



**CITY COUNCIL  
SPECIAL AND REGULAR MEETING AGENDA  
Tuesday, June 02, 2015 at 6:00 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

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**6:00 P.M. CLOSED SESSION (Administration Building, 1<sup>st</sup> Floor Conference Room)**

**Public Comment on these items will be taken prior to adjourning to Closed Session**

**CL1.** Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with Service Employees International Union (SEIU), American Federation of State, County and Municipal Employees (AFSCME), Menlo Park Police Officers' Association (POA)

Attendees: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure, Human Resources Director Gina Donnelly, Finance Director Drew Corbett, Labor Counsel Charles Sakai

**CL2.** Closed Session pursuant to Government Code Section §54957:  
City Manager Employment Contract

Attendee: City Attorney William McClure

**7:00 P.M. REGULAR SESSION**

**ROLL CALL** – Carlton, Cline, Keith, Mueller, Ohtaki

**PLEDGE OF ALLEGIANCE**

**REPORT FROM CLOSED SESSION**

**ANNOUNCEMENTS**

**A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation celebrating the American Cancer Society's Menlo Park Discovery Shop

**A2.** Presentation of Certificate of Achievement to Finance Director Drew Corbett

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS -  
None**

**C. PUBLIC COMMENT #1**

Under “Public Comment #1”, the public may address the Council on any subject not listed on the agenda and items listed under the Consent Calendar. Each speaker may address the 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 Council cannot act on items not listed on the agenda and, therefore, the Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

**D. CONSENT CALENDAR**

- D1. Authorize the City Manager to enter into a contract with Kidango Foods in an amount not to exceed \$85,948 for the delivery of food services at the Belle Haven Child Development Center for Fiscal Year 2015-16 ([Staff report #15-089](#))
- D2. Approve second amendment to employment agreement between the City of Menlo Park and Alexander D. McIntyre ([Staff report #15-093](#))
- D3. Approve minutes for the Council meetings of March 24, May 5 and May 19, 2015 ([Attachment](#))

**E. PUBLIC HEARING**

- E1. Public hearing on fiscal year 2015-16 budget and capital improvement program ([Staff report #15-076](#))

**F. REGULAR BUSINESS**

- F1. Discuss and receive direction on Economic Development Strategic Plan Policies and Implementation ([Staff report #15-092](#))
- F2. Approval of design and cost-sharing requirements for the Santa Cruz Street Café Pilot Program ([Staff report #15-090](#))
- F3. Authorize the City to assume the role of project sponsor for the US 101/Willow Road Interchange Project ([Staff report #15-094](#))

**G. CITY MANAGER’S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS**

- I1. Installation of buffered bike lanes and removal of parking on Santa Cruz Ave as approved by City Council ([Staff report #15-091](#))
- I2. Update on Menlo Park Policy #450, Use of Audio/Video Recorders ([Staff report #15-088](#))

**I3.** Update on status of contract reporting ([Staff report #15-095](#))

**J. COUNCILMEMBER REPORTS – None**

**K. PUBLIC COMMENT #2**

Under “Public Comment #2”, the public if unable to address the Council on non-agenda items during Public Comment #1, may do so at this time. Each person is limited to three minutes. Please clearly state your name and address or jurisdiction in which you live.

**ADJOURNMENT**

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 <http://www.menlopark.org/AgendaCenter> and can receive e-mail notification of agenda and staff report postings by subscribing to the [Notify Me](#) service on the City's homepage at [www.menlopark.org/notifyme](http://www.menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting the City Clerk at (650) 330-6620. Copies of the entire packet are available at the library for viewing and copying. (Posted: 5/28/2015)

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 the Consent Calendar and any matters of public interest not listed on the agenda, 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 Mayor, either before or during the 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 Mayor, either before or during consideration of the item.

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 Office of the City Clerk, Menlo Park City Hall, 701 Laurel Street, Menlo Park, CA 94025 during regular business hours. Members of the public may send communications to members of the City Council via the City Council's e-mail address at [city.council@menlopark.org](mailto:city.council@menlopark.org). These communications are public records and can be viewed by any one by clicking on the following link: <http://ccin.menlopark.org>.

City Council meetings are televised live on Government Access Television Cable TV Channel 26. Meetings are re-broadcast on Channel 26 on Thursdays and Saturdays at 11:00 a.m. A DVD of each meeting is available for check out at the Menlo Park Library. Live and archived video stream of Council meetings can be accessed at <http://www.menlopark.org/streaming>. 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.

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## COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: June 2, 2015

Staff Report #: 15-089

**CONSENT CALENDAR:**            **Authorize the City Manager to Enter Into a Contract with Kidango Foods in an Amount Not to Exceed \$85,948 for the Delivery of Food Services at the Belle Haven Child Development Center for FY2015-16**

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### RECOMMENDATION

Staff recommends the Council authorize the City Manager to enter into a contract with Kidango in an amount not to exceed \$85,948 for the delivery of food services at the Belle Haven Child Development Center for FY 2015-16.

