



SPECIAL AND REGULAR MEETING AGENDA

Date: 1/9/2024
Time: 5:00 p.m.
Location: [Zoom.us/join](https://zoom.us/join) – ID# 832 1285 7140
City Council Chambers
751 Laurel St., Menlo Park, CA 94025

EARLY STAFF REPORT RELEASE NOTICE

Pursuant to the requirements of California Government Code §66018 and 6062a, the following staff report is being released at least 10-days in advance of the City Council meeting:

Introduce and waive the first reading of an ordinance amending the City's master fee schedule to include aquatics fees ([Staff Report #24-002-CC](#))

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STAFF REPORT

City Council

Meeting Date:

1/9/2024

Staff Report Number:

24-002-CC

Public Hearing:

Introduce and waive the first reading of an ordinance amending the City's master fee schedule to include aquatics fees

Recommendation

Staff recommends that the City Council introduce and waive the first reading of an ordinance (Attachment A) amending the City's master fee schedule to incorporate proposed changes in fees to become effective April 1 after the ordinance is adopted to include aquatics fees.

Policy Issues

The City Council adopts fees to recover the cost for services to minimize the demand on general taxes for services that have an individual benefit. The most recent cost of services study was presented to the City Council at a study session Feb. 13, 2018, which informs the structure of fees in the current and proposed master fee schedule. To guide the establishment of fees, the City Council last adopted revisions to the user fee cost recovery policy Aug. 23, 2022 (Attachment B).

Background

On Dec. 5, 2023, City Council held a public hearing to introduce and waive the first reading of an ordinance amending the City's master fee schedule. Subsequent to the Dec. 5, 2023, public hearing, City staff detected that the aquatics fees published in the draft ordinance were erroneous due to the inadvertent use of an early working draft version of the aquatics fees that was not intended to be published. The correct, recommended version of the aquatics fees are here presented in a new ordinance (Attachment A) for City Council consideration separately from the rest of the proposed fees. The erroneously published early working draft version of the Dec. 5, 2023 proposed aquatics fees are provided in Attachment C as a reference. Differences between the two versions include: some fee categories are different and/or consolidated in the correct recommended version; the hyperlocal resident rate did not appear in the early working draft but is present throughout the correct recommended version; some of the non-resident fees in the early working draft would have resulted in sharp fee increases, whereas the correct recommended version takes a more gradual approach by phasing-in those escalations over time while focusing on first reducing fees (which also decreases revenues) for hyperlocal residents.

The master fee schedule reflects fees charged by all city departments. Amendments typically occur annually in order for fees to reflect the current costs of providing services; to bring fees closer to full cost recovery targets; to add new fees when applicable for new city services; and/or to eliminate fees for discontinued services. The City imposes different categories of fees with different requirements regarding how fees are set or changed:

- Fees and charges for use of facilities, services and access to property: These fees are elective on the part of the customer/user. The purpose of these fees and charges is to generate revenues for access or

use of the service or facility.

- Property development processing and impact fees: These include fees for building and use permits, variances, building inspections, map applications and planning services, and impact and capacity fees. These fees cannot exceed the reasonable cost of providing the service or providing the facilities necessary to serve the new development. Any new fee or increase to existing fees in this category can be effective no sooner than 60 days following City Council approval.
- Fees relating to public records act requests and copies of documents and reports: These fees are limited to the actual cost of copying (not including personnel time to copy) or the statutory amount, whichever is less. There are no changes recommended for any fees in this category at this time.

Analysis

Aquatics fees

On Sept. 12, 2023, City Council authorized a new aquatics operator agreement effective Oct. 1, 2023. The new agreement provides that aquatics user fees shall be subject to City Council approval in the Master Fee Schedule no later than six months after the agreement's effective date. By statute, the recommended aquatics fees in the ordinance in Attachment A, Exhibit A would take effect 30 days after the ordinance is adopted. The aquatics operator would begin charging those fees April 1, six months after the operator agreement effective date. The recommended aquatics fees are equivalent at both aquatics centers, and include the proposed new hyperlocal resident rate described later in this report.

Hyperlocal resident fee

The hyperlocal resident fee would apply to residents residing within the neighborhood service area of the Belle Haven Community Campus and would be 65% of the resident fee unless otherwise specified. This new fee rate would apply to residents who live or attend K-12 school within the neighborhood service area of the Belle Haven Community Campus, which includes Belle Haven Pool. The neighborhood service area is proposed as the geographic area of incorporated City of Menlo Park extending from Bay Road to San Francisco Bay. This service area encompasses all of District 1 and portions of District 2 near the pedestrian and bicycle overcrossing of US-101 at Ringwood Avenue. The intent of the hyperlocal resident rate is to prioritize neighborhood access and use of the Belle Haven Community Campus, in recognition of historic inequity and generational harm caused by redlining, freeway construction and property loss, and other discriminatory practices of the past that uniquely affected the neighborhoods in the vicinity of Belle Haven Community Campus.

