performed by the City's consultant, includes administrative costs)	\$62,507
Estimated expenses	\$544,233
Projected ending fund balance	\$361,559

Increasing the regulatory fee for the stormwater management program would require the City to conduct a property-owner voting procedure in accordance with Proposition 218. Residual fund balance has made up the difference with respect to expenditures in recent years. As the fund balance is drawn down, funds may not be sufficient to meet new demands or unexpected expenses in future years. With increasing national pollutant discharge elimination system permit requirements, there may be a need to increase fees in the near future.

Impact on City Resources

Funding for the stormwater management program consists of the carry-over of unspent funds from prior years and revenues collected through the regulatory fee. If the City Council does not order the continuation of the collection of fees, the impact on City resources would amount to \$336,973 (the total projected revenues from the regulatory fee.) Since the planned expenditures exceed the fund balance, it would also require a transfer from the general fund. This transfer will be unnecessary if the fees are collected.

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 a legal notice in The Daily News, a local newspaper, June 7 and June 14, 2019, and posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Resolution No. 6505

Report prepared by:
Clarence Li, Associate Civil Engineer

Reviewed by:
Christopher Lamm, Assistant Public Works Director
Pam Lowe, Senior Civil Engineer



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RESOLUTION NO. 6505**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO AUTHORIZE COLLECTION OF A REGULATORY FEE AT EXISTING RATES TO IMPLEMENT THE LOCAL CITY OF MENLO PARK STORMWATER MANAGEMENT PROGRAM FOR FISCAL YEAR 2019-20**

WHEREAS, Section 402(p) of the Clean Water Act (33 U.S.C. 1251 et seq.) as amended by the Water Quality Control Act of 1987, requires that all large and medium-sized incorporated municipalities must effectively prohibit non-stormwater discharges into storm sewers; and further requires controls to reduce the discharge of pollutants from stormwater systems to waters of the United States to the maximum extent practicable; and

WHEREAS, the City of Menlo Park, in conjunction with all of the incorporated cities in San Mateo County, has prepared the stormwater management plan, which has a general program to be administered and funded through the San Mateo County Flood Control District (and to be transitioned to the upcoming Countywide Flood and Sea Level Rise Resiliency Agency), and a specific program for each city, to be administered and funded by each city; and

WHEREAS, the Menlo Park specific program includes those efforts and programs required to be undertaken by the City of Menlo Park to support and address its responsibility to regulate and enforce local pollution control components under the stormwater management plan; and

WHEREAS, the Menlo Park City Council is authorized and/or mandated by Chapter 7.42 stormwater management plan of the municipal code adopted on July 12, 1994 (Ordinance No. 859) and updated on March 12, 2019 (Ordinance No. 1055), and including the following federal and/or state statutes: the Federal Clean Water Act as amended in 1987; the national pollutant discharge elimination system permit application regulations for stormwater discharges; the California Constitution, Article XI, Section 7 of the California Water Code Section 13002; and Part 3 of Division 5 of the California Health and Safety Code, to impose a regulatory fee to enforce the local stormwater pollution control components of the San Mateo County stormwater management plan upon the businesses, entities, residents, and unimproved properties of the City of Menlo Park; and

WHEREAS, the City Council of the City of Menlo Park conducted a noticed public hearing to consider this resolution as part of an overall plan addressing, regulating, and reducing non-point source pollution discharges within the City of Menlo Park, and including regulatory fees necessary to ensure local compliance with the federal and/or state statutes.

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:

1. That the assistant public works director for the City of Menlo Park is the authorized collection agent for the regulatory fees authorized and/or mandated by federal and/or state statutes, and is hereinafter empowered to collect, contract for collection, enforce, and/or institute other proceedings necessary for the collection of the regulatory fee.
2. That the assistant public works director is hereby directed to file, or cause to be filed, the amount of regulatory fees as described and shown on the attached Exhibit "A" including the diagram shown on the County assessor's maps to be imposed and the parcels upon which

such regulatory fees are imposed, with the County auditor and/or the County tax collector of the County of San Mateo no later than early August of each applicable tax year. For each parcel upon which a regulatory fee has been imposed, the regulatory fee shall appear as a separate item on the tax bill and shall be levied and collected at the same time and in the same manner as the general tax levy for City purposes.

3. That the assistant public works director is authorized to enter into those agreements necessary to have the County of San Mateo perform the regulatory fee collection services required; and the City Council hereby authorizes the County of San Mateo to perform such services, and for the City to pay the County of San Mateo for the reasonable costs of those collection services so provided.

BE IT FURTHER RESOLVED that said City Council authorized the establishment of a Regulatory Fee imposed to pay for costs to implement the stormwater management program in accordance with Exhibit "A" attached hereto and incorporated herein by this reference.

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 eighteenth day of June, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren, City Clerk

Exhibit A

Stormwater management program regulatory fee

Fiscal year 2019-20

All Residential/commercial/industrial

All residential/commercial/industrial properties and other non-residential properties shall pay \$0.00525 per square foot of impervious area.

Exempt from fee: Federal, state, county, flood plain, and city government parcels.

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STAFF REPORT



City Council
Meeting Date: 6/18/2019
Staff Report Number: 19-130-CC

Regular Business: **Authorize the city manager to execute an agreement with Noll & Tam Architects for Belle Haven branch library conceptual design options, site analyses and preliminary cost estimates**

Recommendation

Staff recommends that the City Council authorize the city manager to execute an agreement with Noll & Tam Architects for Belle Haven branch library conceptual design options, site analyses and preliminary cost estimates in the amount of \$160,000 including contingencies.

Policy Issues

The City Council has identified the Belle Haven branch library project among its top five priority projects in their 2019 work plan, approved March 12.

Background

The existing Belle Haven branch library (Branch Library) was constructed in 1999 as an attached wing of the Belle Haven School facility owned by Ravenswood City School District and is operated by the City of Menlo Park as a dual-use school/public library. The branch library facility has experienced limited use by the public and is widely regarded as inadequate to meet community needs.

In 2017, the City Council provided direction to staff to perform the necessary studies and conduct public outreach to build a new branch library to serve the Belle Haven neighborhood.

In October 2018, per City Council's direction, the City engaged Noll & Tam Architects to help conduct a thoughtful and focused analysis of the uses and space needs in a new branch library. Feedback and input was collected from a broad range of the community members and stakeholders and incorporated into space needs study and recommendations. The study recommends a new library approximately 12,000 square feet in size, more than 300 percent larger in area compared to current Branch Library facility. The proposed library would have a community-learning center, meeting room, conference room, multiple sound insulated study rooms, public internet access computers, teen spaces and story time spaces.

On March 5 and 12, City Council identified the branch library among its top five priority projects for 2019 (Attachment A.)

On April 16, City Council reviewed and accepted the branch library space needs study and authorized staff to issue a request for proposals for architectural conceptual design services, including site analysis and cost estimation for a potential new library facility in the Belle Haven/Bayfront area to serve Menlo Park

residents (Attachment B.)

On June 11, City Council approved a pilot program to implement the Institute for Local Government's public engagement framework, with one of the three pilot projects being the branch library feasibility study. One component of the engagement framework may or may not include a Belle Haven Neighborhood Advisory Committee (BHNLAC.) On May 21, City Council formed a City Council Subcommittee comprised of Mayor Pro Tem Taylor and City Councilmember Nash to explore options for the potential future of the BHNLAC group and report back to the City Council.

Analysis

On May 9, staff issued the Branch Library conceptual design options, site analyses and preliminary cost estimates request for proposal (Attachment C.) The proposed scope of work included site options analyses, conceptual design alternatives development, preliminary cost estimation, recommended site options and conceptual design alternative.

A robust public engagement process will be critical to the success of this phase of the project. Included in this phase will be a comprehensive site analysis to scan and evaluate the feasibility of multiple potential site options in the Belle Haven and Bayfront neighborhoods including sites currently owned by the City, sites currently owned by other public agencies, vacant sites that could be acquired by the City, and/or new development projects that have a substantial community benefit requirement, among other possible options. The analysis will also include potential cost impacts, feasibility, timeline considerations, traffic, parking, bicycle and pedestrian access, integration with the surrounding neighborhoods and city as a whole, and other noteworthy potential benefits and/or drawbacks of each site for City Council's consideration. The ultimate goal for the project will be to deliver a successful result, including a series of clearly thought out and viable site options with conceptual library building designs, and associated cost estimates, all conducted with broad-based community input and robust public engagement throughout every stage of the process.

In response to the request for proposals, staff received five proposals from qualified architectural firms listed below. The proposals ranged in price from \$57,000 to \$407,000. A panel of library and public works staff members who possess the technical and engineering expertise needed to effectively evaluate complex architectural proposals reviewed the proposals to find the most qualified firm. Selection criteria included relevant project experience, understanding the scope of work, ability to meet the project deadline and to operate within budget.

Table 1: List of architectural firm proposals
Noll & Tam
Jason Architecture
JKA Architecture
WRNS Studio
The Living

The panel identified Noll & Tam Architects as the most qualified consultant based upon their expertise in similar projects, their deep understanding of the project scope of work (Attachment D), their approach to completing this phase of the project, and Menlo Park's emphasis on a strong public engagement process. Consultant's fee proposal is similar to other proposals received, and is appropriate for the level of effort required to complete this phase of the project.

Impact on City Resources

The proposed fiscal year 2019-20 CIP includes \$500,000 for the Branch Library project. The proposed budget for this phase of the project consists of the following:

Table 2: Branch Library conceptual design options, site analyses and preliminary cost estimates	
Consultant agreement amount	\$132,000
Contingency (~20%)	\$28,000
Project delivery (staff costs)	\$30,000
Total cost of recommendation	\$190,000

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. Hyperlink – menlopark.org/DocumentCenter/View/20789/E2---Work-plan
- B. Hyperlink – menlopark.org/DocumentCenter/View/21258/H2-20190416-BH-library-space-needs-CC?bidId=
- C. Hyperlink – Branch Library conceptual design options, site analyses and preliminary cost estimates request for proposal – menlopark.org/bids.aspx?bidID=131
- D. Noll & Tam Architects project understanding

Report prepared by:

Morad Fakhrai, Senior Project Manager
Arian Khosravian, Project Manager

Report reviewed by:

Sean Reinhart, Library Services Director
Justin Murphy, Deputy City Manager

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PROPOSAL

BRANCH LIBRARY
CONCEPTUAL DESIGN
OPTIONS, SITE ANALYSES
AND PRELIMINARY
COST ESTIMATES

CITY OF MENLO PARK

04 JUNE 2019



**NOLL
& TAM**

ARCHITECTS PAGE 49

PROJECT UNDERSTANDING

UNDERSTANDING/ APPROACH

The City of Menlo Park has begun a process to provide improved library services to the Belle Haven neighborhood, which has been long desired by the community. It has been our pleasure to assist the City in their latest work on this project, culminating in the April 2019 Space Needs Study. We were pleased community consensus was reached on the library program and that the report was accepted by the Council. We look forward to working again with the City and community members to identify and evaluate potential sites for a new library. Our goal for this project is to deliver a

similarly successful result – a series of clearly thought-out and viable site options with conceptual library designs and costs. This will allow the City to discuss, evaluate, and select the best site and design option through an open public process, ultimately arriving at the best solution for the community.

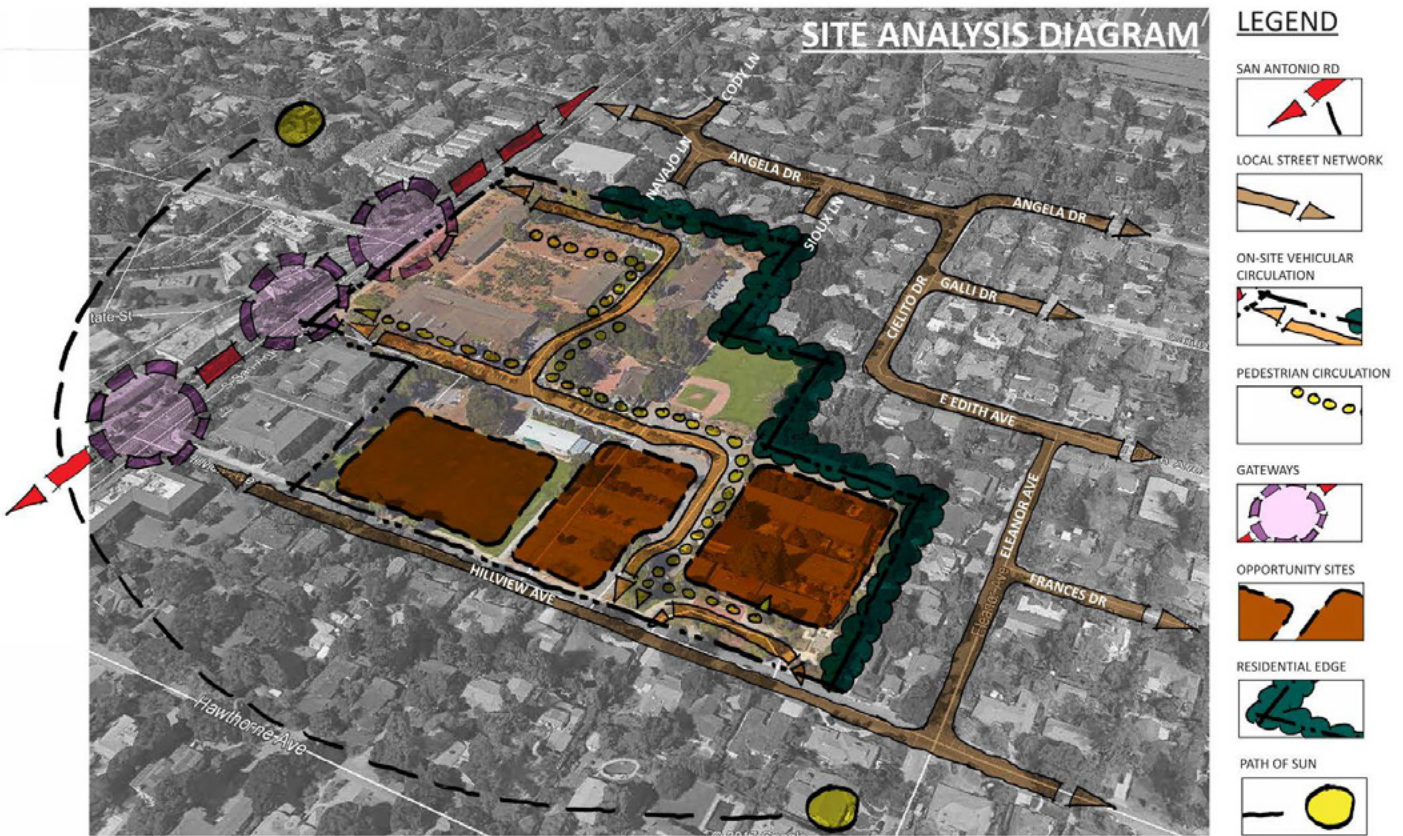
We are familiar with the limited availability of open land in the Belle Haven/Bayfront area, as well as the history of skepticism of many in the community that the City will prioritize this neighborhood. We will keep this in mind as we approach this project. We suggest sitting down together early to define a community engagement process that will provide robust opportunities for the

community to learn about project and give their input, while still keeping the process moving forward.

Noll & Tam believes strongly in the value of public engagement. We find it very rewarding to get to the end of a project and have members of the community stand up and vouch for our efforts, saying, “They really listened to us.” We would be happy to follow the TIERS process, working with City staff to define both small-scale meeting opportunities for stakeholders as well as larger-scale, community-wide public engagement meetings. These will be planned so that people with differing schedules can attend and give input. We will work with the City and the community to get the



CAPITOLA LIBRARY



LOS ALTOS COMMUNITY CENTER

word out about the process through multiple platforms, both digital and paper, so as many people as possible can take part. There will be multiple opportunities for members of the community to weigh in on the site analysis, concept design and recommendation of site alternative phases.

We are proposing the same dedicated team who worked with you on the Space Needs Study and Preliminary Building Program. This team knows the project, the City, and the community. When we presented our final report at the City Council meeting, we were delighted to receive a highly enthusiastic response from Belle Haven residents.