### POLICY ISSUES

State and Federal grants that we receive for operating the Belle Haven Child Development Center require an annual contract with a food service provider meeting specific standards. This action allows us to meet those requirements.

### BACKGROUND

The City of Menlo Park has operated the Belle Haven Child Development Center (BHCDC) for over 30 years. An important component of the program is the breakfast and lunch served to each child every day. Meal services must comply with the California Child and Adult Care Food Program (CACFP) meal pattern requirements (including quantity of food and food types for each age group) as well as the nutritional standards for breakfast and lunch as established by the United States Department of Agriculture (USDA). The BHCDC receives meal reimbursements through the USDA based on income levels of families served as well as daily attendance. Contracts for food services must be renewed annually due to USDA requirements limiting the length of a contract to one year and disallowing automatic renewal provisions. The contract for food services must also be submitted to the California Department of Education in order to ensure compliance with all the provisions and standards set forth by the USDA.

The BHCDC is licensed for 96 children. Currently, 80 children are enrolled in the full-day program and 16 children are enrolled in part-day programming. The program has an average daily meal count of approximately 88 breakfasts and 72 lunches. The difference in meal counts for breakfast and lunch is due to providing only breakfast to the part-day program children. The Center is currently contracted by the State to remain open for 246

days a year, which results in the need for approximately 38,366 meals per year. Staff is not anticipating any change in operations during Fiscal Year 2015-16 that would impact these numbers.

## **ANALYSIS**

Bids for the delivery of breakfast and lunch were solicited only from Kidango as they are the only local food vendor providing meals according to the CACFP regulations. A formal bid was received from Kidango. Kidango's proposed pricing would increase from \$1.40 to \$1.46 per meal for breakfast and from \$3.03 to \$3.15 per meal for lunch the 2015-16 contract.

Kidango provides excellent menu options, nutrition education for parents and children, sack lunches for field trips, daily milk and fresh fruit. Kidango meals are prepared fresh daily from their central kitchen located in Fremont, California that is licensed, and inspected by the Alameda County Health Department. The Kidango program exceeds the requirements of the USDA Child Care Food Program. They strive to provide meals that are both nutritious and delicious. Kidango meals contain no high fructose corn syrup, no added sugar or salt and no nitrates or nitrites in the meats. They use baked goods containing whole grains and homemade recipes with whole foods. Kidango's nutrition staff makes special meals to meet children's dietary restrictions and incorporate multi-cultural meals to introduce the children to an array of tastes and textures. Kidango prepares meals encouraging agencies to support family style dining and exposes children to new foods, promotes a relaxed eating atmosphere, and fosters conversation and learning.

Kidango is a very environmentally and energy conscious company. They use no disposable food containers in their kitchen or to transport their food. They use energy efficient appliances and insulated food storage containers that maintain food temperature for up to four hours. They have virtually no food waste and all their food labels are dissolvable in the dishwasher. They have also offered to cut down the daily waste at Belle Haven CDC by offering to wash reusable dishes on a daily basis.

The City receives reimbursement from the USDA through the Child Care Food Program for a fixed amount for each child's meals. The current reimbursement rate varies based on the child's family income and ranges from a base rate of \$ 0.28 to \$1.62 for breakfast, \$0.28 to \$2.98 for lunch, and \$0.07 to \$0.82 for snacks. Fiscal Year 2014-15 data indicates that, of the children qualifying for a meal subsidy, approximately 15 percent qualified for the base reimbursement rate, 26 percent qualified for the reduced-price reimbursement rate and 59 percent qualified for full subsidy reimbursement rate. Given these reimbursement rates, and the per meal prices quoted in the bid, the estimated full-year cost for 88 breakfasts and 72 lunches would be \$85,948 for the year.

## **IMPACT ON CITY RESOURCES**

The contract with Kidango will not exceed \$85,948 for twelve months of service. Additional food costs (extra snacks, condiments, dry goods, etc.) are estimated at \$8,856 for the

twelve-month period. The maximum annual cost of food services (Kidango contract plus additional costs) for the program is \$94,804. It is estimated that the City will receive a maximum \$74,160 in Federal grant reimbursements for breakfast, lunch and snacks, resulting in an estimated cost of \$20,642 to the City's General Fund for the program. This cost has already been included in the 2015-16 budget for the program.

## **ENVIRONMENTAL REVIEW**

Approval of the contract is not deemed a project under the California Environmental Quality Act.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. Kidango Meal Service Proposal for FY 2015-16

Report prepared by:  
*Natalie Bonham*  
*Program Supervisor – Belle Haven CDC*

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## Community Services Department

Date: April 1, 2015  
To: Food Vendors  
From: Natalie Bonham, Program Supervisor, Belle Haven CDC  
Subject: Food Service Proposal FY 2015/2016

The City of Menlo Park is accepting proposals for food services for the Belle Haven Child Development Center located at 410 Ivy Drive in Menlo Park. The City of Menlo Park will be awarding a contract for breakfast and lunch for a one-year period beginning July 1, 2015 through June 30, 2016.

