



SPECIAL AND REGULAR MEETING MINUTES – DRAFT

Date: 12/10/2019
Time: 5:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

5:30 p.m. Study Session

SS1. Update on the current Climate Action Plan and potential scope for developing a Climate Action Plan 2.0 ([Staff Report #19-266-CC](#))

Sustainability Manager Rebecca Lucky made the presentation (Attachment).

- Mitch Slomiak spoke in support of the climate action plan.
- Josie Gaillard spoke in support of the climate action plan.
- Jen Wolosin spoke in support of the climate action plan.
- Nancy Grove spoke in support of the climate action plan.
- Tom Kabat spoke in support of the climate action plan.
- Chris DeCardy spoke in support of the climate action plan.
- Ryann Price spoke in support of the climate action plan.
- Adina Levin spoke in support of the climate action plan.
- Ronen Vengosh spoke in support of the climate action plan.
- Nicole Kemeny spoke in support of a more aggressive climate action plan.
- Diane Bailey spoke in support of the climate action plan.
- Fire Chief Harold Schapelhouman announced an all-electric fire truck demonstration tomorrow night and the impacts of climate crises on firefighters.

The City Council expressed general support in developing a climate action plan 2.0 in 2020 with a focus on reaching carbon neutrality by 2030 using the proposed strategies from the recommendations of the Environmental Quality Commission and the Carbon Neutral Cities Alliance. The City Council discussed shortening the project timeline and including wider community engagement on the plan. The Council created a subcommittee to further evaluate, appointing Mayor Mueller and City Councilmember Nash.

SS2. City drone program ([Presentation](#))

Assistant Public Works Director Brian Henry, Assistant Community Development Director - Building Chuck Andrews, and Sergeant Aaron Dixon made the presentation (Attachment).

- Adina Levin expressed concerns regarding civil liberty matters but supported a modified drone

program without law enforcement usage.

- Pamela Jones spoke in support of law enforcement having the resources they need and requested more data and a robust community engagement process before authorizing a drone program.
- Smitha Gundavajhala expressed concerns on the use of drones and the need for community input.

The City Council discussed the recording capabilities and activities and the retention schedule for the videos. Also discussed was the option to partner with the Menlo Park Fire Protection district.

The City Council requested more information on the resource allocation, cost, and implementation.

The City Council took a recess at 7:53 p.m.

The City Council reconvened at 8:04 p.m.

Regular Meeting

A. Call To Order

Mayor Mueller called the meeting to order at 8:04 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Mueller, Taylor

Absent: None

Staff: City Manager Starla Jerome-Robinson, City Attorney William McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller lead the Pledge of Allegiance.

Mayor Mueller reordered the agenda.

Regular Business

- F6. First Reading and introduction of ordinance No. 1064 banning sale of flavored tobacco and e-cigarette devices ([Staff Report #19-270-CC](#))

Assistant City Attorney Cara Silver made the presentation (Attachment).

- Shawneice Stevenson spoke in support of the ordinance.
- Craig A. Wingate spoke in support of the ordinance.
- Smitha Gundavajhala spoke in support of the ordinance.
- Eileen Kim spoke in support of the ordinance.
- Tricia Barr spoke in support of the ordinance.

Mayor Pro Tem Taylor distributed an email to the City Council (Attachment).

The City Council received clarification on enforcement. The City Council directed staff to refer a

proposal for the ban on smoke shops and hookah lounges to the Planning Commission for its consideration and recommendation.

ACTION: Motion and second (Carlton/ Nash) to approve the first reading and introduction of Ordinance No. 1064 banning sale of flavored tobacco and e-cigarette devices adding enforcement: allowing the city manager to also withdraw tobacco permits, prohibition against free samples/coupons, prohibition against out of package samples, and prohibition against self-service displays to Sections 5.25.010(c), 5.26.011(i), 5.26.011(j), and 4.96.330 of the ordinance and referring the ban on smoke shops and hookah lounges to the Planning Commission, passed unanimously.

D. Public Comment

- Adina Levin spoke on the closure of Willow Oaks School and the impacts.
- Smitha Gundavajhala spoke on the effects of smoking in multiunit housing.
- Kate Comfort Harr spoke on the services offered by Hip-Housing.
- Deadra Lampkin spoke on concerns regarding little league and education restrictions in the Belle Haven neighborhood.

E. Consent Calendar

City Councilmember Carlton pulled item E4.

City Councilmember Nash pulled items E1 and E2.

Staff pulled item E5.

ACTION: Motion and second (Nash/ Taylor) to approve the consent calendar except items E1, E2, E4, and E5, passed unanimously.

- E1. Accept the City Council meeting minutes for October 29, November 5, and November 12, 2019 ([Attachment](#))

The City Council requested that “The remaining \$319,000 will be borrowed from the CIP fund and will be paid by SLESF grant funding in fiscal year 19-20, 20-21 and 21-22.” be added to the November 12 minutes.

ACTION: By acclamation, the City Council approved the City Council meeting minutes for October 29, November 5, and November 12, 2019, passed unanimously.

- E2. Authorize the City Manager to enter into a funding agreement with the Peninsula Arts Guild for crossing improvements to El Camino Real and receive and file an update on anticipated construction traffic impacts for the Guild Theater ([Staff Report #19-264-CC](#))

- Adina Levin spoke on the pedestrian improvements in conjunction with the Guild project.

The City Council directed staff to also evaluate and report back on the possibility to study a no right turn on red on northbound El Camino Real at Ravenswood Avenue; a leading pedestrian interval for the intersection; and a keep clear at the driveway for 989-999 El Camino Real.

ACTION: Motion and second (Nash/ Taylor) to authorize the City Manager to enter into a funding agreement with

the Peninsula Arts Guild for crossing improvements to El Camino Real and receive and file an update on anticipated construction traffic impacts for the Guild Theater, passed unanimously.

E3. Transmittal of the Annual Report on the status of the transportation impact, storm drainage, recreation in-lieu, below market rate housing in-lieu, and construction impact fees collected as of June 30, 2019 ([Staff Report #19-262-CC](#))

E4. Approve the formation of a Youth Advisory Committee to advise staff and the Parks and Recreation Commission ([Staff Report #19-265-CC](#))

The City Council discussed the selection criteria to include a diverse grade level, geography in Menlo Park, and that members of City Council and advisory bodies are prohibited from lobbying. City Council directed staff to have the Committee report out to the City Council annually and approve Committee created subcommittees.

ACTION: Motion and second (Taylor/ Carlton) to approve the formation of a Youth Advisory Committee to advise staff and the Parks and Recreation Commission, passed unanimously.