Impact on City Resources

User fees provide a significant source of cost recovery for the City. The recommended revisions to the master fee schedule will help in maintaining service levels in the current fiscal year.

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 10 days

prior to the meeting, pursuant to the requirements of California Government Code §§66018 and 6062a. Additionally, the public hearing notice was published in the San Mateo Daily Journal Dec. 21, 2023.

Attachments

- A. Ordinance
- B. Hyperlink – User Fee Cost Recovery Policy: menlopark.gov/Government/Departments/Library-and-Community-Services/About-us/Policies-and-procedures#section-17
- C. Erroneously published early working draft version of the aquatics fees from Dec. 5 draft ordinance
- D. Hyperlink – “Introduce and waive the first reading of an ordinance amending the City’s comprehensive master fee schedule for the city manager’s office, community development, library and community services, and public works departments, and Menlo Park Municipal Water,” City Council meeting agenda (item F-1), Dec. 5, 2023: menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2023-meetings/agendas/20231205/f1-20231205-cc-master-fee-schedule-amend.pdf

Report prepared by:
Adrian Patino, Management Analyst II

Report reviewed by:
Rani Singh, Interim Finance and Budget Manager
Brittany Mello, Administrative Services Director
Sean S. Reinhart, Library and Community Services Director

ORDINANCE NO. XXXX

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
UPDATING CERTAIN FEES AND CHARGES FOR THE LIBRARY AND
COMMUNITY SERVICES DEPARTMENT TO INCLUDE AQUATICS FEES**

WHEREAS, the City has the authority to impose fees, charges, and rates to offset the costs for municipal services and regulatory programs under its police powers under California Constitution Article XI section 7; and

WHEREAS, the City Council has, through prior actions, adopted various fees and charges requested by individual City Departments; and

WHEREAS, pursuant to Resolution No. 6768, adopted on August 23, 2022, the City Council amended and adopted a fee schedule for the City of Menlo Park's Library and Community Services Department; and

WHEREAS, on January 9, 2024, the City Council adopted an Ordinance amending the Master Fee Schedule; the Ordinance modified previous fees but did not modify or adopt new fees related to City aquatics facilities; and

WHEREAS, this ordinance establishes fees related to City Aquatics facilities, which fees are set forth in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, it is the general policy of the City to charge for the full costs of services provided by City Staff when such services benefit individual users rather than members of the community as a whole; and

WHEREAS, to better achieve the City's cost recovery goals, the City Council deems it advisable and in the best interests of the City to adopt and update fees related to the City's aquatics facilities, included in the City's Master Fee Schedule; and

WHEREAS, if enacted, the Taxpayer Protection and Government Accountability Act will require all fees and charges, adopted after January 1, 2022, to be adopted by the City Council by ordinance; and

WHEREAS, the City Council may adopt any fee or charge by ordinance if it is permitted to adopt the fee or charge by resolution; and

WHEREAS, the City Council desires to comply with the Taxpayer Protection and Government Accountability Act to ensure that the Proposed Fees will remain valid in the event the Act is adopted; and

WHEREAS, the Proposed Fees are "exempt charges," within the meaning of the Taxpayer Protection and Government Accountability Act because they are (1) reasonable charges for specific local government services or products provided directly to the payor that are not provided to those not charged, and they do not exceed the actual costs to the local government of providing the service or product; (2) charges for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections, and audits, enforcing agricultural marketing orders, or the administrative enforcement and adjudication thereof; or (3) reasonable charges for entrance to or use of local government property, or the purchase, rental, or lease of local government property; and

WHEREAS, Government Code section 66016 applies to the adoption or increase of fees for zoning variances, zoning changes, use permits, building inspections, building permits, filing and processing applications and petitions filed with the LAFCO, the processing of subdivision maps, and planning services; and

WHEREAS, Government Code section 66018 applies to the adoption or increase of fees to which a specific statutory notice requirement does not apply; and

WHEREAS, pursuant to Government Code sections 66016 and 66018 the enactment or increase in any fees to be charged for services must be adopted by the City Council by ordinance or resolution, after providing notice and holding a public hearing; and

WHEREAS, pursuant to Government Code section 66016, the data required to be made available to the public prior to increasing the amount of the fees by this ordinance was made available for public review at least ten (10) days prior to the date of this meeting; and

WHEREAS, notice of a public hearing on the new and increased user fees was published in accordance with Government Code sections 66018 and 6062a; and

WHEREAS, a duly noticed public hearing before the City Council was held on January 9, 2024 at which public testimony was received and duly considered on the Proposed Fees; and

WHEREAS, pursuant to Government Code sections 66016 and 66017, fees imposed on a development project that apply to the filing, accepting, reviewing, approving, or issuing of an application, permit, or entitlement to use shall not take effect until at least sixty (60) days have passed since the final action on the adoption or increase of the fee.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MENLO PARK DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct, and incorporated herein by reference and each is relied upon independently by the City Council for its adoption of the Ordinance.