Though we do bring a history with this project, we will approach this new phase with an open mind. Our

first task will be to review with the City what went well with the Space Needs Study process, and what could be improved. We pride ourselves on being a responsive, nimble team, and we want to provide the tailored service that best suits the City for this task, at this time. We understand from the RFP that the City may be interested in expanding the range of our community engagement beyond the Belle Haven and Bayfront neighborhood library users. Our team would be excited to engage with the greater community and is prepared to incorporate feedback and ideas from a broader range of Menlo Park residents.

Recognizing that the City has already invested a lot to get to this point, and neighborhood residents would like to see action and results, not just more process, our approach will be to

get up to speed quickly and provide viable alternatives with costs for Council review by the end of the year.

We offer the City of Menlo Park a team with a great deal of experience and detailed knowledge about this particular project. Noll & Tam is nationally recognized for our expertise in library design. We understand that the library of today and tomorrow must be thoughtfully planned and designed to provide the services and programs needed by the community, maximizing its use by a wide range of users, and allowing for flexibility over time. The community wants a library that serves people of all ages and backgrounds and we will work with you to create a place where all feel welcome. Our team's greatest accomplishments are not the designs of the buildings themselves, but the establishment of institutions beloved by the community at large.

WORK PLAN

TASK 1 – SITE ANALYSES

JULY – AUGUST 2019

Because we have already participated in the previous phase of this project, and have a high level of familiarity with the project issues and the key stakeholders, we feel that our team will be able to get up to speed and move forward quickly. In addition, we are just finishing up a very similar project for the City of San Rafael in which we explored new siting options for three separate library locations in the City, and have a good idea of how to effectively lead a site search and selection process.

We will start with a Kick-Off Meeting in which we will meet with the leadership from the Library and the City and define the project goals, parameters for the work, decision-making process, community outreach process, and project deliverables. We will also look for feedback from all participants about potential sites, and criteria for selecting sites for further investigation. We want to cast the net wide, but identify options that have a chance of success or would be good for illustration purposes.

Following the kick-off, we will research a wide range of potential sites in the Belle Haven vicinity, and look for opportunities. We will focus on City-owned properties, but also consider a range of alternatives that will include institutional, commercial, residential, and industrial sites, to be sure we have covered the range of possibilities before narrowing the investigation to the most likely options. Our research process may include reaching out to existing property owners and other institutions to determine the feasibility of an option. We will work closely with staff and the other stakeholders as we perform this research, and keep the investigation

focused on the alternatives most likely to succeed.

We will use the Building Program we developed in the last phase of the process as the basis of our planning. We already have a program for what functions will be in the building and the square footage necessary, and will develop other site criteria such as parking demand, need for outdoor spaces, and other parameters to evaluate potential sites. For each potential site we will overlay the program criteria and make an initial assessment as to the suitability of a site for further consideration. After eliminating properties that can't meet the basic criteria, we will develop a ranking system for each site with an assessment of its suitability and a list of opportunities and constraints for consideration by City staff, and then the public.

The public engagement process will be critical to the success of this work. Based upon our previous community outreach efforts with this community, we have developed a good understanding of what the community values, who the key participants are and what drives each of them, and what key issues need to be addressed. The RFP notes that we are to utilize the ILG's TIERS Public Engagement Framework, which we have familiarized ourselves with, and are happy to use. As with any public engagement process, the approach needs to be thoughtfully tailored to the specific community, so we will develop the detailed community engagement approach and methodology in close collaboration with City staff, in order to give it the best chance of success.

At this point it is hard to determine specifically how many community meetings will be necessary at this stage, and what other outreach efforts we will want to include. Our previous efforts indicate that more

outreach is better, so we will try to be inclusive but reasonable. For the purposes of this proposal, we have assumed three community meetings: one for initial visioning, a second for an initial site selection screening, and a third for an evaluation and ranking of the selected final alternatives that will move forward to further development. We can adjust the agenda for these meetings as desired, but three at this stage seems like a good number, and will allow us to gather a lot of community feedback. In addition, we have found it useful to conduct small stakeholder meetings separately from the open community meetings, so we propose to have two of those as well.

Meetings:

- Kick-off Meeting
- Staff Coordination Meetings (4)
- Stakeholder Focus Group Meetings (2)
- Community Meetings (3)

Deliverables:

- Site Development Program
- Initial analysis of a range of site alternatives
- Focused analysis of selected alternatives
- Presentation materials for staff, stakeholders, and community meetings

TASK 2 – CONCEPTUAL DESIGN ALTERNATIVES

SEPTEMBER – OCTOBER 2019

Based upon the results of the community feedback and internal team discussions and evaluations, we will further develop a certain number of the selected conceptual design alternatives. How many is to be determined, but at least three, possibly as many as six or eight, if there seems to be that many viable alternatives worth considering. The site and conceptual design alternative will be very simple in terms of development, consisting of site plans, diagrammatic floor plans to scale with program areas shown, general architectural character, and massing models. By keeping these simple, we can maintain a streamlined and economical process.

Detailed architectural design would be appropriate for a subsequent design phase.

We will present the conceptual alternatives to Library and City staff for initial evaluation and adjustments, then to the community for review and feedback. For this stage in the process, we propose four community meetings of various formats. We would decide together as to the best format, but they could include general open community meetings in a workshop format, Library Commission, City Council subcommittee, Library Foundation, or participating in a community event. In addition, we would propose another two stakeholder meetings to keep the key stakeholders involved. We would present the alternatives, share our thoughts about the constraints and opportunities of each, listen carefully to feedback received, and record the feedback for further analysis and incorporation into the project record for future reference.

Following the community meetings in this phase, we would regroup with the staff planning group and select the alternatives to take further to cost estimating and more developed design. We propose to limit this number to three alternatives, which seems manageable for the process, but if there are more than three viable alternatives worth pursuing, we can make adjustments to our scope as needed to accommodate the additional work.

Meetings:

- Staff Coordination Meetings (4)
- Stakeholder Focus Group Meetings (2)
- Community Meetings (4)

Deliverables:

- Conceptual Design Alternatives, including diagrammatic site plan, building footprint, massing, diagrammatic interior layouts, adjacencies, and other relevant considerations



FELTON LIBRARY

TASK 3 – COST ESTIMATING

NOVEMBER 2019

We will work closely with our cost estimator to ensure that the estimates accurately reflect the scope of work in the design. We will prepare a separate estimate for every alternative that is selected for further development

Our cost estimator, Gary Holland of TBD Consultants, is highly experienced, with a special focus on library projects. He is particularly capable at developing reliable, accurate cost estimates based upon very conceptual information. This is a critical factor, since whatever numbers we produce and share with the community will be remembered long down the road, and will need to accurately account for the financial needs whenever the City decides to seek funding. We have worked with Gary on a number of projects and have always found him knowledgeable and accurate.

With cost information in hand, we will review the results with the staff planning group, and then present the recommendations to the community as we decide best. This could be an open community meeting, or a City Council meeting, or both. For this proposal, we will allow for two meetings, format to be determined.

Meetings:

- Staff Coordination Meetings (3)
- Community/City Council Meetings (2)

Deliverables:

- Cost Estimate
- Preferred Conceptual Design Alternative

TASK 4 – RECOMMEND SITE OPTION AND CONCEPTUAL DESIGN ALTERNATIVE

DECEMBER 2019 – JANUARY 2020

At this point, we will have worked our way through analyzing and developing the alternatives, we will have met regularly with the Library and City project team as necessary to review our conclusions, and received lots of feedback from the community, stakeholders, and other parties. We will incorporate that feedback into our final product, which is a recommended alternative that has been further developed.

We know that there is a lot of public interest in this project, and there will still be a variety of opinions about the best approaches. After incorporating all feedback, we will present our recommendation to the City Council at a public meeting. Prior to that, or possibly after, we propose to conduct a final community meeting to explain the decisions made and help the community visualize the path forward.

The final product will be a report that includes site analysis, conceptual site and building design, supporting analysis, implementation plan, a summary of the community process, and the cost estimates. We believe this report will provide decision makers in the City with enough information to make a preliminary decision about the preferred direction for the library project. Further development of a preferred concept may be necessary to provide enough information for a final decision, but we feel that this should be adequate to get things moving forward towards a financing and implementation plan.

Meetings:

- Staff Coordination Meetings (4)
- Community Meeting
- City Council Meeting

Deliverables:

- Draft Site Analysis, Conceptual Design and Cost Estimation Report
- Final Site Analysis, Conceptual Design and Cost Estimation Report, including:
 - Executive Summary
 - Needs Assessment
 - Summary of the community participation process
 - Recommendations: plans, project descriptions, cost estimates,
 - Implementation plan, phasing, schedule, and financial
 - Appendices (demographics, data, surveys, acknowledgments, etc.)



STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-135-CC

Regular Business:

Approve resolutions: adopting the fiscal year 2019–20 budget and capital improvement plan and appropriating funds; establishing the appropriations limit for fiscal year 2019–20; establishing a consecutive temporary tax percentage reduction in the utility users' tax rates through September 30, 2020; and establishing citywide salary schedule effective July 7, 2019

Recommendation

Staff recommends that the City Council approve the following:

1. Adopt Resolution No. 6507 adopting the fiscal year 2019–20 budget and capital improvement plan and appropriating funds ;
2. Adopt Resolution No. 6508 establishing the appropriations limit for fiscal year 2019–20;
3. Adopt Resolution No. 6509 establishing a consecutive temporary tax percentage reduction in the utility users' tax rate through September 30, 2020; and
4. Adopt Resolution No. 6506 establishing citywide salary schedule effective July 7, 2019

Policy Issues

The City Council is required to adopt a balanced budget, approve all enabling resolutions and appropriate funds before July 1 of each year.

Background

The city manager's proposed fiscal year 2019–20 budget was presented to the community at the study session held on May 21, 2019 and at a public hearing held on June 4, 2019. During the public hearing, the City Council provided direction to staff on key elements of the spending plan for incorporation into a second draft of the proposed budget and City Council consideration. The operating budget was developed using the guidance City Council provided at its February 2, 2019, goal-setting workshop and subsequent direction at the public hearing. The baseline proposed budget includes services at a maintenance level compared to the prior year and a majority of the City Council may direct additional changes during adoption. In addition, the capital improvement program was presented to the Planning Commission which found that the 5-year capital improvement program is consistent with the general plan.

Analysis

The total baseline proposed fiscal year 2019–20 budget for all city operations at a maintenance level and including the capital improvement plan shows an operating surplus with a revenue budget of \$167.35 million and expenditure budget of approximately \$169.66 million. At the end of the fiscal year, the budget provides

for a surplus in the general fund of \$0.10 million and a deficit of \$2.30 million across all funds. Responsive to direction from City Council and in recognition of the potential for updated City Council priorities early in fiscal year 2019–20, these numbers differ from those presented at the public hearing for the city manager’s proposed budget on June 4.

General fund

The general fund is the city’s most complex operating fund accounting for roughly 41 percent of all financial activity and provides the vast majority of public services to the community. The funds deposited to the general fund are unrestricted and may be appropriated by the City Council to deliver the desired level of public services.

The baseline proposed operating budget includes general fund revenue and other resources of \$68.76 million and expenditures and other requirements of \$68.66 million. The resulting surplus of \$0.10 million, less any necessary commitments to comply with the City’s reserve policy, will be deposited to the City’s general fund unassigned fund balance on June 30, 2020, if all assumptions come to fruition. Responsive to City Council direction at the June 4 public hearing, a number of changes were made to the city manager’s proposed budget in order to return it to a baseline level and align with past practice in revenue assumptions. Included in these changes are the following items:

- Removal of 50 percent of excess educational revenue augmentation fund (excess ERAF) revenue in recognition of its status as an at-risk revenue source
- Removal of service level enhancements without a regulatory need or inter-agency agreement
- Increase in employee vacancy rate to better match recent experience and hiring trends
- Increase in temporary Library staffing to maintain the current service levels
- Increase in a contingency budget of \$1.50 million in recognition that the City Council work plan and priorities may change early in the fiscal year

Each of the service level enhancements in the city manager’s proposed budget, including the respective resource requirements, is included as Attachment A and accompanied by a draft budget workbook (Attachment B) which allows interactive selections of revenues and expenditures to better illustrate potential budget combinations.

The main categories of revenues and expenditures for the general fund, including comparisons to fiscal year 2018-19 adopted budget and estimated actuals, are included below in Table 1.

Table 1: General fund budget summary				
\$ million	2018-19 adopted budget	2018-19 est. actual	2019-20 baseline proposed	Budget-budget percent change
Revenue and other resources				
Property taxes	23.39	26.56	27.59	18.0%
Charges for services	11.96	12.09	12.43	3.9%
Transient occupancy tax	11.18	10.05	10.25	-8.3%
Sales tax	6.05	5.99	6.36	5.2%
Licenses and permits	7.96	5.12	4.59	-42.4%
Utility users' tax	1.21	1.19	1.21	0.0%
Other	5.61	5.59	5.78	3.0%
Transfers in	0.53	0.53	0.55	3.8%
Total revenue	67.89	67.11	68.76	1.3%
Expenditures and other requirements				
Personnel	40.60	38.70	42.91	5.7%
Operating	19.49	18.62	22.27	14.3%
Capital outlay and transfers out	7.16	7.56	3.48	-51.4%
Total expenditures	67.26	64.88	68.66	2.1%
Surplus/(deficit)	0.63	2.23	0.10	-84.4%

All funds

Composed of the general fund in addition to 47 other special revenue funds, capital funds, and debt service funds, the all funds level shows a comprehensive picture of the City's spending plan for the fiscal year. Including the 5-year capital improvement plan as well as the baseline proposed budget, revenues and available resources total \$167.35 million and expenditures and requirements total \$169.66 million. This results in a net reduction in fund balance of \$2.30 million across all funds. Prior years showed an accumulation of fund balance and, as is typical for capital and special revenue funds, results in spending down of some accumulated fund balance in fiscal year 2019-20. The main categories of revenues and expenditures are displayed below in Table 2.

Table 2: All funds budget summary					
\$ million	2018-19 adopted budget	2018-19 est. actual	2019-20 baseline proposed	Budget-budget percent change	
Revenue and other resources					
Taxes	47.29	47.37	50.85	7.5%	
Charges for services	41.74	39.43	40.08	-4.0%	
Intergovernmental revenue	4.38	2.67	14.07	221.7%	
Capital carryover	34.39	0.00	48.31	40.5%	
Other	20.78	18.26	14.04	-32.4%	
Total revenue and resources	148.57	107.73	167.35	12.6%	
Expenditures and other requirements					
Personnel	48.17	44.91	50.55	4.9%	
Operating	36.85	33.88	40.35	9.5%	
Capital outlay and transfers out	62.27	11.85	78.76	26.5%	
Total expenditures	147.29	90.63	169.66	15.2%	
Surplus/(deficit)	1.28	17.10	-2.30	-280.3%	

Fiscal year 2019–20 appropriations limit

The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the state, school districts and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. The purpose of the appropriations limit is to preclude state and local governments from retaining excess revenues, which are required to be redistributed back to taxpayers and schools. California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. For fiscal year 2019–20, the appropriations limit (Attachment C) is \$65,863,774 and no options presented as changes to the baseline budget will result in proceeds from taxes subject to this limit in excess of the appropriations limit. The proposed budget presented to City Council on June 4 included proceeds of taxes subject to the appropriations limit of \$50,136,659. Therefore, the City is \$15,727,115 million below its appropriations limit for fiscal year 2019–20 using those estimates. The appropriations limit approved by City Council is subject to direction received during adoption.

Salary schedule adoption

State law requires the City Council to adopt a salary schedule each time the City’s salary schedule changes. With the elimination of the red light camera enforcement program, staff recommends the red light photo enforcement specialist job title and salary range be deleted from the salary schedule. In accordance with City Council’s approval of the update to the City’s public engagement plan on June 11, 2019, staff recommends the addition of the job title and salary range for public engagement manager. The addition of this job title does not result in an increase of authorized full-time equivalents (FTEs.)