The meals to be served under this contract must meet the requirements of Title 22 of the State Health and Welfare Code and Title 7 Code of Federal Regulations, Part 226, Child and Adult Care Food Program (CACFP) Regulations.

Food Service Vendors and Belle Haven Child Development Center Responsibilities:  
(These responsibilities are outlined in the attached CACFP contract)

The Vendor and Belle Haven Child Development Center are to operate in accordance with the current CACFP regulations.

Vendor shall prepare breakfast and lunch meals, that met the minimum requirements as to the nutritional content as specified by the CACFP schedule B-meal pattern (attached) which is excerpted from the Title 7 code of federal regulations, part 226.20.

Vendor shall maintain all necessary records on the nutritional components and quantities of the breakfast and lunches delivered to the BH CDC and make said records available for inspection by State and Federal authorities upon request.

Vendor shall provide the necessary utensils, plates and napkins.

Vendor shall prepare the breakfast and lunch meals at their site. This preparation site shall maintain the appropriate state and local health certifications for the facility.

The number of breakfast and lunches prepared by the Vendor shall be equal to the number of breakfast and lunches requested by Belle Haven CDC. The Belle Haven CDC shall be obligated to accept and pay for the number of breakfast and lunches requested

but not served. The Vendor shall not be obligated to provide any breakfast or lunches on days when Belle Haven CDC is not in session.

Belle Haven CDC shall pay the Vendor \$ 1.40 for breakfast and \$ 3.15 for lunches. Vendor should indicate whether the cost of milk is or is not included in the per day rate of breakfast and lunch.

The Vendor shall provide all equipment necessary to transport the breakfast and lunches. Belle Haven CDC shall provide all personnel necessary to serve and supervise the consumption of the breakfast and lunches.

Belle Haven CDC shall be responsible for receiving the breakfast and lunches from the Vendor. The receiving time shall be no later than 8:15am for Breakfast and 11:15 am for Lunch.

The Vendor shall be responsible for the condition or care of said meal until Belle Haven CDC accepts delivery/receipt and Belle Haven CDC shall be responsible for maintaining the proper temperature of the breakfast and lunch components until they are consumed.

Belle Haven CDC shall return to the Vendor any/all property owned by the Vendor on a daily basis.

The Vendor shall provide Belle Haven CDC no later than one (1) week prior to the end of each month, a monthly menu covering the breakfast and lunches to be served for the following month. The Vendor shall submit to Belle Haven CDC the itemized invoices for the breakfast and lunches prepared by the Vendor on the 10<sup>th</sup> day of each month. Belle Haven CDC shall submit payment to the Vendor in such form as required by Vendor on or before the 10<sup>th</sup> day of the following month.

When requested by Belle Haven CDC, the Vendor shall provide Belle Haven CDC with sack lunches for field trips which meet the CACFP regulations.

Belle Haven CDC shall notify the Vendor at least 5 working days in advance when lunches are required for field trip. The cost per sack lunch shall remain the same as for the regular lunches.

The Vendor shall assume all liability for proper use and protection of commodities assigned to it by Belle Haven CDC.

Gifts or exchanges of commodities are not permitted. Until it is consumed by the student, the food prepared remains the property of the state and federal governments and Belle Haven CDC. It cannot be sold, given away, or exchanged for other goods.

The Vendor and Belle Haven CDC shall have dual indemnification and hold its officers, employees and agents harmless from any and all liability, cost or expense arising out of the performance of the agreement.

Belle Haven CDC and the Vendor shall comply with all applicable federal, state and local statutes and regulations with regard to the preparation and consumption of meals, which meet the CACFP requirements, including but not limited to, all applicable nondiscrimination. All records maintained by Belle Haven CDC and the Vendor shall be open to inspection by proper federal, state and local authorities in accordance with applicable statutes and regulations.

The agreement shall be in effect commencing July 1, 2015 with an initial term of 12 months ("Initial Term") ending June 30, 2016. The Agreement shall terminate at the end of the Initial Term if written notice to terminate is given by either party at least thirty days (30) prior to the last day of the Initial Term.

The business and information relating to the execution of the agreement and the services thereof, including kitchen visitations, shall be directed to the Vendor's designated Director of Food Services.

The City of Menlo Park requires sample breakfast and lunch menus with this bid.

VENDOR #:
AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

THIS ENTERED INTO ON THIS FIRST DAY OF July, 2015 BY  
MONTH YEAR

AND BETWEEN CITY OF MENLO PARK, HEREINAFTER REFERRED TO AS THE  
NAME OF AGENCY

AGENCY, AND KIDANGO, INC. HEREINAFTER REFERRED TO AS THE  
NAME OF FOOD SERVICE MANAGEMENT COMPANY

VENDOR.