E5. Waive second reading and adopt Ordinance No. 1061 amending Chapter 13.26 [Transportation Impact Fee program] of Title 13 [Streets, sidewalks and utilities] and adopt resolution No. 6533 to establish new Transportation Impact Fee rates ([Staff Report #19-267-CC](#)) ([Supplemental](#))

The City Council received clarification on the ordinance language and fee waivers for affordable housing units.

ACTION: Motion and second (Combs/ Carlton) to waive second reading and adopt Ordinance No. 1061 amending Chapter 13.26 [Transportation Impact Fee program] of Title 13 [Streets, sidewalks and utilities] and adopt resolution No. 6533 to establish new Transportation Impact Fee rates, passed unanimously.

E6. Authorize the city manager to enter into an agreement for water utility billing services ([Staff Report #19-263-CC](#))

F. Regular Business

F1. Adopt Resolution No. 6534 approving the City Council Community Funding Subcommittee's recommendations regarding the 2019-20 community funding allocation ([Staff Report #19-268-CC](#))

The City Council requested future consideration of providing financial assistance to Menlo Park Municipal Water customers.

ACTION: Motion and second (Taylor/ Combs) to adopt Resolution No. 6534 approving the City Council Community Funding Subcommittee's recommendations regarding the 2019-20 community funding allocation, passed unanimously.

F2. Adopt Resolution No. 6535 endorsing the declaration of a climate emergency that demands accelerated actions on the climate crisis and requests regional collaboration to address climate change ([Staff Report #19-269-CC](#))

The City Council received clarification that the approval of the resolution does not affect the current

work plan and that San Mateo County does not provide funding. City Council directed staff to update the word “considerations” and add “age” to No. 3 in the resolution.

ACTION: Motion and second (Taylor/ Combs) to adopt Resolution No. 6535 endorsing the declaration of a climate emergency that demands accelerated actions on the climate crisis and requests regional collaboration to address climate change, passed unanimously.

F3. Receive the comprehensive annual financial report for the fiscal year ended June 30, 2019
([Staff Report #19-261-CC](#))

Budget and Finance Manager Dan Jacobson and Administrative Services Director Lenka Diaz made the presentation (Attachment).

- Ron Shepherd commented that the Finance and Audit Committee did not have the opportunity to review comprehensive annual financial report before City Council received.

The City Council discussed future scheduling of the Finance and Audit Committee meetings to ensure a quorum, and that the auditor be available to review the comprehensive annual financial report with the Finance and Audit Committee.

ACTION: Motion and second (Carlton/ Combs) to receive the comprehensive annual financial report for the fiscal year ended June 30, 2019, passed unanimously.

G. Informational Items

G2. Update on the Belle Haven Multi-generational Community Center and Library
([Staff Report #19-272-CC](#))

The City Council received clarification on who participated in the meetings referenced in the staff report.

F4. Update and appoint or reappoint councilmembers to various City Council ad hoc subcommittees
([Staff Report #19-260-CC](#))

City Councilmember Combs was recused and exited the chambers.

ACTION: By acclamation (Combs recused), the City Council created an ad hoc subcommittee on Facebook/Willow Village development agreement negotiations and appoint councilmembers Mayor Pro Tem Taylor and City Councilmember Nash and Taylor.

ACTION: By acclamation (Combs recused), the City Council established a City Council ad hoc subcommittee on the Belle Haven multigenerational Community Center and Library and appointed Mayor Pro Tem Taylor and City Councilmember Carlton.

City Councilmember Combs reentered the chambers.

ACTION: By acclamation, the City Council reappointed Mayor Mueller and City Councilmember Carlton to the City Council procedures update ad hoc subcommittee, and appointed Mayor Pro Tem Taylor and City Councilmember Combs to the Willow/101 interchange improvements ad hoc subcommittee.

ACTION: Motion and second (Taylor/ Nash) to reappoint Mayor Pro Tem Taylor and City Councilmember Nash to the Stanford University 2108 general use permit ad hoc subcommittee, failed 2-3 (Carlton, Combs, and Mueller dissenting).

ACTION: Motion and second (Mueller/ Carlton) to appoint Mayor Mueller and City Councilmember Nash to the Stanford University 2108 general use permit ad hoc subcommittee, passed 3- 2(Nash and Taylor dissenting).

F5. First reading and introduction of Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code, adopt Resolution No. 6532 ratifying the Menlo Park Fire Protection District ordinance adopting amendments to the 2019 California Fire Code with modifications, and adopt Resolution No. 6530 to direct fines collected for violations of the construction and demolition recycling ordinance (12.48) to be used for zero waste initiatives ([Staff Report #19-250-CC](#))
Assistant Community Development Director - Building Chuck Andrews and Fire Marshall Jon Johnston made the presentation.

The City Council requested that “official” be added to building for clarity. The City Council received clarification on the term “at grade” and discussed the amount of electric vehicle parking stall requirements.

ACTION: Motion and second (Taylor/ Nash) to approve the first reading and introduction of Ordinance No. 1062 amending Title 12 [Buildings and Construction] of the Menlo Park Municipal Code to adopt local amendments to the California Building Standards Code, adopt Resolution No. 6532 ratifying the Menlo Park Fire Protection District ordinance adopting amendments to the 2019 California Fire Code with modifications, and adopt Resolution No. 6530 to direct fines collected for violations of the construction and demolition recycling ordinance (12.48) to be used for zero waste initiatives, passed unanimously.

Item F7 was continued

F7. Authorize a pool rental fee waiver of \$12,000 for Mr. Max Fennell to conduct a 12-week learn-to-swim program at the Belle Haven pool beginning in January 2020, and authorize staff to waive standard contract instructor revenue share requirements for the program ([Staff Report #19-271-CC](#))

G. Informational Items

G1. City Council agenda topics: December 2019 to February 2020 ([Staff Report #19-259-CC](#))

H. City Manager's Report

None.

I. City Councilmember Reports

City Councilmember Carlton reported on the Lead Leaders for the League of Californian Cities meeting.

Mayor Pro Tem Taylor reported on San Francisco Airport/Community Round table meeting on December 4.

J. Adjournment

Mayor Mueller adjourned the meeting at 10:36 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of January 28, 2020.



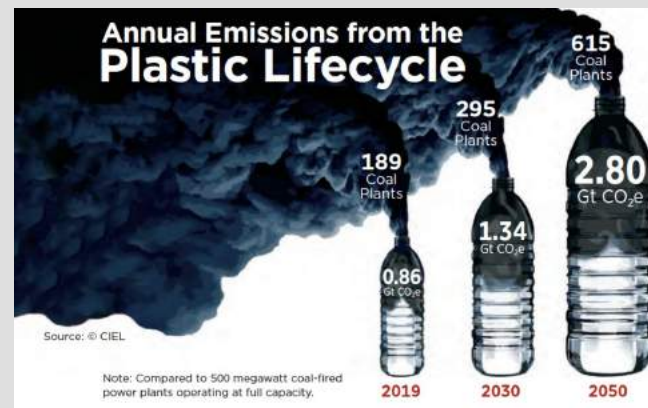
CLIMATE ACTION PLAN STUDY SESSION

Rebecca Lucky, Sustainability Manager



WHY LOCAL ACTION ON A GLOBAL ISSUE?