Section 2. The Proposed Fees, set forth in Exhibit A, which is attached hereto and incorporated herein by reference, are hereby approved and adopted.

Section 3. Commencing on July 1, 2024 and on July 1 of each fiscal year thereafter, the Proposed Fees, shall be administratively revised and increased annually based on changes in City hourly rates. Notwithstanding the foregoing, in no event shall the annual administrative revisions described in this Section 3 apply to any fees and charges established by other agencies or as otherwise may be prohibited by applicable law. The proposed changes must be approved by the City Council.

Section 4. If there are conflicts between the Proposed Fees adopted in this Ordinance and the fees adopted by any prior resolution or fee schedule, the Proposed Fees adopted pursuant to this Ordinance shall control. This Ordinance does not supersede any previous resolution or ordinance setting fees that are not included in Exhibit A to this Ordinance.

Section 5. Pursuant to Government Code section 66017, the Proposed Fees adopted in this Ordinance shall go into effect 30 days after the ordinance is adopted, or otherwise noted or required by the statute for the library and community services department. Once effective, the Proposed Fees shall be incorporated into the City's Master Fee Schedule.

Section 6. If any action, subsection, sentence, clause or phrase of this Ordinance or the fees levied by this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions of this Ordinance, or the fees levied by this Ordinance that can be given effect without the invalid provisions. All other fees contained in the Master Fee Schedule, which were not changed or eliminated by this amendment, remain as adopted.

Section 7. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”). This action is not a project within the meaning of the CEQA Guidelines Section 15378 and 15061(b)(3) as it has no potential for physical effects on the environment because it involves the adoption or amendment of certain fees and/or charges imposed by the City, does not commit the City to any specific project, and said fees and/or charges are applicable to future development projects and/or activities, each of which future projects and/or activities will be fully evaluated in full compliance with CEQA when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (see CEQA Guidelines, Section 15004(b)(1)). Pursuant to CEQA Guidelines section 15378(b)(4), the creation of government funding mechanisms which do not involve any commitment to any specific project which may cause significant effect on the environment, is not defined as a “project” under CEQA. Therefore, approval of the fees and/or charges is not a “project” for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a “project” under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the fees and/or charges may have a significant effect on the environment.

Section 8. The Proposed Fees, set forth in Exhibit A, may be revised, amended, or updated from time to time by resolution or ordinance of the City Council.

Section 9. This Ordinance shall be published once, in full or in summary form, after its final passage, in a newspaper of general circulation, published, and circulated in the City of Menlo Park, and shall be in full force and effect thirty (30) days after its final passage. If published in summary form, the summary shall also be published within fifteen (15) days after the adoption, together with the names of those City Councilmembers voting for or against same, in a newspaper of general circulation published and circulated in the City of Menlo Park, County of San Mateo, State of California.

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INTRODUCED on the ninth day of January, 2024.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said City Council on the fifth day of __, 2024, by the following votes:

AYES:

NOES:

ABSENT:

RECUSED:

APPROVED:

Cecilia Taylor, Mayor

ATTEST:

Judi A. Herren, City Clerk

Exhibits:

A. Master fee schedule

Library and Community Services – Aquatics

Aquatics fees in this section shall take effect April 1, 2024.

Proposed Library and Community Services – aquatics fees	
Fee title	Proposed fee
Memberships	
Lap and open swim (per month)	
General resident	\$65
General non-resident	\$71
Senior resident	\$52
Senior non-resident	\$57
Hyperlocal resident*	\$42
Masters (per month)	
General resident	\$114
General non-resident	\$124
Senior resident	\$91
Senior non-resident	\$99
Hyperlocal resident*	\$74
Aqua fit (per month)	
General resident	\$88
General non-resident	\$96
Senior resident	\$70
Senior non-resident	\$77
Hyperlocal resident*	\$57
Drop-in	
Lap swim (per visit)	
General resident	\$9
General non-resident	\$10
Senior resident	\$7
Senior non-resident	\$8