**WHEREAS**, IT IS NOT WITHIN THE CAPABILITY OF THE AGENCY TO PREPARE SPECIFIED MEALS UNDER THE CHILD AND ADULT CARE FOOD PROGRAM (CACFP) FOR ENROLLED PARTICIPATING ADULTS; AND

**WHEREAS**, THE FACILITIES AND CAPABILITIES OF THE VENDOR ARE ADEQUATE TO PREPARE SPECIFIED MEALS FOR THE AGENCY'S FACILITY(IES); AND

**WHEREAS**, THE VENDOR IS WILLING TO PROVIDE SUCH SERVICES TO THE AGENCY ON A COST REIMBURSEMENT BASIS.

**THEREFORE**, BOTH PARTIES HERETO AGREE AS FOLLOWS:

**THE VENDOR AGREES TO:**

- PREPARE THE MEALS (INCLUSIVE/EXCLUSIVE) OF MILK FOR BELLE HAVEN CDC  
NAME OF SITE
  - DELIVERY TO THE AGENCY AT 410 IVY DR, MENLO PARK, CA BY 11:15 AM  
ADDRESS OF SITE TIME
  - EACH WEEKDAY, IN ACCORDANCE WITH THE NUMBER OF MEALS REQUESTED AND  
\* WEEKDAY OR AS APPROPRIATE
- AT THE COST(S) PER MEAL LISTED BELOW:

BREAKFAST	\$ <u>1.46</u>	EACH	LUNCH	\$ <u>3.15</u>	EACH
SUPPLEMENT/SNACK	\$ _____	EACH	SUPPER	\$ _____	EACH

- ASSURE THE AGENCY THAT NO TITLE III(C) FUNDS HAVE BEEN APPLIED TO THE COST OF OR TITLE III(C) COMMODITIES USED FOR THE PREPARATION OF THESE MEALS.

\* Negotiable time frame but should be no longer than 24 hours.

VENDOR #:
AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

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3. PROVIDE THE AGENCY, FOR APPROVAL, A PROPOSED MENU FOR EACH MONTH AT LEAST \* 7 DAYS PRIOR TO THE BEGINNING OF THE MONTH TO WHICH THE MENU APPLIES. ANY CHANGES TO THE MENU MADE AFTER AGENCY APPROVAL, MUST BE AGREED UPON BY THE AGENCY AND DOCUMENTED ON THE MENU RECORDS.
4. ASSURE THAT EACH MEAL PROVIDED TO THE AGENCY UNDER THIS CONTRACT MEETS THE MINIMUM REQUIREMENTS AS TO THE NUTRITIONAL CONTENT AS SPECIFIED BY THE CHILD AND ADULT CARE FOOD PROGRAM'S SCHEDULE B--MEAL PATTERN FOR OLDER CHILDREN (ATTACHED) WHICH IS EXCERPTED FROM THE TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226.20.
5. MAINTAIN COST RECORDS SUCH AS INVOICES, RECEIPTS, AND/OR OTHER DOCUMENTATION THAT SHOWS THE PURCHASE, OR AVAILABILITY TO THE VENDOR, OF MEAL COMPONENTS, AS ITEMIZED IN THE MEAL PREPARATION RECORDS.
6. MAINTAIN FULL AND ACCURATE RECORDS WHICH DOCUMENT: (1) THE MENUS LISTING ALL MEALS PROVIDED TO THE AGENCY DURING THE TERM OF THIS CONTRACT; (2) A LISTING OF ALL NUTRITIONAL COMPONENTS OF EACH MEAL; AND, (3) AN ITEMIZATION OF THE QUANTITIES OF EACH COMPONENT USED TO PREPARE SAID MEAL. THE VENDOR AGREES TO PROVIDE MEAL PREPARATION DOCUMENTATION BY USING YIELD FACTORS FOR EACH FOOD ITEM AS LISTED IN THE USDA FOOD BUYING GUIDE WHEN CALCULATING AND RECORDING THE QUANTITY OF FOOD PREPARED FOR EACH MEAL.
7. MAINTAIN, ON A DAILY BASIS, AN ACCURATE COUNT OF THE NUMBER OF MEALS, BY MEAL TYPE, PREPARED FOR THE AGENCY. MEAL COUNT DOCUMENTATION MUST INCLUDE THE NUMBER OF MEALS REQUESTED BY THE AGENCY.
8. ALLOW THE AGENCY TO INCREASE OR DECREASE THE NUMBER OF MEAL ORDERS, AS NEEDED, WHEN THE REQUEST IS MADE WITHIN \* 48 HOURS OF THE SCHEDULED DELIVERY TIME.
9. PRESENT TO THE AGENCY AN INVOICE, ACCOMPANIED BY REPORTS, NO LATER THAN THE \* 7th DAY OF EACH MONTH THAT ITEMIZES THE PREVIOUS MONTH'S DELIVERY. THE VENDOR AGREES TO FORFEIT PAYMENT FOR MEALS WHICH ARE NOT READY WITHIN 1 HOUR OF THE AGREED UPON DELIVERY TIME, ARE SPOILED, OR UNWHOLESOME AT THE TIME OF DELIVERY, OR DO NOT OTHERWISE MEET THE MEAL REQUIREMENTS CONTAINED IN THIS AGREEMENT.
10. PROVIDE THE AGENCY WITH A COPY OF CURRENT HEALTH CERTIFICATIONS FOR THE FOOD SERVICE FACILITY IN WHICH IT PREPARES MEALS FOR USE IN THE CACFP. THE VENDOR SHALL ENSURE THAT ALL HEALTH AND SANITATION REQUIREMENTS OF THE CALIFORNIA RETAIL FOOD FACILITIES LAW AND CHAPTER 4 OF THE CALIFORNIA HEALTH AND SAFETY CODE ARE MET AT ALL TIMES.
11. OPERATE IN ACCORDANCE WITH CURRENT CACFP REGULATIONS.
12. RETAIN ALL REQUIRED RECORDS FOR A PERIOD OF THREE (3) YEARS AFTER THE END OF THE FISCAL YEAR TO WHICH THEY PERTAIN (OR LONGER, IF AN AUDIT IS IN PROGRESS) AND, UPON REQUEST, MAKE ALL ACCOUNTS AND RECORDS PERTAINING TO THE AGREEMENT AVAILABLE TO THE CERTIFIED PUBLIC ACCOUNTANT HIRED BY THE AGENCY, REPRESENTATIVES OF THE CALIFORNIA STATE DEPARTMENT OF EDUCATION, THE U. S. DEPARTMENT OF AGRICULTURE, AND THE U.S. GENERAL ACCOUNTING OFFICE FOR AUDIT OR ADMINISTRATIVE REVIEW AT A REASONABLE TIME AND PLACE.
13. NOT SUBCONTRACT FOR THE TOTAL MEAL, WITH OR WITHOUT MILK, OR FOR THE ASSEMBLY OF THE MEAL.