- Climate change is drastically changing the atmosphere:
 - Displacement/extinction of people and species
 - Affects agriculture production
 - Reduces the availability of freshwater through prolonged droughts
 - Increases wildfires and floods in quantity and severity
 - Sea level rise threatens coastal communities (e.g. Belle Haven)
- Fossil fuels that create greenhouse gas (GHG) emissions include:
 - Gasoline from vehicles
 - Natural gas in buildings
 - Production and transport of goods and services (e.g. plastics, meat and disposable foodware)
- Emissions are also created by waste that is landfilled known as methane





MENLO PARK'S CLIMATE ACTION PLAN

- Adopted in 2009 with most recent update in 2018
- Living document to guide all policies, programs and projects in the city to reduce greenhouse gas (GHG) emissions
- GHG reduction target = 27% below 2005 levels by 2020
 - As of 2017, 18.6 reduction



CURRENT GLOBAL CONDITIONS AND ADVICE

- 2018 United Nations IPCC reports there is only 10 years left to mitigate severest climate change impacts
- Many cities are declaring a climate emergency
- Mayor signs proclamation to continue to tackle climate change at a local level on Earth Day
- Environmental Quality Commission advises swift action be taken starting with developing a new GHG target and strategies





ENVIRONMENTAL QUALITY COMMISSION ADVICE

- Explore a new target to be carbon neutral by 2030
 - Bolder than other communities and the state
 - 40% by 2030 and 80% by 2050
- Explore the following 10 strategies:
 1. 100 percent carbon-free electricity through Peninsula Clean Energy membership
 2. Completely electrify existing buildings
 3. Reduce vehicle miles traveled (VMT)
 4. Electrify vehicles, reduce gasoline sales and increase EV infrastructure
 5. Reduce carbon emissions from construction
 6. Electrify all municipal buildings and fleet vehicles
 7. Implement Community Zero Waste Plan and catalyze a circular economy
 8. Avoid installing appliances/structures that will be abandoned due to climate change (e.g., gas water heaters)
 9. Sequester residual carbon emissions through direct carbon sinks (urban canopy, increased landscaped areas, etc.)
 10. Prepare the City for climate change through adaption measures

PROCESS FOR A CLIMATE ACTION PLAN 2.0

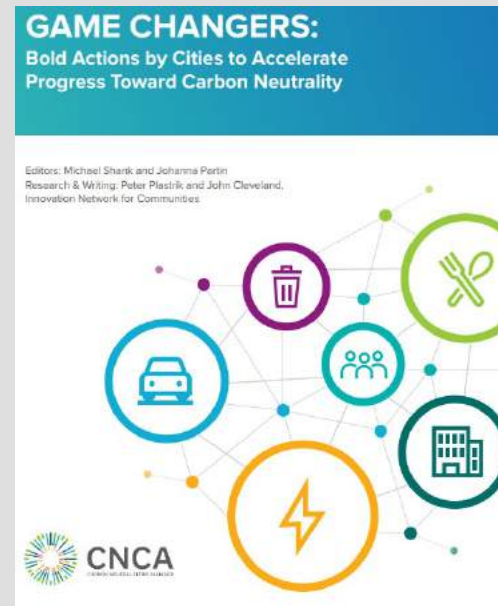


- Proposed for 2020 City Council work plan
- Key milestones in 2020
 - January to April: Project planning, engagement with key stakeholders, and program/policy analysis
 - May/June: City Council study session
 - July to November: Adopt Climate Action Plan (CAP) 2.0
- Community engagement
 - Type of engagement “consultation”
 - Feedback would be documented with general trends reported/evaluated
 - The final product/recommendation to City Council may or may not incorporate feedback based on further analysis
 - City Council is the final decision maker
 - Outreach to targeted commissions and key stakeholders
 - Environmental Quality Commission, Complete Streets, Planning Commission
 - Local nonprofits, Chamber of Commerce, key development community stakeholders