The City has negotiated agreements with three of its organized labor units as well as an adopted compensation plan for unrepresented management which provide for salary range adjustments effective

July 7. In addition, the agreement between the City and its Police Sergeants Association which is due to expire on June 30, 2019 includes a provision to maintain differentials between police sergeants and those classifications in the agreement with our police officers. Past City practice has been to honor expired agreements pending the conclusion of negotiations and the proposed salary schedule reflects the implementation of this provision. The salary range adjustments result in salary increases for most represented employees. However, salary range changes have no direct impact on salaries for unrepresented employees such as the city manager, department heads, or division managers except in cases where the incumbent's current salary would be surpassed by the new bottom of the range, in which case they are adjusted only to the new bottom of the range. The city manager's salary can only be adjusted by an amendment to her contract directed and approved by the City Council. The salaries for department heads and division managers can only be adjusted by the city manager based on annual performance evaluations of employees, except as previously noted.

Resolution changes

City Council Procedure #19-001-CC requires that the City Council authorize agreements whose aggregate fiscal year payments are in excess of \$75,000. City operations currently utilize a number of agreements carried from previous years which exceed this threshold but whose expenditures are appropriated annually during the budget process. Staff recommend that the City Council reaffirm authorization for the City Manager or designee to make payments up to the budgeted amount toward those such agreements which fall into the following categories:

- Debt service for existing debt, such as the already-issued general obligations bonds for Measure T
- Utilities, such as electric power, water, and natural gas
- Employee benefits, such as health care premiums and pension contributions
- Inter-governmental agreements, such as shared animal control services and Fire Protection District emergency preparation services

This proposed change to the budget adoption resolution does not limit City Council's authority to enter or terminate agreements nor will it change current practice, but will eliminate ambiguity when issuing payments in these categories.

Enhancements to the budget document

Responsive to comments made by reviewers of the prior fiscal year's adopted budget document and absent City Council direction otherwise, staff intend to make a number of enhancements to the budget document which do not affect appropriations but which increase usability of the document, transparency over finances, and alignment with industry best practices for the budget document as a financial plan and communication tool. Based on the time-critical nature of the budget preparation process, these changes were not included in the proposed budget but will not alter any operational plans or otherwise restrict City Council authority over the budgetary appropriation process. Planned enhancements include:

- A historical comparison of revenues and expenditures for funds other than the general fund
- Historical expenditures by department
- Trend discussion regarding the Gann appropriations limit
- Budget resolutions as appendices
- City Council adopted reserve policy as an appendix

Enabling resolutions

To formally adopt the fiscal year 2019–20 budget, the City Council must take action on the following resolutions:

1. Resolution adopting the fiscal year 2019–20 budget and capital improvement plan
The City's total 2019-20 budget for all City operations and capital improvements is balanced with a

revenue budget of approximately \$167.35 million and an expenditure budget of approximately \$169.96 million, which is inclusive of \$24.25 million of new money assigned for a variety of capital improvement projects. At the end of fiscal year 2019–20, the budget provides for a surplus of approximately \$0.10 million in the general fund. The attached resolution formally adopts the fiscal year 2019–20 budget and authorizes appropriations. The attached resolution also authorizes staff to adjust the city manager's proposed budget to incorporate changes in assumptions for the baseline proposed budget, to incorporate changes directed by the City Council at budget adoption, true-up of estimated carry-over appropriations, and other minor clerical errors.

2. Resolution establishing the fiscal year 2019–20 appropriations limit
California Government Code requires that the City annually adopt an appropriations limit for the coming fiscal year. The appropriations limit, which was originally established in 1979 by Proposition 4, places a maximum limit on the appropriations of tax proceeds that can be made by the State, school districts and local governments in California. The appropriations limit is set on an annual basis and is revised each year based on population growth and cost of living factors. For fiscal year 2019–20, the appropriations limit is \$65.86 million, while the proceeds of taxes subject to the appropriations limit is \$50.14 million. The City is, therefore, approximately \$15.73 million below the appropriations limit for fiscal year 2019–20. City Council consideration and approval of the attached resolution is required in order for the City to be in compliance with State law.

In addition to the above resolutions, the City Council is asked to approve the following related resolutions:

1. Resolution continuing the temporary tax percentage reduction in the utility users' tax rate
The fiscal year 2019–20 general fund budget includes \$1.21 million in revenue from the temporarily reduced UUT rate of 1 percent adopted by the City Council as per Menlo Park Municipal Code Section 3.14.130. At the 1 percent rate, the City maintains a balanced budget therefore the reduced rate does not adversely affect the city's ability to meet its financial obligations. On June 19, 2018, the City Council adopted Resolution No. 6449 which extended the reduction through September 30, 2019. In order to continue the reduced UUT through September 30, 2020, the City Council must adopt the attached Resolution. If the City Council takes no action on the Resolution, the temporary reduction will expire and the UUT will return to the full rate as of October 1, 2019.
2. Resolution adopting the salary schedule
Each year the City Council is required to adopt a salary schedule that lists the salary ranges for all positions employed by the City. Salary ranges are negotiated in good faith with bargaining units representing 91 percent of the City's 286.75 full-time equivalent personnel. The remaining 9 percent of full-time equivalent personnel are the City Council as well as the city manager and city attorney both of whom serve at the pleasure of the City Council and whose salaries are set by contract. Additionally, the City's management staff which serves at the pleasure of the city manager are unrepresented employees. It is important to note the City successfully negotiated multiyear agreements in 2017 with three of the City's four bargaining units - Service Employees International Union, American Federation of State, County and Municipal Employees, and the Police Sergeants Association and in 2019 with the remaining unit, the Police Officer's Association. Negotiations are ongoing with the Police Sergeants Association for a successor agreement to the agreement which will expire June 30, 2019.

Impact on City Resources

As noted in the previous section, the city's budget is balanced and the magnitude of the surplus is dependent on which, if any, revenue assumptions or service level enhancements the City Council elects to adopt in the fiscal year 2019–20 budget. With City Council adoption, staff will complete the adopted budget document in the month of July to reflect changes from the city manager's fiscal year 2019-20 proposed budget as presented on June 4.

Information on the city's other funds, including a description of the fund, fiscal year 2019–20 proposed resources and requirements, and the expected ending fund balance, is included in the budget summary and discussion section of the city manager's proposed budget document. In total, requirements for the other funds are expected to exceed resources by \$2.40 million in fiscal year 2019–20. This draw on fund balance is most pronounced in the general capital improvement plan fund, which is expected to have an ending fund balance \$3.02 million lower than its starting fund balance. This is typical of many capital and special revenue funds which save funds for a number of years as large projects often take more resources than are generated in a single year. For the majority of the City's funds, a deficit year is a regular part of the accumulation and spending cycle.

For some funds, however, the drawdown of fund balance is the result of operating expenditures exceeding dedicated revenue. This is evident in the Bedwell Bayfront Park maintenance fund and the Sharon Hills Park fund, which do not have a dedicated revenue source to fund ongoing maintenance. For these funds that lack ongoing revenue sources, once accumulated fund balance is depleted, the responsibility for maintenance of those facilities will become part of the city's general fund unless a more suitable fund or new funding source is identified.

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. Fiscal year 2019–20 revenue and service level enhancement options
- B. Hyperlink – Draft interactive workbook: menlopark.org/DocumentCenter/View/21914/Draft-fiscal-year-2019-20-interactive-budget-workbook
- C. Appropriations limit
- D. Resolution adopting the fiscal year 2019-20 budget and capital improvement plan
- E. Resolution establishing the fiscal year 2019-20 appropriations limit
- F. Resolution continuing the temporary tax percentage reduction in the utility users' tax rate
- G. Resolution adopting the salary schedule
- H. Salary schedule

Report prepared by:
Dan Jacobson, Finance and Budget Manager

Report approved by:
Lenka Diaz, Administrative Services Director

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MEMORANDUM

Date: 6/13/2019
To: Lenka Diaz, Administrative Services Director
From: Dan Jacobson, Finance and Budget Manager
Re: Fiscal year 2019–20 revenue and service level enhancement options

In response to questions posed at the public hearing for the city manager's proposed fiscal year 2019–20 budget in addition to subsequent potential changes in City Council priorities, staff prepared a baseline proposed budget for adoption. As City Council deliberates and determines any potential changes to the baseline proposed budget, the service level enhancements included in the city manager's proposed budget as well as others with reasonably estimable resource requirements are outlined in this memo in order to provide clarity of options and support informed decision-making. The options outlined below are also included in a draft version of an interactive workbook to assist in consideration of options ahead of any potential amendments to the fiscal year 2019–20 adopted budget.

Revenue assumptions

The City Council has a number of revenue levers available for use in order to adopt an operationally balanced budget, including the assumption of receipt of the full amount of excess Educational Revenue Augmentation Fund (excess ERAF), letting the temporarily-reduced Utility Users' Tax rate lapse, and the use of the Strategic Pension Reserve balance, a resource committed from previous fiscal years in accordance with City Council policy. Each of these levers is described below.

Excess ERAF

Enacted in 1992, ERAF is a mechanism used to shift local property taxes from cities, counties, and special districts to local school districts in order to meet the funding requirement for those school districts. A number of areas, including Menlo Park in recent years, have property tax revenues sufficient to exceed the requirements for local school districts and are refunded the difference as excess ERAF. In recognition of the fact that this mechanism may change and that excess ERAF is therefore an at-risk revenue source, the baseline proposed budget includes 50 percent of excess ERAF.

Based on the projected property tax growth for fiscal year 2019–20, staff has high confidence that the City will receive the full excess ERAF amount, estimated at \$2.56 million. As part of the budget development process and transmitted to City Council on March 5, 2019 as an informational item, staff proposed budgeting the full excess ERAF amount and using it to make supplemental payments to the City's pension administrator, the California Public Employee Retirement System (CalPERS), in order to reduce the overall interest paid on its unfunded pension liability. Under this strategy, the City would not adopt shorter amortization periods and therefore limit potential options with respect to future payments, but nonetheless accrue the majority of the benefit in avoided interest cost that shorter amortization periods offered. In conjunction with this pension funding strategy, the 10-year forecast maintained the

assumption that excess ERAF would be fully withheld from the City at some point in the future and that supplemental payments would utilize another revenue source or be halted at that point. Staff considered this method to most accurately reflect the mechanic likely to be utilized if the State withholds excess ERAF at some point. Due to the nature of excess ERAF, the Strategic Pension Reserve, and supplemental payments, this was considered a prudent approach in order to avoid interest costs as well as to avoid using one-time monies for unavoidable ongoing costs.

Responsive to concerns by City Council about relying on the receipt of 100 percent of excess ERAF, the proposed baseline budget and an interactive budget workbook start with an assumption of 50 percent of excess ERAF, or \$1.28 million. City Council may, with majority support, elect to include a percentage of excess ERAF different than the baseline and the workbook supports functionality for \$50,000 increments up to 100 percent of excess ERAF as a lever for additional revenue.

Utility Users' Tax (UUT)

Ordinance 950 was approved by a majority of Menlo Park voters in the General Election of November 7, 2006, and established Chapter 3.14 of the City of Menlo Park Municipal Code, enacting a general tax on utility use within the jurisdiction. Subsequent to this, City Council elected to enact a temporary reduction to the rate effective October 1, 2008, which has been extended on an annual basis in each subsequent year. This temporary reduction was most recently adopted for the one-year period beginning October 1, 2018 and expires on September 30, 2019. The baseline proposed budget includes a continuation of the current temporary reduction and baseline UUT totals \$1.21 million.

If City Council determines that a consecutive temporary tax reduction will adversely affect the City's ability to meet its financial needs, it may elect to decrease the reduction, currently at 1 percent, or let the temporary reduction lapse. If City Council elects either course of action, the revenue generated by the UUT will be greater than that in the current proposed budget and available as a resource totaling up to \$3.63 million. The forthcoming worksheet includes functionality to include a higher UUT rate in \$50,000 increments up to \$3.75 million or the maximum voter-approved UUT rate.

Use of assigned fund balance

The City Council's current reserve policy dedicates 25 percent of any fiscal year's operating surplus to a Strategic Pension Reserve which currently totals \$4.30 million exclusive of any operating surplus realized in fiscal year 2018–19 or additional direction. Guided by City Council policy, this reserve requires affirmative City Council action to utilize and does not currently have a designated mechanism for expenditures. With majority support, the City Council may elect to use this reserve to make additional payments to CalPERS, in any amount up to the accumulated balance, in order to meet the City's pension obligations. The City Council may also elect to use this reserve in another manner (such as the establishment of an irrevocable trust), or alter its reserve policy to de-commit this resource, but should be cautioned that this accumulated balance truly is one-time money exclusive of ongoing operating surpluses. The interactive budget workbook includes functionality to include some portion of this reserve in \$50,000 increments up to a maximum of \$1.80 million or the amount of the supplemental payment which would match the fiscal year 2019–

20 payment for the shortest available CalPERS amortization schedules for miscellaneous and Tier 1 safety plans.

Service level enhancements

A number of service level enhancements were determined by staff to have extraordinary value, meet regulatory or inter-agency support requirements, or avoid future interest costs. Responsive to City Council's requests at the June 4, 2019 public hearing, staff has excluded all General Fund-supported service level enhancements in the baseline proposed budget in order to allow greater clarification of the proposed enhancements and consider additional enhancements. Each enhancement is summarized below and included in greater detail in the budget workbook.

Supplemental payments toward unfunded pension liability for miscellaneous employees

City Council has prioritized periodic review of employee pension obligations and the 2017-18 San Mateo County Civil Grand Jury released a report with a number of recommendations to address unfunded pension liabilities. Responsive to both considerations, staff transmitted an informational item in the March 5, 2019 City Council public meeting which included a proposed budget strategy to make supplemental payments and to avoid interest payments to CalPERS.

As of the most recent CalPERS valuation report, the estimated unfunded liability for the miscellaneous plan was \$30.42 million as of June 30, 2019. This liability represents the total liability for pension benefits which have already been earned by current and past employees minus the market value of all assets in the plan if all assumptions as of the most recent valuation are met. As this amount reflects already-earned benefits, the City has flexibility only in how to meet the obligation but not in whether to meet the obligation. If the current 30-year amortization schedule is followed and all assumptions are met, the City will make a total of \$53.01 million toward the unfunded liability, of which \$22.59 million is interest, and which does not include the cost to provide pension benefits for ongoing service.

In the budget proposed on June 4, supplemental payments to match the total annual payment of the 10-year amortization schedule were included, totaling \$1.12 million for fiscal year 2019–20. If supplemental payments were followed for the remainder of the 10-year schedule, payments made to CalPERS would total \$43.00 million, including \$12.58 million in interest payments, for a total savings of \$10.01 million and estimated net present value (using a discount rate of 2.50 percent) of \$4.91 million. This option is included in the interactive budget workbook as Option A.

Not proposed in the budget, but included in the interactive budget workbook as Option B, is to make a supplemental payment at a lower rate, matching the 15-year amortization schedule included in the CalPERS valuation. Under this strategy, the City would pay an additional \$0.12 million in fiscal year 2019–20 and if the supplemental payments were made for the remainder of the amortization schedule, would result in a total payment of \$50.98 million, including \$20.56 million in interest, with a total savings of \$2.04 million and an estimated net present value of \$0.80 million.

At its discretion, the City may elect to make supplemental payments according to one of these reduced amortization schedules, on an ad hoc basis, or to forgo supplemental payments entirely. It is important to note that supplemental payments are discretionary and require affirmative City Council action in each year. As such, while they were included in the 10-year forecast as a baseline estimate, they may be halted at any time and are therefore not ongoing obligations in the same manner as the minimum CalPERS payment.

Supplemental payments toward unfunded pension liability for Tier 1 safety employees
Similar to the aforementioned pension obligations for the miscellaneous employees, the City has substantial unfunded liability for sworn safety employees in the Tier 1 pension plan. This plan was included in the informational item transmitted to City Council on March 5 as these two plans comprise the majority of the City's unfunded pension liability.

As of the most recent CalPERS valuation report, the estimated unfunded liability for the Tier 1 safety plan was \$25.93 million as of June 30, 2019. If the current 30-year amortization schedule is followed and all assumptions are met, the City will make a total of \$51.93 million toward the unfunded liability, of which \$26.00 million is interest, and which does not include the cost to provide pension benefits for ongoing service.

In the budget proposed on June 4, supplemental payments to match the total annual payment of the 15-year amortization schedule were included, totaling \$0.69 million for fiscal year 2019–20. If supplemental payments were followed for the remainder of the 15-year schedule, payments made to CalPERS would total \$43.46 million, including \$17.53 million in interest payments, for a total savings of \$8.47 million and estimated net present value (using a discount rate of 2.50 percent) of \$3.91 million. This option is included in the interactive budget workbook as Option A.