\* Negotiable time frame but should be no longer than 24 hours.

VENDOR #:
AGREEMENT #:

## STANDARD AGREEMENT TO FURNISH FOOD SERVICE BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY AND A FOOD SERVICE VENDOR

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### THE VENDOR CERTIFIES:

1. NEITHER IT NOR ITS PRINCIPALS ARE PRESENTLY DEBARRED, SUSPENDED, PROPOSED FOR DEBARMENT, DECLARED INELIGIBLE, OR VOLUNTARILY EXCLUDED FROM PARTICIPATION IN THIS TRANSACTION BY ANY FEDERAL DEPARTMENT OR AGENCY.

WHERE THE BIDDER IS UNABLE TO CERTIFY TO ANY OF THE STATEMENTS IN THIS CERTIFICATION, SUCH AGENCY SHALL ATTACH AN EXPLANATION TO THIS PROPOSAL.

2. AS REQUIRED BY THE STATE DRUG-FREE WORKPLACE ACT OF 1990 (GOVERNMENT CODE SECTION 8350 ET. SEQ.) AND THE FEDERAL DRUG-FREE WORKPLACE ACT OF 1988, AND IMPLEMENTED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SUBPART F, FOR GRANTEES, AS DEFINED AT TITLE 34 CODE OF FEDERAL REGULATIONS, PART 85, SECTIONS 85.605 AND 85.610, THE BIDDER CERTIFIES THAT IT WILL CONTINUE TO PROVIDE A DRUG-FREE WORKPLACE.