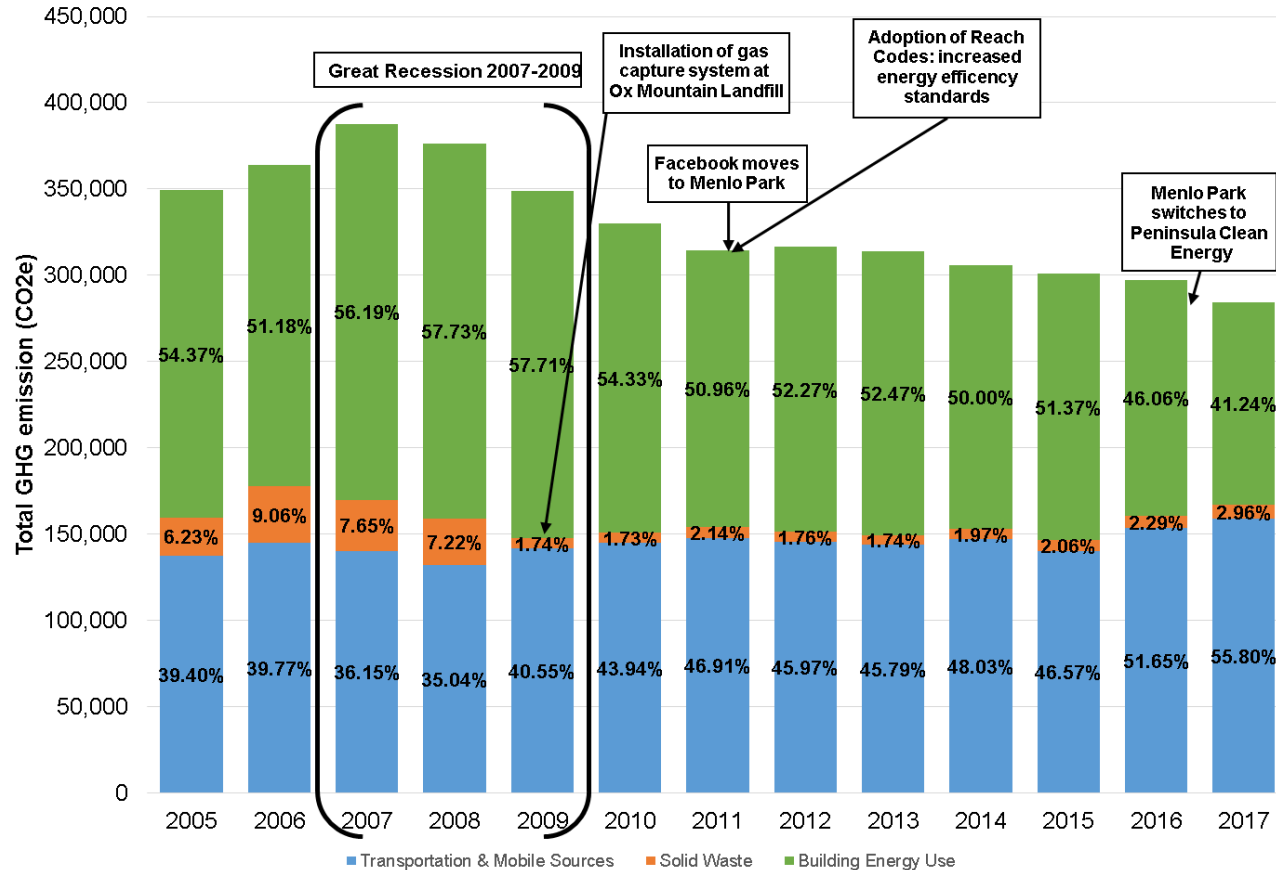


GENERAL PROPOSED SCOPE OF PROJECT

- Carbon neutrality goal
- Develop strategies using advice from the EQC and Carbon Neutral Cities Alliance
- Redefine how GHG reduction goal is measured using specific goals for each strategy
- Analyze staff resources and funding needs to implement the plan
- Incorporate equity goals within strategies
- Consider prioritization of strategies
 1. Electrify existing buildings
 2. Communitywide electric vehicle infrastructure
 3. Develop and implement zero waste plan policies and programs