Not proposed in the budget, but included in the interactive budget workbook as Option B, is to make a supplemental payment at a lower rate, matching the 20-year amortization schedule included in the CalPERS valuation. Under this strategy, the City would pay an additional \$0.27 million in fiscal year 2019–20 and if the supplemental payments were made for the remainder of the amortization schedule, would result in a total payment of \$51.42 million, including \$25.49 million in interest, with a total savings of \$0.51 million and an estimated net present value of \$0.16 million.

At its discretion, the City may elect to make supplemental payments according to one of these reduced amortization schedules, on an ad hoc basis, or to forgo supplemental payments entirely. It is important to note that supplemental payments are discretionary and require affirmative City Council action in each year. As such, while they were included in the 10-year forecast as a baseline estimate, they may be halted at any time and are therefore not ongoing obligations in the same manner as the minimum CalPERS payment.

Herbicide-free medians and rights-of-way

The City provides median and right-of-way landscape maintenance through a contract at a cost of approximately \$500,000 per year. In order to perform this work,

the contractor is able to apply herbicides in compliance with the City's Integrated Pest Management (IPM) Plan, which currently does not prohibit the use of herbicides. If City Council were interested in prohibiting the use of herbicides as part of the median and right-of-way landscape maintenance, then the City would need to renegotiate the existing contract. Staff has received preliminary estimates that the additional costs could range from \$500,000 to \$800,000 per year, a substantial increase over the current cost of \$500,000. This uncertainty is included in the workbook as an estimated expenditure of \$0.65 million in fiscal year 2019–20.

Herbicide-free playing fields

The City maintains natural grass sports fields at seven locations throughout the City. Four of the seven locations are school sites at which the City and the applicable school district have entered into a joint use agreement. The City agrees to maintain the field in exchange for the right to program the field for local sports user groups. In total, the City maintains approximately 18 acres of natural grass fields. Every year, the City closes each field and performs a six-week renovation on a staggered schedule from June to September in an attempt to minimize the number of fields that are closed at any one time. The renovations typically involve deep tine aerating, seeding, fertilizing, mulching, irrigating and the application of a broadleaf herbicide. The herbicide, which does not contain the active ingredient glyphosate used in RoundUp, focuses on killing weeds without adversely affecting the grass. In compliance with the City's integrated pest management plan, the fields are posted to notify the public about the use of the herbicide. If the City were to forgo the use of herbicides on sports fields, then it would need to explore options for being able to maintain the fields at the high level local sports groups have grown accustomed. Staff believes it would be beneficial to conduct outreach to user groups and perhaps the Parks and Recreation Commission. In general, an herbicide-free approach would require hand weeding a few times per year coupled with select sod replacement where weeds have taken over a portion of a field. Staff has not researched the cost for these routines however based on recent bids received to explore herbicide-free medians and right-of-way, the order of magnitude to expand scope to include sports fields could range from \$500,000 to \$800,000 per year. This uncertainty is included in the workbook as an estimated expenditure of \$0.65 million in fiscal year 2019–20.

Library services staff augmentation – 3.25 FTEs

The proposed budget provided on June 4 included the additional of 3.25 FTE regular library staff to:

- Support service level enhancements of 20.5 additional open hours per week at the Belle Haven Branch library
- Support operations of a planned new after-school homework tutoring center four days per week at the Belle Haven branch library
- Complete the second phase of the City Council's planned two-year transition away from overreliance on temporary library staff and toward a more balanced mix of permanent and temporary staff, as was recommended by a comprehensive library department administrative and operational review in 2015 and implemented by City Council in 2018 with the intent to implement the second phase in 2019.

Additional details were provided in a [June 11, 2019 staff report to City Council](#).

The proposed new staff positions in the second and final phase include 2.0 FTEs in the librarian classification and 1.25 FTEs in the library assistant classification. The increase in regular personnel is partly offset by a reduction in temporary library staff expenditures for a net resource requirement in fiscal year 2019-20 of \$284,958 in the general fund which is reflected in the interactive budget workbook. It is important to note that this resource requirement is inclusive of all fringe benefits including pension costs. It is also important to note that increasing the number of FTEs does not itself affect unfunded pension liabilities, which is strictly the result of past experience.

The baseline proposed budget removes the 3.25 FTEs and they may be included at the direction of the majority of the City Council.

Public Works equipment mechanic – 1 FTE

In the public works department, one FTE equipment mechanic was proposed on June 4 to meet industry best practices in repair and preventive maintenance and to follow the recommendation made in the draft organizational review for the fleet maintenance section. Additional details were provided in a [June 11, 2019 staff report to City Council](#). This position has a resource requirement of \$118,833 using General Fund monies which is reflected in the interactive budget workbook. The baseline proposed budget removes the 1 FTE equipment mechanic which may be included at the direction of the majority of the City Council.

Next-generation Tasers

Tasers were adopted by the police department in 2013 and have been utilized by officers responding to incidents since that time. The Tasers that the officers are currently using will be rendered obsolete and the current supplier will not maintain the Tasers presently used by the department. The department intends to enter into contract with the supplier which would provide officers with next-generation Tasers and ensure that the police force has a readily available nonlethal enforcement option. This service level enhancement has a resource requirement of \$21,480 which is reflected in the interactive budget workbook. This service level enhancement has been removed from the baseline proposed budget but may be included at the direction of the majority of the City Council.

Next-generation body cameras

Since 2013, law enforcement personnel have worn body cameras when responding to incidents, but the current manufacturer has been acquired by another company and support for the current models is ending. The police department will enter into a contract with the leading supplier of next-generation body cameras in order to continue the additional accountability mechanism enabled by the use of body cameras. This service level enhancement has a resource requirement of \$64,061 which is reflected in the interactive budget workbook. This service level enhancement has been removed from the baseline proposed budget but may be included at the direction of the majority of the City Council.

Programming enhancement pilot project

The proposed programming enhancement pilot project would increase class availability at Onetta Harris Community Center (OHCC) incrementally based on seasonal demands for services. Staff anticipates that the pilot project will provide data

necessary to identify structural budget changes for community services department programming in the 2020-21 operating budget. The pilot program has a resource requirement of \$40,000 which is reflected in the interactive budget workbook. This service level enhancement has been removed from the baseline proposed budget but may be included at the direction of the majority of the City Council.

Communications plan implementation

The proposed communications plan enhancement was included in the proposed budget as a contingency awaiting future City Council direction on implementation. Staff has estimated the cost of the implementation but it depends heavily on the scope of work determined by the City Council. The communications plan has a resource requirement of \$250,000 using General Fund monies, reflected in the interactive budget workbook. The baseline proposed budget does not include the communications plan update but, as with other enhancements, may be included at the direction of a majority of the City Council.

Administrative services budget manager – one FTE (provisional)

The proposed budget included 1 FTE budget manager position with a three-year provisional term to implement changes to the City's budget software, prepare the organization to develop the fiscal year 2020-21 budget using a new process, and to implement changes to the City's financial accounting software in the following two years of the provisional term. In 2019-20, the new FTE was proposed to meet an ambitious timeline to implement some of the impactful improvements to the budget document and process recommended by members of the Finance and Audit Committee (FAC). While the role of the provisional employee will, in part, be focused on system implementation, the more time consuming aspects of change to the budget document include generating/collecting new information desired such as benchmarks, performance measures, historical information, and working with the organization and the FAC on presentation and format. This position was fully allocated to the general capital improvement plan (CIP) fund, making use of the information technology master plan project budget, and does not affect the general fund. The budget requirement for one FTE budget manager is \$193,559 and is reflected in the worksheet. While the proposed FTE does not affect the General Fund, staff understood City Council direction to include further evaluation of the position and the baseline proposed budget excludes the position pending direction of the majority of the City Council.

Other enhancements

Service level enhancements included in the budget proposed on June 4 which did not require General Fund resources or staff understood to have consensus support, including the contracted Bedwell Bayfront Park Ranger, the Mobile Command Vehicle, and the 0.5 FTE Senior Civil Engineer (provisional), have been included in the baseline proposed budget. City Council retains full discretion to remove or modify these enhancements, though it is important to note that any modifications to these enhancements will not affect the General Fund surplus.

Service level enhancements based on regulatory need or inter-agency agreements, including the peninsula bikeway alternative study, fire panel and sprinkler testing, and flood and sea level rise resiliency agency membership remain in the baseline

proposed budget. These enhancements utilize General Fund resources but staff did not receive City Council direction to remove these from consideration.

Effect on General Fund

The net result of revenue assumption changes or service level enhancements is highly dependent on City Council consensus on changes. The outcomes range from an operationally balanced budget to a substantial surplus depending on which items are included or excluded. The workbook will provide an interactive tool for City Council and members of the community to better see the requirements and tradeoffs necessary to balance the City's budget.

**CITY OF MENLO PARK
 APPROPRIATIONS LIMIT
 FISCAL YEAR 2019-20**

	<u>AMOUNT</u>	<u>SOURCE</u>
A. LAST YEAR'S LIMIT	\$ 63,244,940	Prior Year
B. ADJUSTMENT FACTORS		
1. Population - City	1.0028	State Department of Finance
2. Inflation	1.0385	State Department of Finance
	1.0414	(B1*B2)
Total Adjustment %	0.0414	(B1*B2-1)
C. ANNUAL ADJUSTMENT	\$ 2,618,834	(B*A)
D. THIS YEAR'S LIMIT	<u>\$ 65,863,774</u>	(A+C)
E. PROCEEDS OF TAXES SUBJECT TO LIMIT		
Property Tax	28,871,314	2019-20 Proposed Budget
Sales Tax	6,361,440	2019-20 Proposed Budget
Other Taxes	13,227,565	2019-20 Proposed Budget
Special Assessments	1,027,077	2019-20 Proposed Budget
Interest Allocation	649,263	2019-20 Proposed Budget
	<u>\$ 50,136,659</u>	
F. AMOUNT UNDER/(OVER) LIMIT	\$ 15,727,115	(D-E)

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RESOLUTION NO. 6507

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ADOPTING THE BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2019–20

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered the proposed budget document dated June 4, 2019 and related written and oral information at the meeting held June 18, 2019, and the City Council having been fully advised in the matter and good cause appearing therefore.

WHEREAS, the City Council under City Council Procedure # 19-001-CC, has authority to enter into agreements with an aggregate payment in excess of \$75,000, delegates authority to the City Manager or designee to make payments for services provided to the City in the categories of debt service on currently-issued debt, utilities, employee benefits, and inter-governmental agreements, up to the budgeted amount in fiscal year 2019–20; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Menlo Park that the City Council does hereby adopt the budget and Capital Improvement Plan for the fiscal year 2019–20 as set forth in the attached Exhibit A and as modified according to majority City Council direction.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren
City Clerk

City of Menlo Park baseline proposed budget

Proposed June 18, 2019

Fund	Revenues	Expenditures
100 - General Fund	68,761,681	68,663,361
101 - Workers' Comp Fund	1,199,670	1,250,988
102 - General Liability Fund	885,303	1,009,660
103 - OPEB Retiree Medical Fund	455,228	1,207,000
104 - IT Internal Service Fund	2,949,679	3,011,320
409 - E Kennedy Arts Trust	120	-
453 - Library Systems Improvement Fund	-	936,743
505 - Vintage Oaks Landscape Maint	360	15,651
506 - Sharon Hills Park	240	16,500
507 - Vehicle Replacement Fund	802,620	1,072,200
705 - Narcotic Seizure Fund	-	2,000
706 - Suppl Law Enforc Svc Fd (Cops)	100,600	344,300
710 - Traffic Impact Fees	11,660,155	10,616,952
711 - Transportation Fund	143,176	141,976
713 - Storm Drainage	45,358	42,598
714 - Shuttle Program	619,000	771,523
753 - Garbage Service Fund	528,264	1,110,488
754 - Landfill Post-Closure	5,087,783	4,706,109
758 - Downtown Parking Permits	585,400	803,036
801 - Rec In-Lieu Fund	1,017,129	910,829
809 - Bayfront Pk.Mt. Operation	1,800	284,366
813 - Frances Mack Trust	720	-
831 - Housing Fund	176,000	10,000
832 - BMR Housing-Resl/Comm	1,381,900	365,128
834 - Measure A	2,062,307	2,347,715
835 - Highway Users Tax Fund	4,169,298	3,823,755
836 - Rev Share-Emergency Loan	2,980	10,500
837 - Comm Devel Block Grant	11,600	10,000
838 - Landscaping/Tree Assessment	996,220	1,058,983
839 - Sidewalk Assessment	299,481	287,714
840 - Measure M	143,000	143,000
841 - Storm Water Mgmt Fund (NPDES)	457,000	544,233
843 - Construction Impact Fee Fund	5,640,208	5,744,228
845 - Measure T Bond	1,560	-
846 - SB1	1,083,743	1,000,000
851 - General Capital Improvement Fund	26,415,531	29,432,616
853 - 1990 Library Bond Fund	600	-
855 - Water Capital	15,315,088	15,939,355
861 - Water Operations	12,784,600	10,586,379
874 - 1990 Library Bond Debt Service	1,800	-
875 - 2002 Recreation GO Bond D.S.	1,566,200	1,436,650
All Funds	167,353,401	169,657,852

RESOLUTION NO. 6508

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ESTABLISHING APPROPRIATIONS LIMIT FOR FISCAL YEAR 2019–20

WHEREAS, Article XIII B of the Constitution of the State of California places various limitations on the City's powers of appropriation; and

WHEREAS, Division 9 (commencing with Section 7900) of the Government Code implements said Article XIII B and requires that each local jurisdiction shall, by resolution, establish its appropriations limit for the following year; and

WHEREAS, the City of Menlo Park population percentage change over the prior year is 0.28 percent and the growth in the State of California per capita personal income cost of living change is 3.85 percent, both factors in calculating the appropriations limit.

NOW THEREFORE, BE IT RESOLVED that the City Council of Menlo Park at its regular meeting of June 18, 2019 hereby establishes the appropriations limit as the amount of \$65,863,774 for Fiscal Year 2019–20, calculated in accordance with the provisions of Division 9 (commencing with Section 7900) of the California Government Code.

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

Judi A. Herren
City Clerk

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RESOLUTION NO. 6509**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK ESTABLISHING A TEMPORARY TAX PERCENTAGE REDUCTION IN THE UTILITY USERS' TAX PURSUANT TO SECTION 3.14.130 OF THE CITY OF MENLO PARK MUNICIPAL CODE**

WHEREAS, Ordinance 950 of the City Council of the City of Menlo Park Adopting a Utility Users' Tax became effective upon approval by a majority of voters at the General Election of November 7, 2006; and WHEREAS,

Ordinance 950 established Chapter 3.14 of the City of Menlo Park Municipal Code, this chapter known as the "Utility Users' Tax Ordinance"; and

WHEREAS, the Utility Users' Tax Ordinance Section 3.14.130 allows the City Council to enact a Temporary Tax Percentage Reduction for a period of no more than twelve (12) months; provided adequate written notice is given to all affected service suppliers; and

WHEREAS, the City Council established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2008–09, effective October 1, 2008; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2009–10, effective October 1, 2009; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2010–11, effective October 1, 2010; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2011–12, effective October 1, 2011; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2012–13, effective October 1, 2012; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2013–14, effective October 1, 2013; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2014–15, effective October 1, 2014; and

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2015–16, effective October 1, 2015;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2016–17, effective October 1, 2016;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2017–18, effective October 1, 2017;

WHEREAS, the City Council re-established a temporary tax reduction in consideration of the adopted budget for the fiscal year 2018–19, effective October 1, 2018;

WHEREAS, the City Council is not prohibited from adopting consecutive temporary tax percentage reductions as provided by Section 3.14.130 of the Utility Users' Tax Ordinance;

WHEREAS, the City Council now finds that a consecutive temporary tax reduction shall not adversely affect the City's ability to meet its financial obligations as contemplated in the budget for the fiscal year 2019–20, considered and adopted at its regular meeting of June 18, 2019.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park at its regular meeting of June 18, 2019 hereby establishes a temporary reduction in the Utility Users' Tax rate, maintaining the current reduced rate of one percent (1.0%) for taxes imposed by sections 3.14.040 through 3.14.070 for a period of no more than twelve (12) months, effective October 1, 2019. No other provisions of the Utility Users' Tax Ordinance are affected by this resolution. Nothing herein shall preclude the City Council from modifying the tax rate set herein during said twelve-month period.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

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

Judi A. Herren
City Clerk

RESOLUTION NO. 6506

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
ADOPTING THE SALARY SCHEDULE EFFECTIVE JULY 7, 2019**

WHEREAS, pursuant to the Personnel System Rules, the city manager prepared a compensation plan; and

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 establish the following compensation provisions in accordance with the City's personnel system rules.