### THE AGENCY AGREES TO:

1. REQUEST BY TELEPHONE NO LATER THAN 9:30am THURSDAY AN ACCURATE NUMBER OF  
TIME OF DAY AND DAY OF WEEK  
MEALS TO BE DELIVERED TO THE AGENCY ON EACH FOR THE FOLLOWING WEEK NOTIFY THE  
WEEKDAY OR AS APPROPRIATE  
VENDOR OF NECESSARY INCREASES OR DECREASES IN THE NUMBER OF MEAL ORDERS WITHIN \* 48 HOURS OF  
THE SCHEDULED DELIVERY TIME. ERRORS IN MEAL ORDER COUNTS MADE BY THE AGENCY SHALL BE THE RESPONSIBILITY  
OF THE AGENCY.
2. ENSURE THAT AN AGENCY REPRESENTATIVE RECEIVES THE MEALS FOR EACH SITE, AT THE SPECIFIED TIME ON EACH  
SPECIFIED DAY. THIS INDIVIDUAL WILL INSPECT AND SIGN FOR THE REQUESTED NUMBER OF MEALS. THIS INDIVIDUAL WILL  
VERIFY THE TEMPERATURE, QUALITY, AND QUANTITY OF EACH MEAL DELIVERED. THE AGENCY ASSURES THE VENDOR  
THAT THIS INDIVIDUAL WILL BE TRAINED AND KNOWLEDGEABLE IN THE RECORD KEEPING AND MEAL REQUIREMENTS OF  
THE CACFP, AND IN HEALTH AND SANITATION PRACTICES.
3. PROVIDE PERSONNEL TO SERVE MEALS, CLEAN THE SERVING AND EATING AREAS, AND ASSEMBLE TRANSPORT CARTS AND  
AUXILIARY ITEMS FOR RETURN TO THE VENDOR NO LATER THAN 11:15 AM  
TIME EACH DAY
4. NOTIFY THE VENDOR WITHIN 3 DAYS OF RECEIPT OF THE NEXT MONTH'S PROPOSED MENU OF ANY CHANGES  
CHANGES, ADDITIONS, OR DELETIONS, WHICH WILL BE REQUIRED IN THE MENU REQUEST.
5. PROVIDE THE VENDOR WITH A COPY OF TITLE 7 CODE OF FEDERAL REGULATIONS, PART 226; THE CHILD AND ADULT CARE  
FOOD PROGRAM SCHEDULE B--MEAL PATTERN FOR OLDER CHILDREN; AND THE USDA FOOD BUYING GUIDE (AS  
APPLICABLE); AND ALL OTHER TECHNICAL ASSISTANCE MATERIALS PERTAINING TO THE FOOD SERVICE REQUIREMENTS  
OF THE CACFP. THE AGENCY WILL, WITHIN 24 HOURS OF RECEIPT FROM THE STATE AGENCY, ADVISE THE VENDOR OF  
ANY CHANGES IN THE FOOD SERVICE REQUIREMENTS OF THE CACFP.

\* Negotiable time frame but should be no longer than 24 hours.

VENDOR #:
AGREEMENT #:

**STANDARD AGREEMENT TO FURNISH FOOD SERVICE  
BETWEEN A CHILD AND ADULT CARE FOOD PROGRAM AGENCY  
AND A FOOD SERVICE VENDOR**

6. PAY THE VENDOR BY THE NET 30 DAY OF EACH MONTH THE FULL AMOUNT AS PRESENTED ON THE MONTHLY ITEMIZED INVOICE. THE AGENCY AGREES TO NOTIFY THE VENDOR WITHIN 48 HOURS OF RECEIPT OF ANY DISCREPANCY IN THE INVOICE

**TERMS OF THE AGREEMENT:**

THIS AGREEMENT WILL TAKE EFFECT COMMENCING July 1, 2015 AND SHALL BE FOR A PERIOD OF ONE CALENDAR YEAR. IT MAY BE TERMINATED BY WRITTEN NOTIFICATION GIVEN BY EITHER PARTY HERETO TO THE OTHER PARTY AT LEAST 30 DAYS PRIOR TO THE DATE OF TERMINATION.

**SCHOOL FOOD AUTHORITY VENDING TO AN AGENCY:**

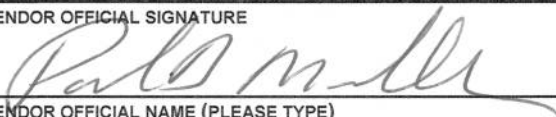
PER TITLE 7, CODE OF FEDERAL REGULATIONS, PART 226.20 (O), AGENCIES WHICH VEND FROM A SCHOOL THAT PARTICIPATES IN THE NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS MAY USE THE SCHOOL'S MEAL PATTERN. ENTER THE SCHOOL MEAL INITIATIVE (SMI) PLANNING OPTION(S) YOU WILL USE AND SUBMIT A MENU TO THE AGENCY FOR NSD'S APPROVAL IF YOU WILL NOT USE THE STANDARD CACFP MEAL PATTERN:

If the Agency agrees to the menu planning option, the school will train the Agency by: August 2015

**AGENCY:**

Agrees to allow the school to use the SMI menu planning option noted above (submit menu for NSD's approval):  
Yes  No

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATES INDICATED BELOW:

VENDOR OFFICIAL SIGNATURE 	AGENCY OFFICIAL SIGNATURE
VENDOR OFFICIAL NAME (PLEASE TYPE) PAUL MILLER	AGENCY OFFICIAL NAME (PLEASE TYPE)
TITLE EXECUTIVE DIRECTOR	TITLE
TELEPHONE NUMBER 510. 897. 6900	TELEPHONE NUMBER
DATE MAY 4, 2015	DATE