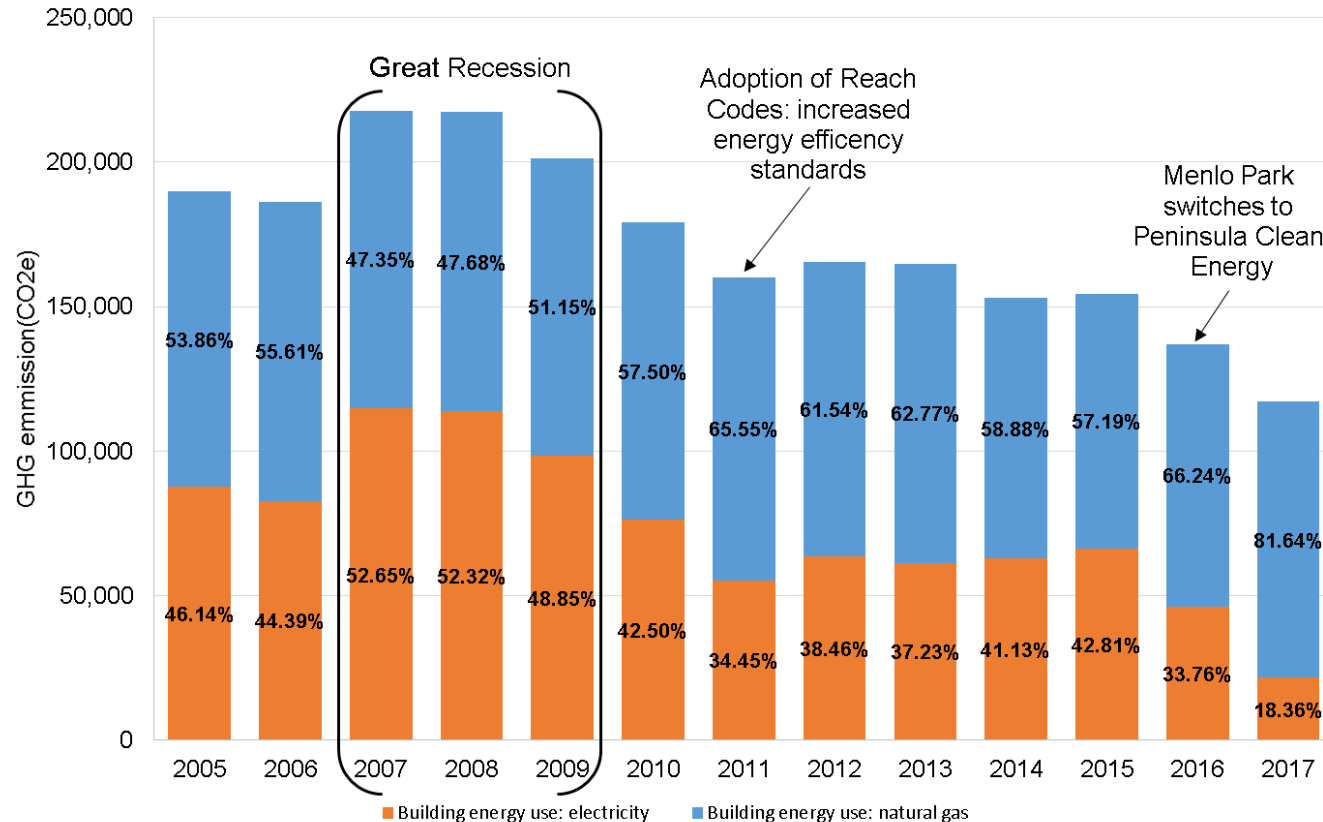


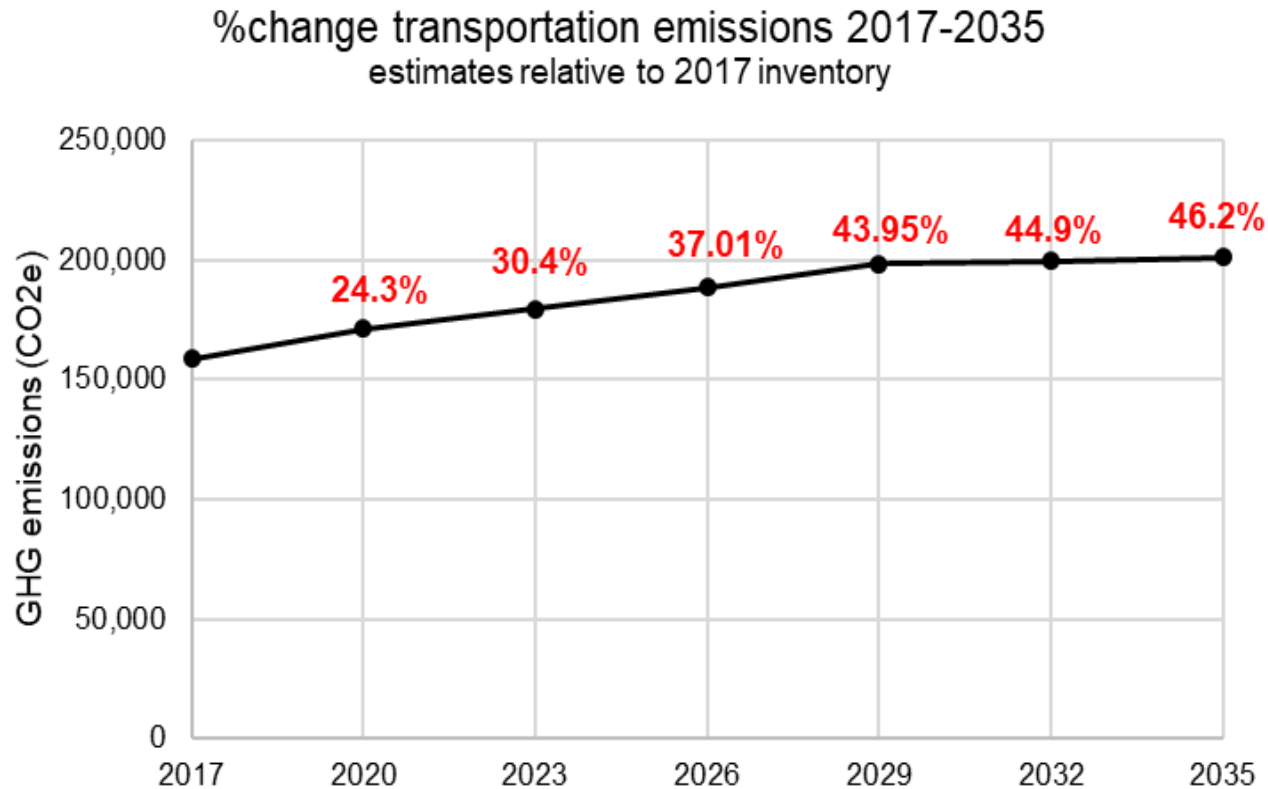
Community greenhouse gas emissions 2005-2017

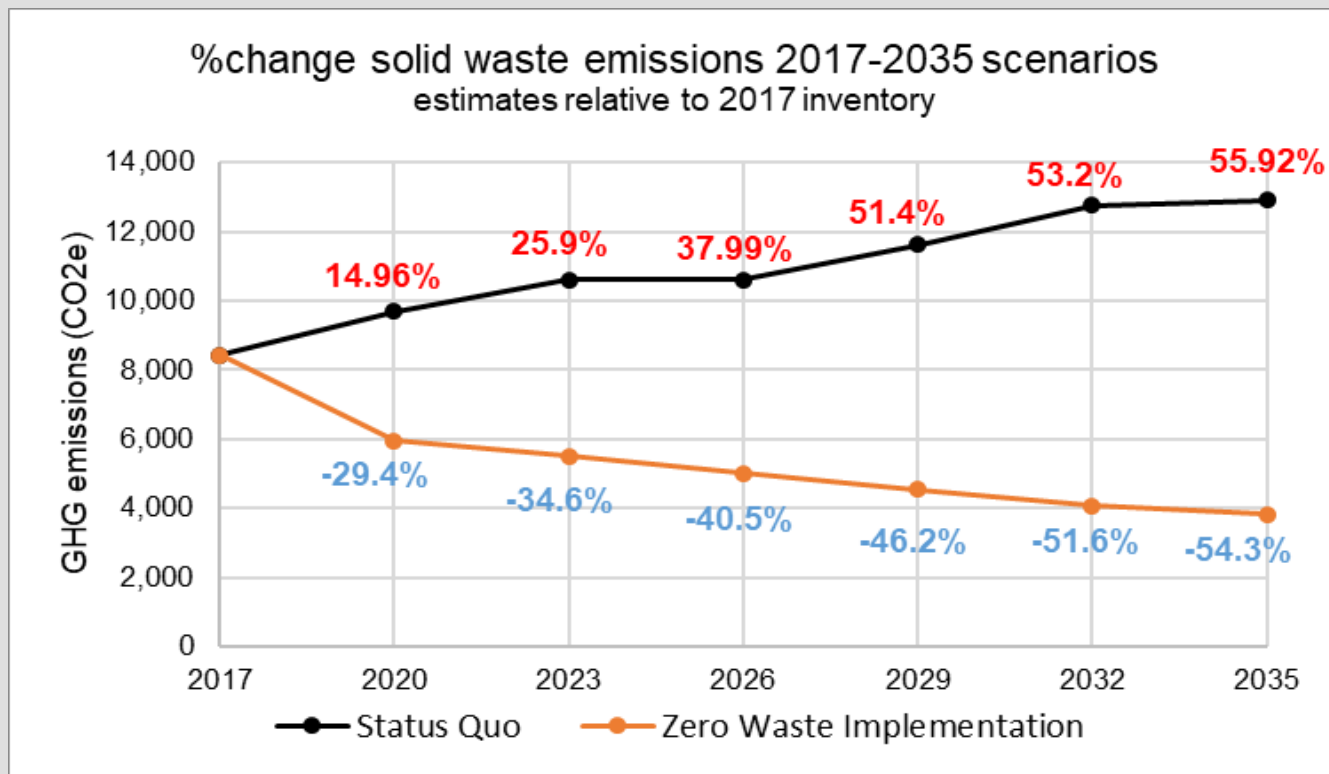




Total building energy use emissions 2005-2017 (electricity versus natural gas)







RESOURCES AND FUNDING A CAP 2.0



- Carbon neutral by 2030 will be challenging and will require additional staff and resources
- Other cities:
 - Mountain View is committing \$4.5 million over the next 3 years in 10 new staff positons (temporary and permanent)
 - Sunnyvale is adding three new positions totaling \$500,000 per year
- Current sustainability staff resources:
 - One dedicated to new policy and program development
 - One dedicated to implementation
 - \$100,000 for CAP and \$100,000 for Zero Waste
 - Not all work is entirely dedicated to the CAP

■



DIRECTION FROM CITY COUNCIL

- Support or clarify information

- Feedback on proposed:
 - Consideration for 2020 work plan
 - Project scope
 - Community engagement
 - GHG reduction target
 - Strategies and/or focus areas
 - Resources and staffing



THANK YOU



UNMANNED AERIAL SYSTEMS (UAS)

Aaron Dixon, Brian Henry, and Chuck Andrews

The background of the slide is a photograph of a brick building at night. The building has a dark roof with wide eaves. The underside of the eaves is illuminated with warm, yellow light. A large window on the left is also lit from within. In the lower portion of the image, a brick wall features a plaque that reads "ARRIENGA FAMILY GYMNASIUM".