BE IT FURTHER RESOLVED that any previous enacted compensation provisions contained in Resolutions No. 6481 and subsequent amendments, shall be superseded by this Resolution.

BE IT FURTHER RESOLVED that the changes contained herein shall be effective as noted on each amended salary schedule.

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 eighteenth day of June, 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 eighteenth day of June, 2019.

Judi A. Herren, City Clerk

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/7/2019

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Accountant I	\$ 82,778	\$ 86,918	\$ 91,264	\$ 95,827	\$ 100,619	
Accountant I	\$ 80,759	\$ 84,798	\$ 89,038	\$ 93,490	\$ 98,165	
Accountant II	\$ 90,666	\$ 94,952	\$ 99,432	\$ 104,213	\$ 109,180	
Accountant II	\$ 88,455	\$ 92,637	\$ 97,006	\$ 101,672	\$ 106,517	
Accounting Assistant I	\$ 58,702	\$ 61,484	\$ 64,323	\$ 67,328	\$ 70,443	
Accounting Assistant I	\$ 57,270	\$ 59,984	\$ 62,754	\$ 65,686	\$ 68,725	
Accounting Assistant II	\$ 64,323	\$ 67,328	\$ 70,443	\$ 73,736	\$ 77,196	
Accounting Assistant II	\$ 62,754	\$ 65,686	\$ 68,725	\$ 71,937	\$ 75,313	
Administrative Assistant	\$ 64,516	\$ 67,530	\$ 70,655	\$ 73,958	\$ 77,428	
Administrative Assistant	\$ 62,942	\$ 65,883	\$ 68,932	\$ 72,154	\$ 75,539	
Administrative Services Director	\$ 160,531		Open Range		\$ 227,436	
Administrative Services Director	\$ 156,616		Open Range		\$ 221,889	
Assistant Administrative Services Director	\$ 126,578		Open Range		\$ 181,949	
Assistant Administrative Services Director	\$ 123,491		Open Range		\$ 177,511	
Assistant City Manager	\$ 169,530		Open Range		\$ 250,180	
Assistant City Manager	\$ 165,395		Open Range		\$ 244,078	
Assistant Community Development Director	\$ 126,578		Open Range		\$ 181,949	
Assistant Community Development Director	\$ 123,491		Open Range		\$ 177,511	
Assistant Community Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Community Services Director	\$ 126,336		Open Range		\$ 177,511	
Assistant Engineer	\$ 99,840	\$ 104,597	\$ 109,598	\$ 114,831	\$ 120,301	
Assistant Engineer	\$ 97,405	\$ 102,046	\$ 106,925	\$ 112,030	\$ 117,367	
Assistant Library Services Director	\$ 129,495		Open Range		\$ 181,949	
Assistant Library Services Director	\$ 126,336		Open Range		\$ 177,511	
Assistant Planner	\$ 90,459	\$ 94,713	\$ 99,253	\$ 103,983	\$ 108,950	
Assistant Planner	\$ 88,253	\$ 92,403	\$ 96,832	\$ 101,447	\$ 106,292	
Assistant Public Works Director	\$ 140,650		Open Range		\$ 181,949	
Assistant Public Works Director	\$ 137,220		Open Range		\$ 177,511	
Assistant to the City Manager	\$ 121,835		Open Range		\$ 159,205	
Assistant to the City Manager	\$ 118,864		Open Range		\$ 155,322	
Associate Civil Engineer	\$ 112,028	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	
Associate Civil Engineer	\$ 109,296	\$ 114,528	\$ 119,987	\$ 125,784	\$ 131,877	
Associate Engineer	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Associate Engineer	\$ 103,285	\$ 108,229	\$ 113,389	\$ 118,866	\$ 124,624	
Associate Planner	\$ 99,253	\$ 103,983	\$ 108,950	\$ 114,163	\$ 119,627	
Associate Planner	\$ 96,832	\$ 101,447	\$ 106,292	\$ 111,379	\$ 116,709	
Associate Transportation Engineer	\$ 117,391	\$ 122,987	\$ 128,929	\$ 135,174	\$ 141,724	
Associate Transportation Engineer	\$ 114,528	\$ 119,987	\$ 125,784	\$ 131,877	\$ 138,267	
Asst. Public Works Director - Engineering	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Engineering	\$ 137,220		Open Range		\$ 177,511	
Asst. Public Works Director - Maintenance	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Maintenance	\$ 137,220		Open Range		\$ 177,511	
Asst. Public Works Director - Transportation	\$ 140,650		Open Range		\$ 181,949	
Asst. Public Works Director - Transportation	\$ 137,220		Open Range		\$ 177,511	
Building Custodian	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Building Custodian	\$ 57,213	\$ 59,925	\$ 62,691	\$ 65,620	\$ 68,657	
Building Inspector	\$ 96,166	\$ 100,790	\$ 105,594	\$ 110,642	\$ 115,925	
Building Inspector	\$ 93,820	\$ 98,332	\$ 103,019	\$ 107,943	\$ 113,098	
Business Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Business Manager	\$ 96,829	\$ 101,486	\$ 106,323	\$ 111,407	\$ 116,725	
Child Care Teacher I	\$ 52,473	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	
Child Care Teacher I	\$ 51,193	\$ 53,515	\$ 55,938	\$ 58,487	\$ 61,254	
Child Care Teacher II	\$ 58,643	\$ 61,423	\$ 64,259	\$ 67,261	\$ 70,373	
Child Care Teacher II	\$ 57,213	\$ 59,925	\$ 62,691	\$ 65,620	\$ 68,657	
Child Care Teacher's Aide	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	\$ 46,922	
Child Care Teacher's Aide	\$ 38,409	\$ 40,147	\$ 41,963	\$ 43,842	\$ 45,778	
City Attorney	n/a		Set by contract		\$ 132,000	
City Clerk	\$ 121,835		Open Range		\$ 159,205	
City Clerk	\$ 118,864		Open Range		\$ 155,322	
City Manager	\$ 197,605		Open Range		\$ 272,924	
City Manager	\$ 192,785		Open Range		\$ 266,267	
Code Enforcement Officer	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	\$ 99,617	
Code Enforcement Officer	\$ 80,707	\$ 84,522	\$ 88,509	\$ 92,766	\$ 97,187	
Communications and Records Manager	\$ 114,941	\$ 120,520	\$ 126,308	\$ 132,399	\$ 138,766	
Communications and Records Manager	\$ 112,138	\$ 117,580	\$ 123,228	\$ 129,169	\$ 135,382	
Communications Dispatcher	\$ 83,883	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	
Communications Dispatcher	\$ 81,837	\$ 85,706	\$ 89,749	\$ 94,065	\$ 98,548	
Communications Training Dispatcher	\$ 87,848	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	
Communications Training Dispatcher	\$ 85,706	\$ 89,749	\$ 94,065	\$ 98,548	\$ 103,260	
Community Development Director	\$ 160,316		Open Range		\$ 227,436	
Community Development Director	\$ 156,406		Open Range		\$ 221,889	
Community Development Technician	\$ 70,355	\$ 73,612	\$ 77,052	\$ 80,667	\$ 84,457	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/7/2019

Classification Title	Annual Salaries based on 2080 hours per year				
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Community Development Technician	\$ 68,639	\$ 71,816	\$ 75,172	\$ 78,699	\$ 82,397
Community Service Officer	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Community Service Officer	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	\$ 80,707
Community Services Director	\$ 162,509		Open Range		\$ 227,436
Community Services Director	\$ 158,545		Open Range		\$ 221,889
Construction Inspector	\$ 90,722	\$ 95,086	\$ 99,617	\$ 104,380	\$ 109,363
Construction Inspector	\$ 88,509	\$ 92,766	\$ 97,187	\$ 101,834	\$ 106,696
Contracts Specialist	\$ 72,641	\$ 76,057	\$ 79,579	\$ 83,356	\$ 87,357
Contracts Specialist	\$ 70,870	\$ 74,202	\$ 77,638	\$ 81,323	\$ 85,227
Custodial Services Supervisor	\$ 67,478	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003
Custodial Services Supervisor	\$ 65,832	\$ 68,879	\$ 72,098	\$ 75,481	\$ 79,027
Deputy City Clerk	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Deputy City Clerk	\$ 73,513	\$ 77,010	\$ 80,707	\$ 84,522	\$ 88,509
Deputy City Manager	\$ 164,671		Open Range		\$ 227,436
Deputy City Manager	\$ 160,654		Open Range		\$ 221,889
Deputy Comm. Dev. Director - Housing	\$ 126,553		Open Range		\$ 170,578
Deputy Comm. Dev. Director - Housing	\$ 123,467		Open Range		\$ 166,417
Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Economic Development Manager	\$ 118,864		Open Range		\$ 155,322
Engineering Services Manager/City Engineer	\$ 140,650		Open Range		\$ 181,949
Engineering Services Manager/City Engineer	\$ 137,220		Open Range		\$ 177,514
Engineering Technician I	\$ 75,624	\$ 79,126	\$ 82,883	\$ 86,860	\$ 90,967
Engineering Technician I	\$ 73,780	\$ 77,197	\$ 80,861	\$ 84,742	\$ 88,748
Engineering Technician II	\$ 84,779	\$ 88,768	\$ 92,942	\$ 97,398	\$ 102,039
Engineering Technician II	\$ 82,711	\$ 86,603	\$ 90,675	\$ 95,022	\$ 99,550
Enterprise Applications Support Specialist I	\$ 89,483	\$ 93,957	\$ 98,655	\$ 103,587	\$ 108,767
Enterprise Applications Support Specialist I	\$ 87,300	\$ 91,665	\$ 96,248	\$ 101,061	\$ 106,114
Enterprise Applications Support Specialist II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Enterprise Applications Support Specialist II	\$ 96,829	\$ 101,486	\$ 106,323	\$ 111,407	\$ 116,725
Equipment Mechanic	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Equipment Mechanic	\$ 73,513	\$ 77,010	\$ 80,707	\$ 84,522	\$ 88,509
Executive Assistant	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540	\$ 88,516
Executive Assistant	\$ 71,866	\$ 75,238	\$ 78,773	\$ 82,478	\$ 86,357
Executive Assistant to the City Mgr	\$ 78,474	\$ 82,398	\$ 86,518	\$ 90,844	\$ 95,385
Executive Assistant to the City Mgr	\$ 76,560	\$ 80,388	\$ 84,408	\$ 88,628	\$ 93,058
Facilities Maintenance Technician I	\$ 62,785	\$ 65,676	\$ 68,789	\$ 72,024	\$ 75,359
Facilities Maintenance Technician I	\$ 61,254	\$ 64,074	\$ 67,111	\$ 70,267	\$ 73,521
Facilities Maintenance Technician II	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Facilities Maintenance Technician II	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	\$ 80,707
Finance and Budget Manager	\$ 126,553		Open Range		\$ 170,578
Finance and Budget Manager	\$ 123,467		Open Range		\$ 166,417
GIS Coordinator I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561
GIS Coordinator I	\$ 84,726	\$ 88,962	\$ 93,411	\$ 98,082	\$ 102,986
GIS Coordinator II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
GIS Coordinator II	\$ 96,829	\$ 101,486	\$ 106,323	\$ 111,407	\$ 116,725
Gymnastics Instructor	\$ 42,010	\$ 43,910	\$ 45,893	\$ 47,941	\$ 50,146
Gymnastics Instructor	\$ 40,985	\$ 42,839	\$ 44,774	\$ 46,772	\$ 48,923
Housing & Economic Development Manager	\$ 121,835		Open Range		\$ 159,205
Housing & Economic Development Manager	\$ 118,864		Open Range		\$ 155,322
Housing Manager	\$ 121,835		Open Range		\$ 159,205
Housing Manager	\$ 118,864		Open Range		\$ 155,322
Human Resources Director	\$ 160,531		Open Range		\$ 227,436
Human Resources Director	\$ 156,616		Open Range		\$ 221,889
Human Resources Manager	\$ 126,553		Open Range		\$ 170,578
Human Resources Manager	\$ 123,467		Open Range		\$ 166,417
Human Resources Technician	\$ 68,162	\$ 71,387	\$ 74,574	\$ 78,213	\$ 81,891
Human Resources Technician	\$ 66,500	\$ 69,646	\$ 72,755	\$ 76,305	\$ 79,894
Information Technology Manager	\$ 126,553		Open Range		\$ 170,578
Information Technology Manager	\$ 123,467		Open Range		\$ 166,417
Information Technology Specialist I	\$ 73,419	\$ 77,091	\$ 80,946	\$ 84,994	\$ 89,245
Information Technology Specialist I	\$ 71,629	\$ 75,211	\$ 78,972	\$ 82,921	\$ 87,068
Information Technology Specialist II	\$ 81,576	\$ 85,410	\$ 89,427	\$ 93,632	\$ 98,127
Information Technology Specialist II	\$ 79,587	\$ 83,326	\$ 87,246	\$ 91,349	\$ 95,729
Information Technology Supervisor	\$ 100,584	\$ 105,613	\$ 111,171	\$ 117,023	\$ 123,181
Information Technology Supervisor	\$ 98,130	\$ 103,037	\$ 108,460	\$ 114,169	\$ 120,177
Internal Services Manager	\$ 126,553		Open Range		\$ 170,578
Internal Services Manager	\$ 123,467		Open Range		\$ 166,417
Junior Engineer	\$ 80,540	\$ 84,567	\$ 88,796	\$ 93,236	\$ 97,898
Junior Engineer	\$ 78,576	\$ 82,504	\$ 86,630	\$ 90,962	\$ 95,510
Librarian I	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Librarian I	\$ 68,657	\$ 71,866	\$ 75,238	\$ 78,773	\$ 82,478