**SCHEDULE B**  
**CHILD AND ADULT CARE FOOD PROGRAM**  
**MEAL PATTERN FOR OLDER CHILDREN**

**NSD 2050B (REV. 07/03)**


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- \* DRIED BEANS OR DRIED PEAS MAY BE USED AS A MEAT ALTERNATE OR AS A VEGETABLE COMPONENT; BUT **CANNOT BE COUNTED AS BOTH COMPONENTS IN THE SAME MEAL.**
  
- \*\* NO MORE THAN 50 PERCENT OF THE REQUIREMENT SHALL BE MET WITH NUTS OR SEEDS. NUTS OR SEEDS SHALL BE COMBINED WITH ANOTHER MEAT/MEAT ALTERNATE TO FULFILL THE REQUIREMENT. TO DETERMINE COMBINATIONS, 1 OZ. OF NUTS OR SEEDS IS EQUAL TO 1 OZ. OF COOKED LEAN MEAT, POULTRY, OR FISH. ROASTED PEAS CAN COUNT AS A MEAT ALTERNATE OR VEGETABLE COMPONENT, BUT **CANNOT BE COUNTED AS BOTH IN THE SAME MEAL.**
  
- \*\*\* JUICE **CANNOT BE SERVED** WHEN MILK IS SERVED AS THE ONLY OTHER COMPONENT.
  
- \*\*\*\* IF YOGURT IS USED AS THE MEAT COMPONENT IN SUPPLEMENTS, MILK **CANNOT BE USED TO SATISFY THE SECOND COMPONENT REQUIREMENT.** COMMERCIALY ADDED FRUIT OR NUTS IN FLAVORED YOGURT **CANNOT BE USED TO SATISFY THE SECOND COMPONENT REQUIREMENT IN SUPPLEMENTS.**



# Lunch-May 2015

Preschool Lunch Served 11:30-1:15 pm

Monday	Tuesday	Wednesday	Thursday	Friday
		<h1>Spring</h1>		
<b>4</b> Turkey Burgers on Slider Bun Mixed Vegetables Applesauce Milk	<b>5</b> Teriyaki Chicken Brown Rice Cole Slaw Fresh Fruit Milk	<b>6</b> Lentil Soup Breadsticks Sliced Cucumbers Pears Milk	<b>7</b> Chicken Fajitas Flour Tortilla Corn Fresh Fruit Milk	<b>1</b> Cheese Rollups w/ Lettuce and Tomatoes Mixed Fruit Milk
<b>11</b> Turkey Sloppy Joes Whole Wheat Bun Green Beans Peaches Milk	<b>12</b> Bean and Cheese Burritos Corn, Salsa Fresh Fruit Milk	<b>13</b> Chicken Curry Tandoori Naan Peas and Carrots Applesauce Milk	<b>14</b> Swedish Turkey Meatballs, Wide Noodles Carrots and Celery Fresh Fruit, Milk	<b>15</b> Tuna Salad on Goldfish Bread Cole Slaw Mixed Fruit Milk
<b>18</b> Middle Eastern Rice w/ Turkey, Garbanzos, Black Beans Sliced Cucumbers Pears Milk	<b>19</b> Grilled Chicken Breast Couscous Capri Vegetables Fresh Fruit Milk	<b>20</b> Tostadas w/Refried Beans, Cheese, Shredded Lettuce Peaches Milk	<b>21</b> Pancit w/Chicken and Veggies Lemons Fresh Fruit Milk	<b>22</b> Pizza Bagels Shredded Mozzarella Green Peppers Pineapple Milk
<b>25</b> Memorial Day Kidango Closed	<b>26</b> Homemade Macaroni and Cheese Italian Vegetables Mixed Fruit Milk	<b>27</b> Breaded Alaskan Fish Lemon Wedge Capri Vegetables Fresh Fruit Milk	<b>28</b> Homemade Chicken Noodle Soup Saltines Fresh Fruit Milk	<b>29</b> Swiss Cheese on Whole Wheat Garden Salad Fresh Fruit Milk

Minimum Requirements: Milk 3/4 Cup, Meat or Meat Alternate 1 1/2 Ounce  
Vegetables, Fruit 1/2 Cup, Bread 1/2 Slice, Bread Alternate 1/4 Cup