ARRIENGA FAMILY
GYMNASIUM



AGENDA

- Purpose of a proposed UAS program
- Background and existing UAS policy (parks)
- Information about potential UAS usage
- City Council feedback and direction



BACKGROUND

- What is a drone?
 - Camera on a stick
- UAS program and policy
 - Program could model existing Mountain View program
 - Identify and address any community concerns
 - Focus on civil liberties
 - Follow ACLU policy recommendations

UAS Technology Platforms

Consumer and/or Industrial grade platforms



Spark

Mavic 2

Phantom 4

Inspire 2

Matrice 200



CITYWIDE PROGRAM POTENTIAL

- Various departments
 - Public Works
 - Community Development
 - Police
 - Others?
- Pilots and training
 - Volunteers from various city departments
 - Required FAA training and certification

PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels



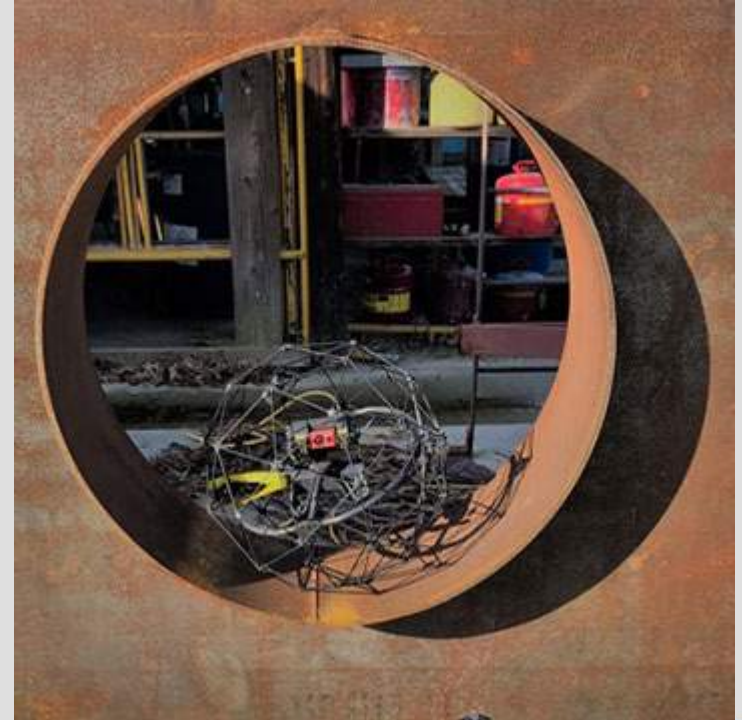
PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces
- Parks inspections
 - Bedwell Bayfront Park



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces
- Parks inspections
 - Bedwell Bayfront Park
 - Sharon Park



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces
- Parks inspections
 - Bedwell Bayfront Park
 - Sharon Park
- City arborist inspections
 - Tree health



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces
- Parks inspections
 - Bedwell Bayfront Park
 - Sharon Park
- City arborist inspections
 - Tree health
 - Nest identification



PUBLIC WORKS

- Facilities inspections
 - Rooftop solar panels
 - Gutter and downspouts
 - Confined spaces
- Parks inspections
 - Bedwell Bayfront Park
 - Sharon Park
- City arborist inspections
 - Tree health
 - Nest identification
- Engineering and CIP
 - Willow Place Bridge abutment



COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures



COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures
 - Large scale projects



COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures
 - Large scale projects
 - Rooftop solar panels



COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures
 - Large scale projects
 - Rooftop solar panels
 - Cellular installations



COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures
 - Large scale projects
 - Rooftop solar panels
 - Cellular installations
 - Rooftop A/C units



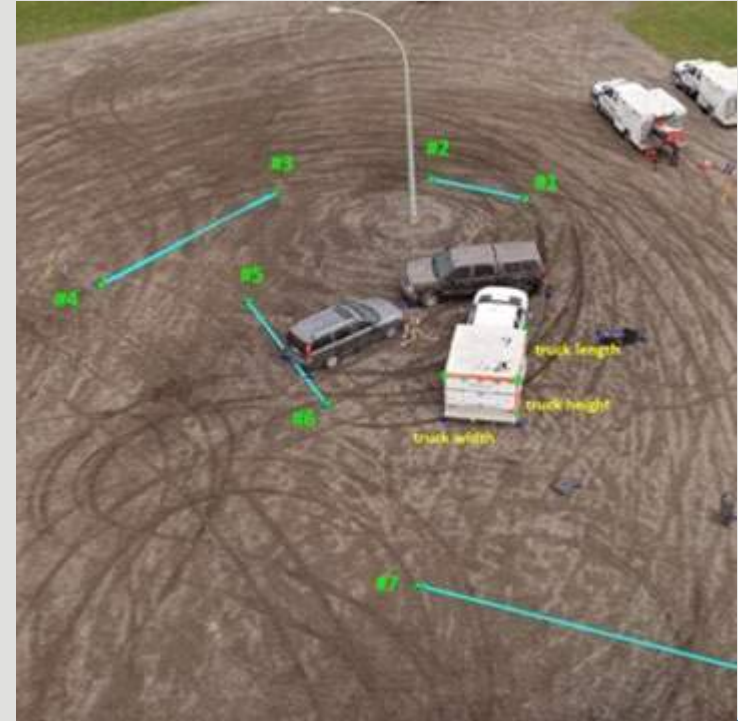
COMMUNITY DEVELOPMENT

- Building inspections
 - Unsafe structures
 - Large scale projects
 - Rooftop solar panels
 - Cellular installations
 - Rooftop A/C units
- Planning inspections
 - Construction progress



POLICE

- Document scenes
 - Traffic collision investigations



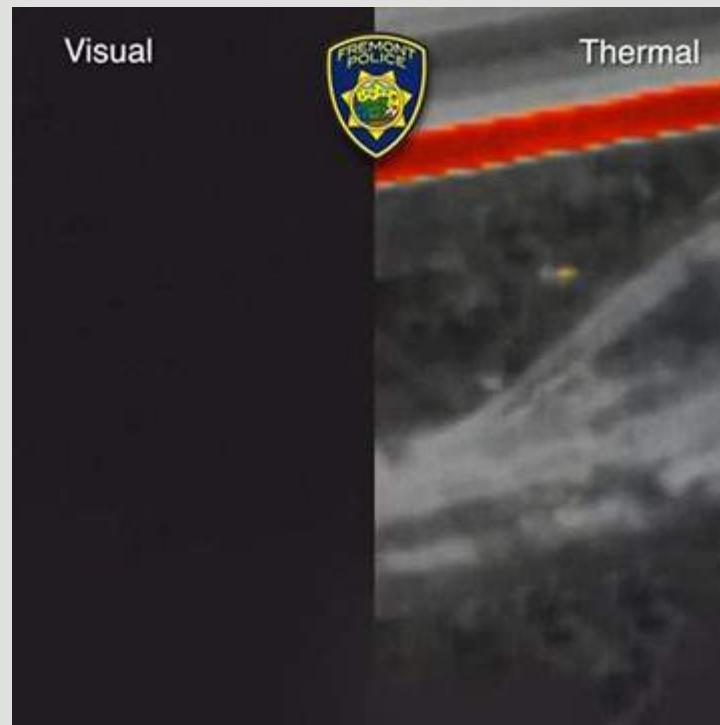
POLICE

- Document scenes
 - Traffic collision investigations
 - Crime scene reconstruction