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/7/2019

Classification Title	Annual Salaries based on 2080 hours per year					
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)	
Librarian II	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722	\$ 95,086	
Librarian II	\$ 77,010	\$ 80,707	\$ 84,522	\$ 88,509	\$ 92,766	
Library Assistant I	\$ 54,852	\$ 57,337	\$ 59,949	\$ 62,785	\$ 65,676	
Library Assistant I	\$ 53,515	\$ 55,938	\$ 58,487	\$ 61,254	\$ 64,074	
Library Assistant II	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Library Assistant II	\$ 58,487	\$ 61,254	\$ 63,989	\$ 67,111	\$ 70,267	
Library Assistant III	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,856	
Library Assistant III	\$ 63,989	\$ 67,111	\$ 70,267	\$ 73,521	\$ 76,933	
Library Services Director	\$ 156,348		Open Range		\$ 227,436	
Library Services Director	\$ 152,535		Open Range		\$ 221,889	
Library Services Manager	\$ 126,553		Open Range		\$ 170,578	
Library Services Manager	\$ 123,467		Open Range		\$ 166,417	
Literacy Program Manager	\$ 81,003	\$ 84,813	\$ 88,801	\$ 93,058	\$ 97,493	
Literacy Program Manager	\$ 79,027	\$ 82,745	\$ 86,635	\$ 90,789	\$ 95,115	
Maintenance Worker I	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Maintenance Worker I	\$ 58,487	\$ 61,254	\$ 63,989	\$ 67,111	\$ 70,267	
Maintenance Worker II	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Maintenance Worker II	\$ 63,989	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	
Management Analyst I	\$ 86,844	\$ 91,186	\$ 95,746	\$ 100,534	\$ 105,561	
Management Analyst I	\$ 84,726	\$ 88,962	\$ 93,411	\$ 98,082	\$ 102,986	
Management Analyst II	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643	
Management Analyst II	\$ 96,829	\$ 101,486	\$ 106,323	\$ 111,407	\$ 116,725	
Office Assistant	\$ 53,872	\$ 56,329	\$ 58,878	\$ 61,668	\$ 64,516	
Office Assistant	\$ 52,558	\$ 54,955	\$ 57,442	\$ 60,164	\$ 62,942	
Parking Enforcement Officer	\$ 59,949	\$ 62,785	\$ 65,588	\$ 68,789	\$ 72,024	
Parking Enforcement Officer	\$ 58,487	\$ 61,254	\$ 63,989	\$ 67,111	\$ 70,267	
Permit Manager	\$ 112,897	\$ 118,298	\$ 123,961	\$ 129,869	\$ 136,144	
Permit Manager	\$ 110,143	\$ 115,413	\$ 120,937	\$ 126,702	\$ 132,823	
Permit Technician	\$ 70,355	\$ 73,611	\$ 77,052	\$ 80,667	\$ 84,456	
Permit Technician	\$ 68,639	\$ 71,815	\$ 75,172	\$ 78,699	\$ 82,396	
Plan Check Engineer	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156	\$ 136,461	
Plan Check Engineer	\$ 110,337	\$ 115,619	\$ 121,130	\$ 126,982	\$ 133,133	
Planning Technician	\$ 80,667	\$ 84,456	\$ 88,430	\$ 92,588	\$ 97,027	
Planning Technician	\$ 78,699	\$ 82,396	\$ 86,273	\$ 90,330	\$ 94,661	
Police Chief	\$ 173,217		Open Range		\$ 250,180	
Police Chief	\$ 168,993		Open Range		\$ 244,078	
Police Commander	\$ 155,896		Open Range		\$ 227,436	
Police Commander	\$ 152,093		Open Range		\$ 221,889	
Police Corporal (2080 hours)	\$ 108,538	\$ 113,965	\$ 119,663	\$ 125,647	\$ 131,929	
Police Corporal (2080 hours)	\$ 105,377	\$ 110,646	\$ 116,178	\$ 121,987	\$ 128,086	
Police Corporal (2184 hours)	\$ 113,965	\$ 119,664	\$ 125,647	\$ 131,929	\$ 138,525	
Police Corporal (2184 hours)	\$ 110,645	\$ 116,178	\$ 121,987	\$ 128,086	\$ 134,490	
Police Officer (2080 hours)	\$ 100,848	\$ 105,890	\$ 111,185	\$ 116,744	\$ 122,582	
Police Officer (2080 hours)	\$ 97,911	\$ 102,806	\$ 107,946	\$ 113,344	\$ 119,012	
Police Officer (2184 hours)	\$ 105,891	\$ 111,185	\$ 116,744	\$ 122,581	\$ 128,711	
Police Officer (2184 hours)	\$ 102,807	\$ 107,947	\$ 113,343	\$ 119,011	\$ 124,962	
Police Records Specialist	\$ 65,588	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	
Police Records Specialist	\$ 63,989	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	
Police Recruit	n/a		Hourly Rate		\$ 81,687	
Police Recruit	n/a		Hourly Rate		\$ 79,308	
Police Sergeant (2080 hours)	\$ 121,613	\$ 127,694	\$ 134,079	\$ 140,783	\$ 147,822	
Police Sergeant (2080 hours)	\$ 118,175	\$ 124,083	\$ 130,287	\$ 136,802	\$ 143,642	
Police Sergeant (2184 hours)	\$ 127,694	\$ 134,079	\$ 140,783	\$ 147,822	\$ 155,213	
Police Sergeant (2184 hours)	\$ 124,083	\$ 130,287	\$ 136,802	\$ 143,642	\$ 150,824	
Principal Planner	\$ 119,845	\$ 127,349	\$ 133,443	\$ 139,804	\$ 144,522	
Principal Planner	\$ 116,922	\$ 124,242	\$ 130,189	\$ 136,394	\$ 140,997	
Program Aide/Driver	\$ 37,665	\$ 39,369	\$ 41,150	\$ 43,012	\$ 44,938	
Program Aide/Driver	\$ 36,746	\$ 38,409	\$ 40,147	\$ 41,963	\$ 43,842	
Program Assistant	\$ 53,658	\$ 56,104	\$ 58,643	\$ 61,423	\$ 64,259	
Program Assistant	\$ 52,349	\$ 54,736	\$ 57,213	\$ 59,925	\$ 62,691	
Project Manager	\$ 105,867	\$ 110,935	\$ 116,223	\$ 121,838	\$ 127,740	
Project Manager	\$ 103,285	\$ 108,229	\$ 113,389	\$ 118,866	\$ 124,624	
Property and Court Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725	
Property and Court Specialist	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	\$ 80,707	
Public Engagement Manager	\$ 126,553		Open Range		\$ 170,578	
Public Works Director	\$ 164,671		Open Range		\$ 227,436	
Public Works Director	\$ 160,654		Open Range		\$ 221,889	

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/7/2019

Classification Title	Annual Salaries based on 2080 hours per year				
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Public Works Superintendent	\$ 124,351		Open Range		\$ 170,578
Public Works Superintendent	\$ 121,318		Open Range		\$ 166,417
Public Works Supervisor - City Arborist	\$ 99,813	\$ 104,598	\$ 109,582	\$ 114,817	\$ 120,311
Public Works Supervisor - City Arborist	\$ 97,379	\$ 102,047	\$ 106,909	\$ 112,017	\$ 117,377
Public Works Supervisor - Facilities	\$ 100,523	\$ 105,342	\$ 110,361	\$ 115,635	\$ 121,167
Public Works Supervisor - Facilities	\$ 98,071	\$ 102,773	\$ 107,670	\$ 112,814	\$ 118,242
Public Works Supervisor - Fleet	\$ 102,122	\$ 107,018	\$ 112,117	\$ 117,473	\$ 123,093
Public Works Supervisor - Fleet	\$ 99,631	\$ 104,408	\$ 109,382	\$ 114,608	\$ 120,091
Public Works Supervisor - Park	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Public Works Supervisor - Park	\$ 92,700	\$ 97,144	\$ 101,773	\$ 106,635	\$ 111,738
Public Works Supervisor - Streets	\$ 95,018	\$ 99,572	\$ 104,318	\$ 109,301	\$ 114,531
Public Works Supervisor - Streets	\$ 92,700	\$ 97,144	\$ 101,773	\$ 106,635	\$ 111,738
Recreation Coordinator	\$ 70,601	\$ 73,900	\$ 77,368	\$ 81,003	\$ 84,813
Recreation Coordinator	\$ 68,879	\$ 72,098	\$ 75,481	\$ 79,027	\$ 82,745
Recreation Supervisor	\$ 86,915	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716
Recreation Supervisor	\$ 84,795	\$ 88,795	\$ 93,065	\$ 97,500	\$ 102,162
Red Light Photo Enforcement Specialist	\$ 75,238	\$ 78,773	\$ 82,478	\$ 86,357	\$ 90,498
Revenue and Claims Manager	\$ 99,250	\$ 104,023	\$ 108,981	\$ 114,192	\$ 119,643
Revenue and Claims Manager	\$ 96,829	\$ 101,486	\$ 106,323	\$ 111,407	\$ 116,725
Senior Accountant	\$ 104,267	\$ 109,196	\$ 114,347	\$ 119,846	\$ 125,558
Senior Accountant	\$ 101,724	\$ 106,533	\$ 111,558	\$ 116,923	\$ 122,495
Senior Accounting Assistant	\$ 70,755	\$ 74,061	\$ 77,488	\$ 81,109	\$ 84,915
Senior Accounting Assistant	\$ 69,030	\$ 72,255	\$ 75,598	\$ 79,131	\$ 82,844
Senior Building Inspector	\$ 107,932	\$ 113,095	\$ 118,509	\$ 124,158	\$ 130,156
Senior Building Inspector	\$ 105,299	\$ 110,337	\$ 115,619	\$ 121,130	\$ 126,982
Senior Civil Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Civil Engineer	\$ 120,374	\$ 126,189	\$ 132,303	\$ 138,713	\$ 145,472
Senior Communications Dispatcher	\$ 91,993	\$ 96,416	\$ 101,012	\$ 105,841	\$ 110,894
Senior Communications Dispatcher	\$ 89,749	\$ 94,065	\$ 98,548	\$ 103,260	\$ 108,189
Senior Engineering Technician	\$ 90,967	\$ 95,259	\$ 99,840	\$ 104,597	\$ 109,598
Senior Engineering Technician	\$ 88,748	\$ 92,935	\$ 97,405	\$ 102,046	\$ 106,925
Senior Equipment Mechanic	\$ 82,905	\$ 86,949	\$ 91,039	\$ 95,255	\$ 99,775
Senior Equipment Mechanic	\$ 80,883	\$ 84,828	\$ 88,818	\$ 92,932	\$ 97,342
Senior Facilities Maintenance Technician	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Senior Facilities Maintenance Technician	\$ 73,513	\$ 77,010	\$ 80,707	\$ 84,522	\$ 88,509
Senior Information Technology Specialist	\$ 88,798	\$ 93,238	\$ 97,900	\$ 102,795	\$ 107,934
Senior Information Technology Specialist	\$ 86,632	\$ 90,964	\$ 95,512	\$ 100,287	\$ 105,302
Senior Librarian	\$ 91,015	\$ 95,392	\$ 99,937	\$ 104,716	\$ 109,716
Senior Librarian	\$ 88,795	\$ 93,065	\$ 97,500	\$ 102,162	\$ 107,040
Senior Library Assistant	\$ 72,147	\$ 75,668	\$ 79,226	\$ 82,895	\$ 86,742
Senior Library Assistant	\$ 70,387	\$ 73,822	\$ 77,294	\$ 80,873	\$ 84,626
Senior Maintenance Worker	\$ 75,350	\$ 78,936	\$ 82,725	\$ 86,635	\$ 90,722
Senior Maintenance Worker	\$ 73,513	\$ 77,010	\$ 80,707	\$ 84,522	\$ 88,509
Senior Management Analyst	\$ 111,656	\$ 116,959	\$ 122,515	\$ 128,396	\$ 134,599
Senior Management Analyst	\$ 108,932	\$ 114,107	\$ 119,527	\$ 125,264	\$ 131,316
Senior Office Assistant	\$ 58,878	\$ 61,668	\$ 64,516	\$ 67,530	\$ 70,655
Senior Office Assistant	\$ 57,442	\$ 60,164	\$ 62,942	\$ 65,883	\$ 68,932
Senior Planner	\$ 108,950	\$ 114,163	\$ 119,627	\$ 125,329	\$ 131,384
Senior Planner	\$ 106,292	\$ 111,379	\$ 116,709	\$ 122,272	\$ 128,180
Senior Police Records Specialist	\$ 68,789	\$ 72,024	\$ 75,359	\$ 78,936	\$ 82,725
Senior Police Records Specialist	\$ 67,111	\$ 70,267	\$ 73,521	\$ 77,010	\$ 80,707
Senior Program Assistant	\$ 65,165	\$ 68,210	\$ 71,411	\$ 74,766	\$ 78,284
Senior Program Assistant	\$ 63,575	\$ 66,546	\$ 69,670	\$ 72,943	\$ 76,374
Senior Project Manager	\$ 116,454	\$ 122,028	\$ 127,846	\$ 134,022	\$ 140,514
Senior Project Manager	\$ 113,613	\$ 119,052	\$ 124,728	\$ 130,753	\$ 137,087
Senior Sustainability Specialist	\$ 81,721	\$ 85,631	\$ 89,729	\$ 94,007	\$ 98,548
Senior Sustainability Specialist	\$ 79,728	\$ 83,542	\$ 87,541	\$ 91,714	\$ 96,144
Senior Transportation Engineer	\$ 123,383	\$ 129,344	\$ 135,610	\$ 142,181	\$ 149,109
Senior Transportation Engineer	\$ 120,374	\$ 126,189	\$ 132,303	\$ 138,713	\$ 145,472
Senior Water System Operator	\$ 77,316	\$ 80,895	\$ 84,675	\$ 88,648	\$ 92,813
Senior Water System Operator	\$ 75,430	\$ 78,922	\$ 82,610	\$ 86,486	\$ 90,549
Sustainability Manager	\$ 121,835		Open Range		\$ 159,205
Sustainability Manager	\$ 118,864		Open Range		\$ 155,322
Sustainability Specialist	\$ 70,373	\$ 73,663	\$ 77,119	\$ 80,742	\$ 84,540
Sustainability Specialist	\$ 68,657	\$ 71,866	\$ 75,238	\$ 78,773	\$ 82,478
Transportation Demand Management Coord.	\$ 92,760	\$ 97,179	\$ 101,822	\$ 106,694	\$ 111,801
Transportation Demand Management Coord.	\$ 90,498	\$ 94,809	\$ 99,339	\$ 104,092	\$ 109,074
Transportation Director	\$ 164,671		Open Range		\$ 227,436
Transportation Director	\$ 160,654		Open Range		\$ 221,889

City of Menlo Park
PROPOSED Salary Schedule - Effective 7/7/2019

Classification Title	Annual Salaries based on 2080 hours per year				
	Minimum (Step A)	Step B	Step C	Step D	Maximum (Step E)
Transportation Manager	\$ 126,553		Open Range		\$ 170,578
Transportation Manager	\$ 123,467		Open Range		\$ 166,417
Water Quality Specialist	\$ 80,742	\$ 84,540	\$ 88,516	\$ 92,760	\$ 97,179
Water Quality Specialist	\$ 78,773	\$ 82,478	\$ 86,357	\$ 90,498	\$ 94,809
Water System Operator I	\$ 64,244	\$ 67,122	\$ 70,099	\$ 73,563	\$ 76,987
Water System Operator I	\$ 62,677	\$ 65,485	\$ 68,390	\$ 71,768	\$ 75,109
Water System Operator II	\$ 70,287	\$ 73,541	\$ 76,977	\$ 80,589	\$ 84,375
Water System Operator II	\$ 68,573	\$ 71,747	\$ 75,100	\$ 78,624	\$ 82,317
Water System Supervisor	\$ 96,222	\$ 100,808	\$ 105,624	\$ 110,678	\$ 115,975
Water System Supervisor	\$ 93,875	\$ 98,349	\$ 103,048	\$ 107,978	\$ 113,146



STAFF REPORT

City Council

Meeting Date:

6/18/2019

Staff Report Number:

19-124-CC

Regular Business:

Direct staff to draft a permanent ordinance prohibiting commercial cannabis land uses and outdoor personal cannabis cultivation

Recommendation

Staff recommends the City Council direct staff to draft an ordinance prohibiting commercial cannabis land uses and outdoor personal cannabis cultivation or provide further direction to staff if they would like to consider permitting commercial cannabis-related land uses.

Policy Issues

The City Council passed an interim moratorium ordinance prohibiting commercial cannabis land uses and outdoor personal cannabis cultivation October 17, 2017. The moratorium permits the personal possession and indoor cultivation of up to six living cannabis plants as allowed for by state law. The City Council then extended that moratorium November 14, 2017. The extended interim moratorium will expire September 29. Developing permanent cannabis regulations before expiration of the interim moratorium to prevent a lapse of local cannabis control is a policy issue for the City Council.

Background

On November 8, 2016, the voters in the State of California passed Proposition 64 or the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA.) Proposition 64 was approved by 57 percent of voters statewide. In San Mateo County, the measure passed with 63 percent approval. Menlo Park voters approved the AUMA with 67 percent of the vote.

The AUMA took effect November 9, 2016 and legalized the nonmedical use of marijuana. The AUMA makes it legal for person 21 years or older to:

1. Smoke or ingest marijuana and marijuana products
2. Possess, process, purchase, transport, obtain or give away to persons 21 years or older 28.5 grams (1 oz.) of marijuana or 8 grams of concentrated marijuana, including as contained in marijuana products possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use
3. Marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provisions of the AUMA must be kept in a locked space on the grounds of a private residence that is not visible from a public place. Medical marijuana may be consumed by those 18 and older or as young as 14 years old with parental/guardian permission

Subsequently, June 2017, the state Legislature passed the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which blends together the medical cannabis regulations from the Medical Cannabis Regulation and Safety Act (MCRSA) and the nonmedical cannabis regulations from the AUMA. MAUCRSA repealed the MCRSA and inserted certain licensing provisions from the MCRSA into the AUMA

to establish a regulatory system to oversee the cannabis industry. The MAUCRSA required the State to develop regulations regarding licensing, cultivating, testing, manufacturing and dispensing of cannabis.