Hyperlocal resident*	\$6
Open swim (per visit)	
General resident	\$9
General non-resident	\$10
General hyperlocal resident*	\$6
Child resident	\$5
Child non-resident	\$5
Child hyperlocal resident*	\$3
Family resident	\$24
Family non-resident	\$26
Family hyperlocal resident*	\$16
Spectator resident	\$3
Spectator non-resident	\$3
Masters (per visit)	
General resident	\$20
General non-resident	\$22
Hyperlocal resident*	\$13
Aqua fit (per session)	
General resident	\$20
General non-resident	\$22
Hyperlocal resident*	\$13
Bundle discount	
Register for one aquatics program, and the same registrant may be eligible to register for a second program up to 50% off select programs.	Varies
Swim lessons (per ½ hour)	
Group lessons - resident	\$29
Group lessons - non-resident	\$32
Group lessons – hyperlocal resident*	\$19
Private lessons - resident	\$79
Private lessons - non-resident	\$86
Private lessons – hyperlocal resident*	\$51

Fee-assisted scholarship (residents only)	\$5
Youth bridge program (per ¾ hour)	
Youth bridge program - resident	\$24
Youth bridge program - non-resident	\$26
Youth bridge program – hyperlocal resident*	\$16
Youth camps (per hour)	
Youth camps - resident	\$23
Youth camps - non-resident	\$25
Youth camps – hyperlocal resident*	\$15
Group programming (per hour)	
Group programming - resident	\$24
Group programming - non-resident	\$26
Group programming – hyperlocal Resident*	\$16
Subcontractor lane rental (per hour per lane)	
Subcontractor lane rental - resident	\$20
Subcontractor lane rental - non-resident	\$22

*The hyperlocal fee rate applies to residents who live or attend K-12 school within the neighborhood service area of the Belle Haven Community Campus.

Early working draft version of the aquatics fees that were erroneously published in the Dec. 5 draft ordinance. Erroneously published fees are indicated in ~~strikethrough~~ font.

Proposed Library and Community Services — Aquatics Fees	
Fee Title	Proposed Fee
Memberships (per month)	
Lap & Open Swim	
General Resident	\$65
General Non-Resident	\$88
Senior Resident	\$52
Senior Non-Resident	\$82
Masters	
General Resident	\$114
General Non-Resident	\$153
Senior Resident	\$104
Senior Non-Resident	\$140
Team (Annual)	\$30
Aqua-Fit	
General Resident	\$78
General Non-Resident	\$105
Senior Resident	\$70
Senior Non-Resident	\$95
Aqua Therapy	
General Resident	\$119
General Non-Resident	\$160
Drop-in (per day)	
Lap Swim	
General Resident	\$9
General Non-Resident	\$10
Senior Resident	\$8
Senior Non-Resident	\$9
Fee Assisted (Resident only)	\$5
Spectator Resident	\$4
Spectator Non-Resident	\$5
Open Swim	
General Resident	\$9
General Non-Resident	\$12
Child Resident	\$5
Child Non-Resident	\$7
Family Resident	\$28
Family Non-Resident	\$38

Proposed Library and Community Services — Aquatics Fees	
Fee Title	Proposed Fee
Fee Assisted (Resident only)	\$5
Spectator Resident	\$4
Spectator Non-Resident	\$5
Masters	
General Resident	\$20
General Non-Resident	\$27
Fee Assisted (Resident only)	\$5
Spectator Resident	\$4
Spectator Non-Resident	\$5
Aqua Fit (per session)	
General Resident	\$20
General Non-Resident	\$27
Fee Assisted (Resident only)	\$5
Spectator Resident	\$4
Spectator Non-Resident	\$5
Swim Lessons (per session)	
Group Lessons — Resident	\$25
Group Lessons — Non-Resident	\$35
Group Lessons — Fee Assisted (Resident only)	\$5
Water Babies — Resident	\$25
Water Babies — Non-Resident	\$35
Water Babies — Fee Assisted (Resident only)	\$5
Level 1 & 2 Resident	\$25
Level 1 & 2 Non-Resident	\$35
Level 1 & 2 — Fee Assisted (Resident only)	\$5
Level 2 & 3 Resident	\$25
Level 2 & 3 Non-Resident	\$35
Level 2 & 3 — Fee Assisted (Resident only)	\$5
Swim School Adult Lessons	\$35
Bridge Program Resident	\$16
Bridge Program Non-Resident	\$22
Bridge Program — Fee Assisted (Resident only)	\$5
Pre Bridge Program Resident	\$16
Pre Bridge Program Non-Resident	\$22
Pre Bridge Program — Fee Assisted (Resident only)	\$5
Beginner Resident	\$16
Pre Bridge Program Non-Resident	\$22
Pre Bridge Program — Fee Assisted (Resident only)	\$5
Intermediate Resident	\$16

Proposed Library and Community Services — Aquatics Fees

Fee Title	Proposed Fee
Intermediate Non Resident	\$22
Intermediate Fee Assisted (Resident only)	\$5
Private Lessons Resident	\$76
Private Lessons Non Resident	\$103
Subcontractor Per Lane Fee	\$18