POLICE

- Document scenes
 - Traffic collision investigations
 - Crime scene reconstruction
- Improve search capability
 - Missing persons/victims



POLICE

- Document scenes
 - Traffic collision investigations
 - Crime scene reconstruction
- Improve search capability
 - Missing persons/victims
 - Suspects



POLICE

- Document scenes
 - Traffic collision investigations
 - Crime scene reconstruction
- Improve search capability
 - Missing persons/victims
 - Suspects
- Enhance situational awareness
 - Planned events



POLICE

- Document scenes
 - Traffic collision investigations
 - Crime scene reconstruction
- Improve search capability
 - Missing persons/victims
 - Suspects
- Enhance situational awareness
 - Planned events
 - In-progress crimes





CHULA VISTA, CALIFORNIA DRONE PROGRAM



Video URL: <https://fox5sandiego.com/2019/10/09/chula-vista-drone-program-nets-130-arrests-in-1-year/>



POLICY CONSIDERATIONS

- No intentional observation of locations where a person has a reasonable expectation of privacy
 - Residential backyards, inside of homes or private buildings
- No random surveillance activities
 - Only deployed for approved uses or in response to calls or active incidents
- No discrimination or harassment
- No personal use of drones
- Approved data retention plan
 - Stored in the same database as body-worn cameras and maintained the same way



POTENTIAL PROGRAM COMPONENTS AND CONSIDERATIONS

- Program coordinator, operation and administration
- Approved/prohibited uses
- Compliance with applicable laws and regulations (FAA)
- Equipment selection, maintenance and pilot training
- Deployment areas and range (geofencing?)



THANK YOU



ORDINANCE BANNING SALE OF FLAVORED TOBACCO AND E-CIGARETTES



AGENDA

- Need for local regulation
- Overview of proposed ordinance
- Optional additional provisions

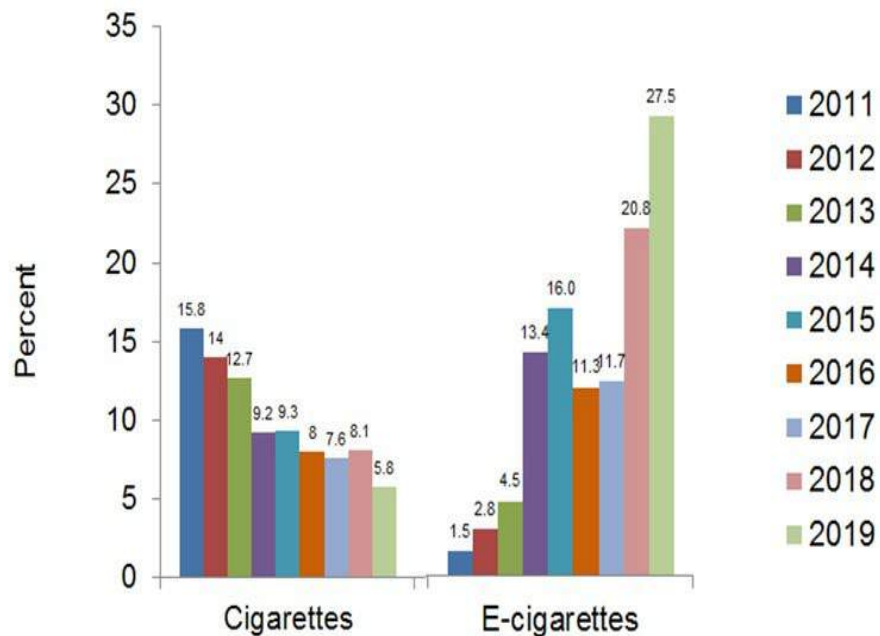




CURRENT HEALTH CRISIS

- In December 2018, the surgeon general declared the use of e-cigarettes among youth an “epidemic.”
- Between 2017-2018, percentage of high school-age children reporting past 30-day use of e-cigarettes rose by more than 75 percent.
- Use among middle school-age children also increased nearly 50 percent.
- Increase largely attributable to Juul and other copycat e-cigarettes that:
 - Have a sleek high tech design
 - Easy to conceal
 - Odorless
 - Comes in flavors like mango, bubblegum and mint
 - Marketed on social media
- 80 percent of kids who have used tobacco started with a flavored product

NATIONAL YOUTH TOBACCO SURVEY*: HIGH SCHOOL STUDENT USE OF E-CIGARETTES CONTINUES TO CLIMB



* Preliminary data

* Reported use within
30 days preceding
administration of survey.





REGULATORY ENVIRONMENT

■ Federal regulation

- Federal law contains some tobacco regulations, but currently permits more restrictive local regulation
- FDA recently announced its intent to ban e-cigarettes but has not yet taken action.

■ State regulation

- Current laws prohibit sales of tobacco products to anyone under 21.
- More targeted anti-vaping legislation introduced last session, but did not pass

■ Local regulation

- San Mateo County – passed flavored tobacco ban in 2018; passed e-cigarette ban in November 2019
- County of Santa Clara – recently adopted flavored tobacco and e-cigarette ban
- Portola Valley, Half Moon Bay and San Carlos – flavored tobacco ban
- Menlo Park – conducted study session on November 5 and directed City Attorney to bring back flavored tobacco/e-cigarette ban based on San Mateo County model



PROPOSED MENLO PARK ORDINANCE



- Sale of flavored tobacco/ e-cigarette ban
 - Utilizes existing tobacco retailer permit
 - Bans flavored tobacco products (including mint and menthol) and e-cigarettes from being sold in city
 - Bans pharmacies from selling tobacco products and e-cigarettes
- Use of flavored tobacco products
 - Bans vaping in areas where smoking is currently banned.
- Enforcement
 - Only applies to retailer, not customer
 - Anticipate focused initial outreach with volunteer support
 - City manager has increased civil enforcement authority