Under MAUCRSA, state licensing and enforcement responsibilities are divided among three agencies. The Department of Consumer Affairs, which includes the Bureau of Cannabis Control, issues licenses for retailers, distributors, microbusinesses, testing laboratories and temporary cannabis events. The Department of Food and Agriculture issues cultivation licenses. The department of public health issues licenses for cannabis manufacturers. Each state license is valid for one year. A separate state license is required for each commercial cannabis business location. With the exception of testing facilities, any person or entity that is licensed may apply for and be issued more than one type of state license.

All cannabis businesses must have a state license. The state cannot issue a license to an applicant whose operations would violate local law. Cities that wish to ban all or some cannabis activities should adopt express prohibitions. Local laws may be adopted to regulate state-licensed commercial cannabis businesses. For example, local jurisdictions could establish standards, requirements and regulations regarding health and safety, environmental protection, testing, security, food safety, and worker protections that exceed state standards. Cities may also institute separate city license requirements. There are also other land use regulations, which will be discussed in more detail below that local governments may adopt. Local authorities are responsible for enforcing local ordinances.

Analysis

Personal (residential) cultivation

The level of regulation a local government may impose on personal cultivation is divided into two categories – indoor and outdoor cultivation of cannabis. Local governments have less control over indoor cultivation. Cities may reasonably regulate indoor cultivation by requiring such things as adequate plumbing and electrical access for cultivation, but may not ban, personal indoor cultivation within a person's private residence. Indoor cultivation includes growing cannabis plants in a greenhouse on the same property as the residence that is not physically part of the home, as long as it is fully enclosed, secure and not visible from a public space. Local governments have more control over outdoor cultivation. A city may regulate, but also may ban personal outdoor cultivation, typically to address concerns such as odor and prevention of criminal activity. Most cities in San Mateo County have banned outdoor personal cultivation of cannabis. Those cities that do permit outdoor personal cultivation have regulated the manner and location of such activity, including not permitting outdoor cultivation near schools and requiring proper screening. For example, Pacifica permits outdoor personal marijuana cultivation provided that the activity is located in the rear yard, contained within an area that is fully enclosed by a locked fence and the property is not directly adjacent to a school or youth center.

Commercial cultivation

Indoor commercial cultivation involves the growing of cannabis inside specialized growing facilities. This activity is broken down into two separate categories – general and nursery. General indoor cultivation is the cultivating of cannabis to maturity at which point it can be harvested for commercial sale. Commercial nurseries are limited to the cultivation of immature cannabis and seeds. Before full maturity and flowering, cannabis in commercial nurseries must be shipped elsewhere for final cultivation.

With respect to indoor commercial cultivation, staff has identified the remaining M-2 Light Industrial zoned area along Haven Avenue, near the City's northern border as a potential area to investigate permitting indoor commercial cultivation, subject to any limitations deemed appropriate to address the impacts of such use. This area presently permits light industrial, research and development uses and has a building stock that may be adaptable to indoor commercial cultivation. While there are no schools within 600 feet or

1,000 feet (see dispensary buffer map included as Attachment C), there are new multifamily residences along Haven Avenue and further outreach would be recommended with residents, property owners and other stakeholders. If the city decides to allow commercial cultivation in this or any other area of the city, the city may want to identify licensing requirements for such businesses above and beyond state licensing requirements. The city may also want to identify a maximum number of city issued licenses that are available at any one time. Most neighboring communities prohibit indoor commercial cultivation, however Redwood City permits commercial nurseries in certain zones.

Although not discussed in detail in this report as staff has not identified an area of the city appropriate for outdoor commercial cultivation, it would be appropriate for the City Council to affirmatively ban outdoor commercial cultivation to avoid any uncertainty. As with personal outdoor cultivation, a ban would address issues such as prevention of odor or criminal activity, which would be potentially greater with respect to commercial activity as opposed to personal cultivation. Outdoor commercial cultivation has been prohibited by the majority of neighboring communities including Palo Alto, Mountain View and Redwood City.

Testing/manufacturing/distribution

Similar to indoor commercial cultivation, if desired by the City Council, there is a potential to permit, or conditionally permit, cannabis testing, manufacturing or distribution facilities in the M-2 or LS districts that already permit similar research and development uses. Testing of the cannabis products confirms there is no presence of bacteria, pesticides or other solvents. Manufacturing refers to the dissection of plants (the extraction of the THC chemical) into a commercial retail product (plant, edible, oil, topical or beverage form.) Manufacturing also includes the packaging of cannabis products. Distribution facilities would contain cannabis products in finished form and coordinate delivery to both retail dispensaries and other delivery services. As previously noted, the department of public health and Bureau of Cannabis Control issues separate licenses and enforces state regulations on all cannabis manufacturers, distributors and testing labs; however, it would be possible for the city to impose additional licensing and regulation requirements.

Retail Sales

As of January 1, 2018, the state began issuing licenses for the retail sale of nonmedical cannabis. Products for sale are both plant-based and in the form of food, oil and beverage products. Existing stores that sell alcohol or tobacco may not apply to sell cannabis products. Cannabis retailers must be located 600 feet from a school or child-serving organizations, though many communities that have permitted retailers have increased that radius to 1,000 feet (see attachment for a map displaying 600 feet and 1,000 foot buffers from schools in and near Menlo Park.)

Many local communities, including Palo Alto, have issued permanent bans on all commercial cannabis land uses. There are currently only a few municipalities in San Mateo County that have permitted cannabis retailers, including Pacifica and Redwood City. Cities that have allowed retail have placed limits on the number of retail licenses that the city will issue, limits on the zoning districts in which they can be located, and other limits such as increased buffers from schools to additional security measures. Additionally, Mountain View and Redwood City are limiting retailers only to non-storefront retail locations.

Few retail dispensaries exist or are planned in San Mateo County or the Peninsula. Therefore, if Menlo Park were to permit retail dispensaries, it is foreseeable that businesses serving this area would locate in Menlo Park. The benefit would be that this could generate revenue from retail sales for the city. However, there are other considerations that could impact the city such as law enforcement concerns related to cash-only businesses. Thus, it is a policy decision for the City Council regarding whether and where to allow retail sales in the city.

Delivery services

The delivery of cannabis is presently permitted throughout the State under new regulations released by the Bureau of Cannabis Control January 16. These regulations allow for the delivery of cannabis in any jurisdiction in California regardless of local cannabis ordinances. Twenty-four cities have challenged the new rule in court and that legal case is ongoing. Deliveries can be made by a state licensed retailer, microbusiness or nonprofit. Although state law requires a customer requesting delivery to maintain a copy of the delivery request, there is no requirement that delivery staff carry or maintain records.

Taxation

State law imposes an excise tax at the rate of 15 percent of gross sales receipts. This excise tax is in addition to other state and local taxes. State and local sales taxes can range from five to 10 percent. Therefore, the combined tax on retail sales could approach 25 percent. Additionally, there is a separate state cultivation tax on all cannabis harvested as follows: \$9.25 per dry weight on buds/flowers and \$2.75 per dry weight on all leaves (any city tax would be in addition to the state tax.) The State exempts cannabis cultivated for personal use (and medical marijuana) from taxation. Taxing cannabis could generate revenue for the city, but there is also concern that heavy taxation could increase the black market and undermine the legalization of cannabis approved by the voters.

The amount of potential cultivation revenue would depend greatly on the size of the facility, the amount of product produced and the number of licenses granted. The San Mateo County Narcotics Task Force estimates 25 cannabis plants can be cultivated within a 100 square foot area. Assuming a 10,000 square foot building that would be approximately 2,500 cannabis plants. Conservative estimates on potential cultivation revenue on such a facility (assuming a 10 percent tax on gross receipts in line with the cannabis business tax in San Carlos) could be in the range of \$500,000.

The State has found cannabis excise tax revenue to be below expectations. Recent estimates from the State put revenues through fiscal year 2019-20 at \$223 million which is significantly less than the expected \$647 million. Reasons for this are likely a combination of local government resistance to retail locations, and the resilience of the black market for cannabis due to high levels of taxation. Finally, full cost recovery of municipal staff and services is permitted under MAUCRSA through permitting and business license fees.

Smoking

State law contains certain regulations related specifically to smoking. The smoking of marijuana is prohibited: (1) in any public place, except where a local jurisdiction has authorized use on the premises of a retailer or microbusiness; (2) where smoking tobacco is prohibited (as regulated by the City of Menlo Park in Chapter 7.30 of the municipal code); (3) within 1,000 feet of a school, day care center, or youth center while children are present; and (4) while driving, or riding in the passenger seat of any vehicle used for transportation. It further allows cities to prohibit possession and smoking in buildings owned, leased or occupied by the city, and employers to maintain a drug and alcohol free workplace by prohibiting the use, consumption, possession, transfer, transportation, sale, display or growth of marijuana in the workplace. An individual or private entity may also prohibit or restrict smoking and/or cultivation of cannabis on the individual's or entities privately-owned property.

Cannabis policy in nearby cities

Many neighboring communities have adopted permanent cannabis ordinances since the City issued its interim moratorium on commercial cannabis activity. Below is a table illustrating the commercial cannabis land uses permitted in the identified communities and the level of review required by the city to conduct such activities. It is important to note that in cases where the approval process differs by zoning designations, the least burdensome level of approval required is indicated in the table.

Table 1: Commercial cannabis land uses in nearby communities				
City	Retail	Testing/manufacturing/distribution	Outdoor cultivation	Indoor cultivation
Redwood City	Administrative	Not permitted	Not permitted	Conditional
Palo Alto	Not permitted	Not permitted	Not permitted	Not permitted
Mountain View	Conditional	Not permitted	Not permitted	Not permitted
South San Francisco	Not permitted	Conditional	Not permitted	Conditional
San Bruno	Not permitted	Not permitted	Not permitted	Not permitted
San Carlos	Not permitted	Administrative	Not permitted	Administrative
Los Altos	Not permitted	Not permitted	Not permitted	Not permitted
Burlingame	Not permitted	Not permitted	Not permitted	Not permitted
San Mateo	Not permitted	Not permitted	Not permitted	Not permitted
Pacifica	Conditional	Conditional	Not permitted	Not permitted

A more detailed look at commercial cannabis activity permitted or prohibited by neighboring communities is outlined below.

- San Mateo County: Adopted an ordinance allowing for the issuance of licenses for greenhouse cultivation of cannabis and greenhouse nursery cultivation of cannabis in lands designated “agriculture” by the County general plan land use map, and other lands where commercial agriculture has been conducted for the three years preceding the effective date of the ordinance. All other commercial cannabis activities are prohibited.
- Redwood City: Approved a four-phase plan to introduce commercial cannabis activities last year. Phase 1 and 2 involves a prohibition on all commercial cannabis activity while the city prepares for the next phases. Phase 3 would allow cannabis distribution (non-storefront retail) and indoor cannabis nurseries. Phase 4 would permit walk-in retail sales at distribution centers. Redwood City is currently in phase 3 of their plan.
- Mountain View: In fall 2018, the City Council adopted regulations permitting cannabis retail businesses. The number of retail businesses was to be capped at four total businesses, two of which are storefront retail while the other two are non-storefront retail. However, the City Council recently reversed course to only allow three delivery centers and no storefront retail locations.
- Pacifica: Adopted an ordinance that conditionally permits retail, manufacturing and testing. The number of retail permits is capped at six. A 6 percent excise tax was approved by ballot that is estimated to produce approximately \$400,000 – \$450,000 annually in revenue for the city. Additionally, they have also permitted outdoor personal cultivation of cannabis with limited restrictions (must be located in rear yard and fully enclosed.)
- South San Francisco: Conditionally permitted the manufacture, testing, distribution, delivery and indoor cultivation of cannabis. Businesses are subjected to strict regulations, performance standards, monitoring and the approval of an operating agreement.
- San Mateo, Burlingame, San Bruno, Palo Alto, Los Altos and Colma: Permanent bans on commercial cannabis uses and personal outdoor cultivation.

Impact on City Resources

The impact on City resources will depend on the direction that City Council provides. There will be staff time and capacity impacts should City Council chose to explore certain cannabis land uses.

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. Hyperlink – October 17, 2017 45-day interim urgency moratorium ordinance: menlopark.org/DocumentCenter/View/21878/CD2-Cannabis-regulations-Att-A
- B. Hyperlink – November 14, 2017 moratorium extension ordinance: menlopark.org/DocumentCenter/View/21877/CD3-Cannabis-regulations-Att-B
- C. School buffer map – 600' and 1000'

Report prepared by:

John Passmann, Management Analyst II

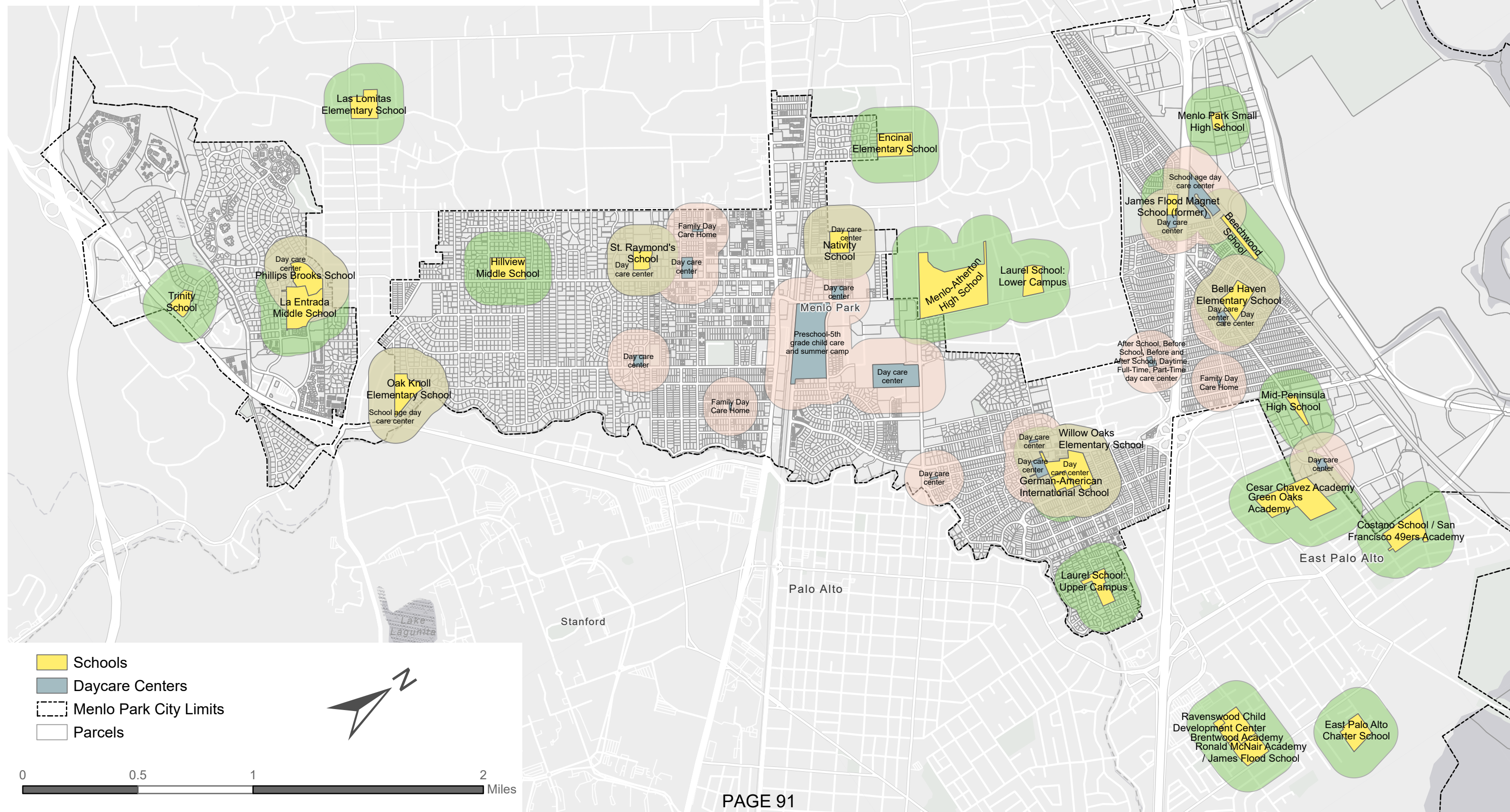
Reviewed by:

Mark Muenzer, Community Development Director

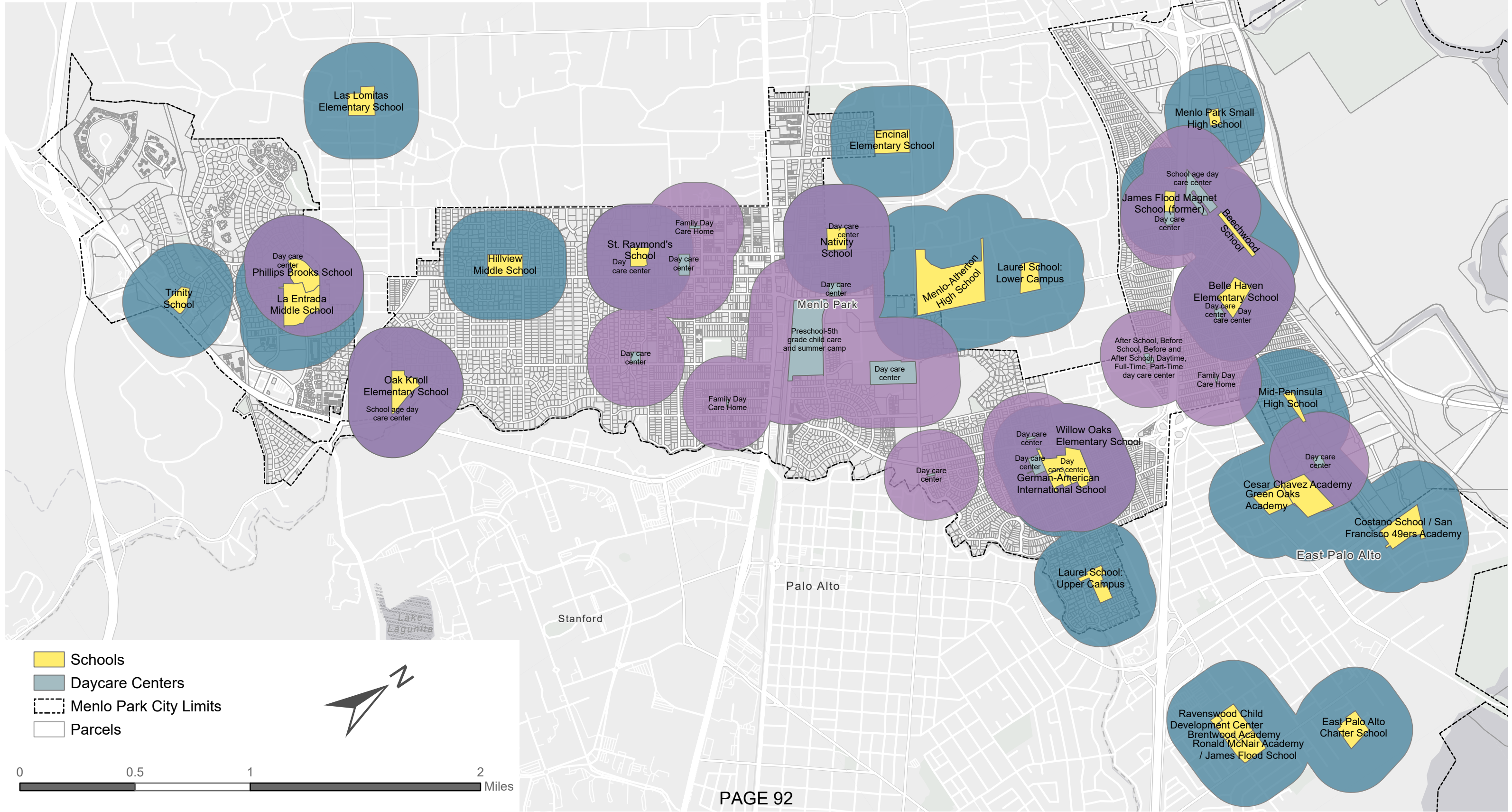
Leigh Prince, Assistant City Attorney



600 Foot Buffer Around Daycares and Schools



1,000 Foot Buffer Around Daycares and Schools





STAFF REPORT

City Council

Meeting Date: 6/18/2019

Staff Report Number: 19-132-CC

Informational Item: City Council agenda topics: July to September 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 September 10. 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: June to August 2019

Report prepared by:
Judi A. Herren, City Clerk

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City Council, city attorney, city manager

City Council procedure manual

City Council 2019-20 priorities and work plan

Receive and file communication plan presentation

Update City Council policy #19-004, updating BHNLAC

Commission reports: Sister City Committee and Parks and Recreation Commissions

Reach codes

Heritage tree ordinance update

Master agreement contract for zero waste plan and general plan activities

Records destruction

Creation of public amenities fund

Administrative services

Fourth quarter preliminary close

Community development

Housing Commission 2-year work plan amendments

ConnectMenlo study session follow up

El Camino Real/Downtown specific plan biennial review

Architectural control/use permit/major subdivision and below market rate housing agreement

Community services

Contract with the State of California Department of Education for Belle Haven Child Development Center child care reimbursement

Belle Haven Child Development Center self-evaluation report for fiscal year 2018-19

Parks and Recreation master plan

Library

Police

Safe City update

Agreement for vehicles and outfitting

Public works

Approve the implementation strategy and engagement policy/process for transportation projects

Annexation procedure/policies/applications/West Menlo Triangle/Menlo Oaks annexation

Belle Haven transportation master plan implementation schedule

Contract for professional services for a Transportation Management Association feasibility study

Select preferred alternative for the Middle Avenue pedestrian and bicycle rail crossing

Adopt updated City rail policy and position statement

Adopt the green stormwater infrastructure master plan

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**STAFF REPORT****City Council****Meeting Date:****6/18/2019****Staff Report Number:****19-134-CC****Information Item:**

Summary of City Council's direction to pursue alternatives to citywide temporary development moratorium for purposes of reassessing current community values

Recommendation:

The purpose of this informational item is to summarize for the City Council and members of the public the reasons why the City Council decided not to move forward with a development moratorium at this time and to describe the alternative actions the City Council elected to pursue in lieu of the moratorium. This item does not require City Council action at this time.

Policy Issues

The City's long range planning vision is set forth in the City's general plan. It is anticipated that the City Council may reopen some of its current land use policies to reflect issues and concerns raised at the June 11 meeting relative to long term development impacts, particularly in the Bayfront area.

Analysis

On June 11, the City Council conducted a special meeting to consider Mayor Pro Tem Taylor and City Councilmember Nash's June 5 request to agendize the topic of a development moratorium. The June 5 letter proposed a moratorium on all non-residential development, including hotels, as well as additional floor area ratio allowances citywide; and a moratorium on residential housing projects larger than 100 units and additional floor area ratio allowances for housing projects larger than 100 units in District 1.

The purpose of the request was to ensure that the City's current general plan and El Camino Real and downtown specific plan reflect current community values and address present day opportunities and challenges. The citywide moratorium request was designed to take a closer look at the jobs/housing imbalance by district, to review additional housing opportunities on the west side of the City closer to transit and analyze the impacts of recent non-residential development on existing infrastructure, services and quality of life. The District 1 moratorium directed at housing focused on the need to examine impacts of densification on a sensitive population, historical under-investment in necessary infrastructure and quality of life impacts related to a physically constrained segment of the city. An updated draft of pending projects in Menlo Park is attached. (Attachment A.)

The item generated significant community interest with 48 public speakers who largely supported the concept of a moratorium.

The full City Council elected not to proceed with a moratorium at this time. The reasons included concern that a moratorium was not the best tool to accomplish the stated goals; that it could be misleading to the

public because projects must still be processed; concern that the State would use the moratorium as a justification for taking further local control away from local governments through pending legislation such as SB 330 (Housing Crisis Act of 2019) and SB 50 (More Housing Opportunity, Mobility, Equity and Stability Act of 2019); and concern that a moratorium would foreclose community desirable projects.

However, City Councilmembers agreed there was a need to re-examine existing land use policy documents to assess whether they reflected current community values. As a first step in this process, City Council took the following actions:

1. Directed staff to amend the zoning code (and other related documents if applicable,) to ensure that project approvals involving large or impactful projects be made by the City Council rather than the Planning Commission. Since this change involves an amendment to the zoning code, the amendment must first go to the Planning Commission for a recommendation before it is brought forward to the City Council. Staff expects the matter can be heard by the Planning Commission in late summer.
2. Formed a subcommittee of Mayor Mueller and City Councilmember Nash to examine additional housing opportunities in the downtown area, particularly near transit, and to determine whether the existing development caps in all areas of the City (other than District 1) should be adjusted. The subcommittee will work with staff to form a work plan summarizing the issues to be analyzed and to make recommendations to the full City Council on proposed amendments to the general plan, specific plan and/or zoning ordinance.
3. Formed a subcommittee of Mayor Mueller and Mayor Pro Tem Taylor to examine the need for decreasing both non-residential and residential density in District 1 and to address allocating for District 1's use revenues generated by district development. Other issues which were discussed and which could be considered by the subcommittee included the following:
 - Jobs/housing balance
 - Traffic related issues, including:
 - Congestion and cut-through traffic
 - Bicycle and pedestrian safety
 - Emergency vehicle access
 - Air quality impacts
 - Impacts to sensitive population including lack of affordable housing resulting in displacement, especially vulnerable seniors
 - Consider city inclusionary housing policy
 - Access to quality public education
 - Analyze additional impacts of development, including:
 - Access to community services
 - Access to emergency services
 - Access to clean air and clean water
 - Access to public transit
 - Infrastructure
 - Flood zone

The subcommittee will work with staff to form a work plan summarizing the issues to be analyzed and to make recommendations to the full City Council on proposed amendments to the general plan, specific plan and/ or zoning ordinance.

Impact on City Resources

The City Council's biennial review of the El Camino Real/downtown specific plan is on the City Council's work plan. The upcoming proposed budget includes funding for consultants, including outside counsel, to help with amendments to the specific plan. However, more comprehensive review of the plan or reopening of ConnectMenlo general plan were was not anticipated in the City Council's current work plan or in the proposed budget. The City Council will need to modify its work plan for the year to prioritize making changes to both plans. Further, depending on the subcommittee's work plan, the City may need to hire additional consultants to assist with this planning effort or to backfill current senior staff to enable staff to work on the policy revisions.

Public Engagement

There was no public engagement process conducted in the preparation of this report. The issue of a moratorium was raised in connection with the City Council's recent study sessions on Connect Menlo and the Willow Village project. A City press release was issued to raise awareness that this matter would be scheduled June 11 and applicants with pending projects that could be affected by the moratorium were notified of the item. A large number of public members appeared at the June 11 meeting.

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. Pending Menlo Park development projects

Report prepared by:

Cara E. Silver, Assistant City Attorney

William M. McClure, City Attorney

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Pending Projects - New Construction and/or Additions - Residential, Non-Residential and Hotels																
Project Address	Description	Development Level	Applications	Entitlement Status	CEQA Review	Decision-making body	Proposed Residential Units	Proposed Residential SF	Proposed Non-Residential SF	Proposed Hotel Rooms	Proposed Hotel SF	Net New Res. Units	Net New Non-Res. SF	Net New Hotel Rooms	Applicant	
District 1 - Pending Non-Residential, Hotel and Residential Projects																
1	Willow Village	Mixed Use - Office, Residential, Commercial and Hotel	Bonus	Development Agreement, General Plan Amendment, Rezoning, Vesting Tentative Map, Conditional Development Permit and Below Market Rate Housing Agreement	Under Review	EIR	City Council	1,735	1,462,713	1,925,000	250	175,000	1,735	926,789	250	Peninsula Innovation Partners, LLC/Signature Development Group
2	115 Independence, 104 & 110 Constitution (Menlo Portal)	Mixed-Use - Office, Residential, and Commercial	Bonus	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Planning Commission study session scheduled on June 24, 2019	EIR	Planning Commission	320	311,341	34,708	0	0	320	-30,123	0	Andrew Morcos (Greystar)
3	111 Independence	Residential - Rental	Bonus	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Pending - EIR Scoping Session scheduled for June 14, 2019	EIR	Planning Commission	105	95,056	n/a	0	0	105	-14,400	0	SP Menlo LLC (Sateez Kadivar)
4	180-186 Constitution/141 Jefferson/172 Constitution (Menlo Uptown)	Residential - Mix Rental and For-Sale Townhomes	Bonus	Use Permit, Architectural Control, Major Subdivision, and Below Market Rate Housing Agreement	Under Review	EIR	City Council	483	470,918	2,000	0	0	483	-108,411	0	Andrew Morcos (Greystar)
5	1105 O'Brien Drive	Life Science	Bonus	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Under Review	EIR	Planning Commission	0	0	132,500	0	0	0	66,404	0	Tariton Properties, LLC
6	1075 O'Brien Dr	Life Science	Bonus	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Under Review	EIR	Planning Commission	0	0	100,000	0	0	0	46,994	0	Jason Chang
7	1350 Adams Court	Life Science	Bonus	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Under Review	EIR	Planning Commission	0	0	260,400	0	0	0	260,400	0	Tariton Properties, LLC
8	3723 Haven Avenue (Hotel Moxy)	Hotel	n/a	Use Permit, Architectural Control and Below Market Rate Housing Agreement	Under Review	To be Determined	Planning Commission	0	0	57,953	167	57,953	0	-13,700	167	Richard Mielby
9	1 Facebook Way (Citizen M)	Hotel	n/a	Conditional Development Permit Amendment and Below Market Rate Housing Agreement	Under Review	EIR Addendum	City Council	0	0	0	240*	81,968	0	0	240*	Ernest Lee
10	151 Commonwealth/164 Jefferson	Office	Bonus	Conditional Development Permit Amendment and Below Market Rate Housing Agreement	Under Review - EIR Scoping Session conducted on 6/3/19	EIR	City Council	0	0	249,500	0	0	0	249,500	0	Rich Truempler (Sobrato Organization)
Citywide (except District 1) - Pending Non-Residential, Hotel and Mixed-Use Projects																
District 3																
11	1704 El Camino Real/Hampton Inn	Hotel	Public Benefit Bonus	Architectural Control, Variance, Sign Review and Below Market Rate Housing Agreement	Planning Commission meeting scheduled for 6/24/19	EI Camino Real/Downtown Specific Plan EIR Conformance checklist	Planning Commission	0	0	0	70	40,004	0	29,228	42	Sagar Patel
12	706-716 Santa Cruz Avenue	Mixed-use - retail, office, and residential development	Base	Architectural Control, Major Subdivision, and Below Market Rate Housing Agreement	Under Review	EI Camino Real/Downtown Specific Plan EIR Conformance checklist	City Council	4	11,499	35,409	0	0	4	22,731	0	Vasile Oros
District 4																
13	100 El Camino Real	Conversion of existing conference rooms into four new hotel rooms and other on-site improvements. The project would not add gross floor area.	Base	Use Permit and Architectural Control	Under Review	EI Camino Real/Downtown Specific Plan EIR Conformance checklist	Planning Commission	0	0	122,919	169	122,919 (including restaurant and conference rooms)	0	0	4	Patrick Lane
14	115 El Camino Real	Mixed-Use - commercial space on the first floor and residential units on the second and third floors	Base	Architectural Control and Major Subdivision	Pending - Planning Commission review anticipated summer 2019	EI Camino Real/Downtown Specific Plan EIR Conformance checklist	City Council	4	8,721	1,541	0	0	4	-7,422	-13	Ranjeet Pancholy
15	201 El Camino Real and 612 Cambridge	Mixed-Use - Residential/medical office building	Public Benefit Bonus	Architectural Control	Pending Planning Commission study session on public benefit tentatively scheduled for 7/15/19	EI Camino Real/Downtown Specific Plan EIR Conformance checklist	Planning Commission	14	21,820	7,295	0	0	10	1,322	0	Yihan Hu (HuHan Two LLC)

* The approved conditional development permit and development agreement for the Facebook Campus Expansion project is permitted to have 200 hotel rooms. The applicant is requesting to increase the number of hotel rooms to 240. as of 6/13/19