ADDITIONAL PROVISIONS FOR COUNCIL DISCUSSION

- Enforcement: Allow city manager to also withdraw tobacco permits
- Prohibition against free samples/coupons
- Prohibition against out of package samples
- Prohibition against self service displays
- Ban on smoke shops/hookah lounges
- Ban on “distribution” as well as sale



CONCLUSION

Herren, Judi A

From: Taylor, Cecilia
Sent: Tuesday, December 10, 2019 5:36 PM
To: Herren, Judi A
Subject: Fwd: Vaping and Tobacco Ordinance

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Judi,
Can you print this for Council?
Cecilia Taylor, Mayor Pro Tem
Menlo Park City Council
701 Laurel Street
Menlo Park, CA 94025

From: Cara E. Silver <ces@jsmf.com>
Sent: Tuesday, December 10, 2019 4:54 PM
To: Taylor, Cecilia
Subject: RE: Vaping and Tobacco Ordinance

CAUTION: This email originated from outside of the organization. Unless you recognize the sender's email address and know the content is safe, DO NOT click links, open attachments or reply.

Hi Cecilia,
Here is the information I received from the County regarding number of tobacco retail permits.

To our knowledge, there are 22 tobacco retail permits issued in Menlo Park. This excludes any retailers that require membership to enter (like Costco). We conducted a survey in 2016 that found that 73.5% of tobacco retailers in San Mateo County (excludes retailers at SFO and those that require membership to enter) had flavored non-cigarette tobacco products, 54.4% had electronic smoking devices, and 88.2% had menthol cigarettes.

Thanks,

Cara E. Silver
Jorgenson, Siegel, McClure & Flegel, LLP
1100 Alma Street, Suite 210
Menlo Park, CA 94025
(650) 324-9300
jsmf.com

CONFIDENTIALITY NOTICE: This e-mail and any attachments are for the sole use of the intended recipients and contain information that may be confidential or legally privileged. If you have received this e-mail in error, please notify the sender by reply e-mail and delete the message. Any disclosure, copying, distribution, or use of this communication by someone other than the intended recipient is prohibited.

-----Original Message-----

From: Taylor, Cecilia <CTTaylor@menlopark.org>

Sent: Tuesday, December 10, 2019 2:36 PM

To: Cara E. Silver <ces@jsmf.com>

Subject: Vaping and Tobacco Ordinance

Cara,

I hope you are doing well. Starla suggested I reach out to you regarding the ordinance. Can we have an exemption for hookah and flavored tobacco related to religious use. I believe it is SB 38.

Best,

Cecilia Taylor, Mayor Pro Tem

Menlo Park City Council

701 Laurel Street

Menlo Park, CA 94025

The background of the slide is a photograph of a park. In the foreground, there is a wooden fence made of vertical posts. Beyond the fence is a grassy field. In the distance, two people are standing on a path. The sky is overcast.

COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Fiscal year ended June 30, 2019



AGENDA

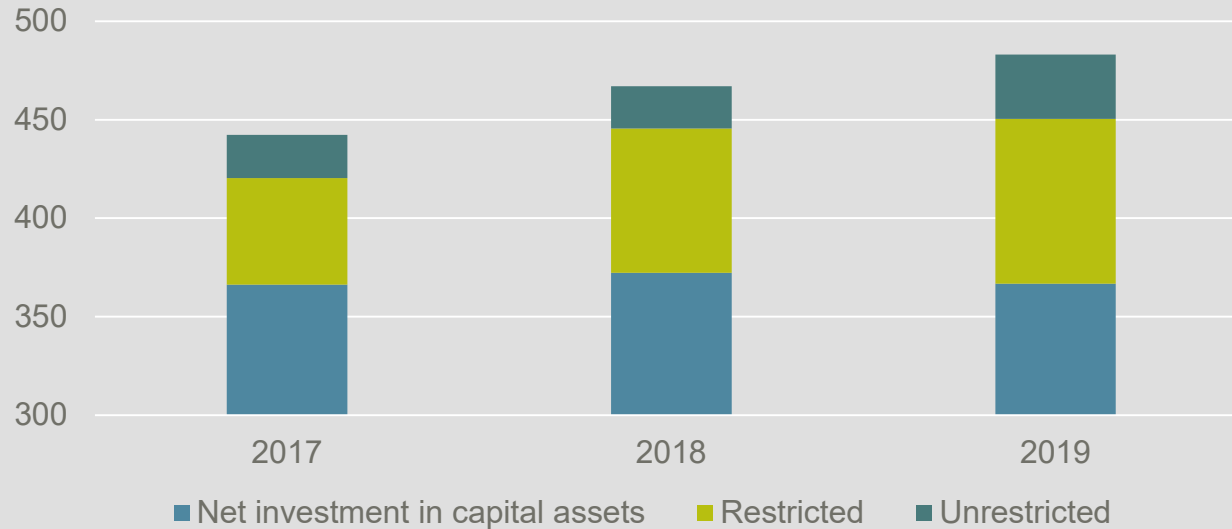
- Net position and fiscal health
- General Fund highlights
- Staffing and pensions
- Questions





NET POSITION

City of Menlo Park Net Position
(\$ millions)





GENERAL FUND HIGHLIGHTS

- Revenue including transfers in: \$70.73 million
- Expenditures including transfers out: \$65.39 million
- Surplus: \$5.34 million
- Committed fund balance
 - Economic stabilization: \$14.00 million
 - Emergency contingency: \$10.30 million
 - Strategic pension reserve: \$4.68 million
 - Fiscal year 2019–20 accelerated pension payments: (\$1.78 million)
- Unassigned fund balance
 - \$6.41 million as of June 30, 2019
 - (\$3.63 million) for 1283 Willow Road purchase
 - One-time money



STAFFING AND PENSIONS

- 287.25 full-time equivalent positions
 - Increase of 9.25 from prior year (2017-18), including 6.0 funded through a development agreement
 - Authorized as part of the fiscal year 2018–19 budget adoption in June 2018
- Pension plan funding history

Plan	2015	2016	2017	2018	2019
Miscellaneous	81.1%	79.7%	74.7%	74.7%	77.2%
Safety	75.3%	73.3%	74.1%	78.4%	79.8%

- Other post-employment benefits: 114.5% funded



AUDIT REPORT AND FINDINGS

- Auditor's opinion is unmodified, the optimal result
- Current year report on internal controls
 - No material weaknesses
 - One significant deficiency – bookkeeping documentation
- Prior year report on internal controls
 - Year-end close process was not effective



TAKEAWAYS

- Revenues exceeded expenditures
- Major investment in capital projects
- Fiscal year 2019–20 includes accelerated pension payments



QUESTIONS