\*Menu Subject to Change\*

Nutrition Department (510) 933-3960

\*All Meals Meet CACFP Requirements\*

## Breakfast-May 2015

Breakfast Served 7:00-8:45am

Monday	Tuesday	Wednesday	Thursday	Friday
				
<b>4</b> Kix Cereal Milk	<b>5</b> Whole Wheat Bagels and Cream Cheese Applesauce Milk	<b>6</b> Biscuits and Strawberry Jam Fresh Fruit Milk	<b>7</b> French Toast Pears Milk	<b>1</b> Rice Chex Bananas Milk
<b>11</b> Rice Krispies Oranges Milk	<b>12</b> Whole Grain Waffle Sticks Peaches Milk	<b>13</b> Whole Wheat English Muffin Fresh Fruit Milk	<b>14</b> Whole Grain Pancakes Applesauce Milk	<b>15</b> Bran Flakes Bananas Milk
<b>18</b> Corn Flakes Oranges Milk	<b>19</b> Bagels and Cream Cheese Pears Milk	<b>20</b> Whole Wheat Toast and Strawberry Jam Peaches Milk	<b>21</b> Whole Grain French Toast Sticks Peaches Milk	<b>22</b> Cheerios Bananas Milk
<b>25</b> Memorial Day Kidango Closed	<b>26</b> Whole Grain Waffle Sticks Pineapple Milk	<b>27</b> Whole Wheat English Muffin Mixed Fruit Milk	<b>28</b> Whole Grain Pancakes Pears Milk	<b>29</b> Rice Krispies Bananas Milk

Minimum Requirements: Milk 3/4 Cup, Meat or Meat Alternate 1 1/2 Ounce  
Vegetables, Fruit 1/2 Cup, Bread 1/2 Slice, Bread Alternate 1/4 Cup \*All Meals Meet CCFP Requirements\*

Nutrition Department (510) 933-3960



## OFFICE OF THE CITY ATTORNEY

Council Meeting Date: June 2, 2015

Staff Report #: 15-093

**CONSENT CALENDAR:**            **Approve Second Amendment to Employment Agreement Between the City of Menlo Park and Alexander D. McIntyre**

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### RECOMMENDATION

Consider approval of the Second Amendment to Employment Agreement Between the City of Menlo Park and Alexander D. McIntyre (hereinafter, "McIntyre").

### POLICY ISSUES

There are no direct policy issues presented by the proposed Second Amendment.

### BACKGROUND

The City entered into an Employment Agreement with McIntyre dated February 6, 2012, which was subsequently amended, (hereinafter, the "Agreement"). Pursuant to the Agreement, McIntyre's employment agreement expired March 7, 2015, resulting in his becoming an "at will" employee on the same economic terms as set forth in the Agreement until formally terminated by either party. His salary is currently One Hundred Ninety-Nine Thousand Dollars (\$199,000.00); and the current annual contribution to the 401-A defined contribution plan fbo McIntyre is Nine Thousand Five Hundred Dollars (\$9,500.00) plus an additional contribution equal to the amount of the monthly health insurance premium that the City would have paid for McIntyre's health insurance coverage with such amount based on a single person coverage.

### ANALYSIS

The proposed Second Amendment, effective as of March 7, 2015: 1) Extends the term of McIntyre's employment to March 7, 2017; 2) Increases McIntyre's annual salary to Two Hundred Seventeen Thousand Five Hundred Dollars (\$217,500.00); and 3) increases the annual contribution to the 401-A defined contribution plan fbo McIntyre by an additional Seventy-Five Hundred Dollars (\$7,500.00). For comparison purposes, attached is a survey of cities that are typically included in salary/benefit comparison surveys for Menlo Park employee groups, showing comparable salary, cash benefits and insurance benefits for city managers in those cities. If the Second Amendment is approved, McIntyre's base salary will be below the average and median city manager salaries for the surveyed cities;

his salary/cash benefits combined will be slightly above the average and median comps for the surveyed cities; and the combined salary, cash benefits and insurance benefits will be slightly below the average and median comps for the surveyed cities. Note that the major difference between the salary plus cash benefits and the salary plus cash benefits plus insurance benefits is that McIntyre elected to convert what would otherwise be paid for health insurance to deferred comp pursuant to the First Amendment to Employment Agreement.

### **IMPACT ON CITY RESOURCES**

There is sufficient funding remaining to cover McIntyre's compensation package for the remainder of the fiscal year. The fully loaded total annual cost of McIntyre's compensation package will be built into the 2015-16 operating budget.

### **ENVIRONMENTAL REVIEW**

No environmental review is required.

### **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

### **ATTACHMENTS**

- A. Second Amendment to Employment Agreement (with copy of Employment Agreement and First Amendment attached thereto)
- B. Salary Study Effective March 2015

Report prepared by:  
*William L. McClure*  
*City Attorney*

**SECOND AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN  
THE CITY OF MENLO PARK AND ALEXANDER D. MCINTYRE**

The CITY OF MENLO PARK ("CITY") and ALEXANDER D. MCINTYRE ("MCINTYRE") have previously entered into that certain Employment Agreement dated February 6, 2012, as previously amended, ("Agreement") whereby MCINTYRE was employed as the City Manager of the CITY. The parties agree to modify and amend the Agreement as follows:

1. Paragraph 4 of the Agreement is amended to extend the term of MCINTYRE's employment to March 7, 2017.
2. Paragraph 7.1 of the Agreement is amended to increase MCINTYRE's annual salary from One Hundred Ninety-Nine Thousand Dollars (\$199,000.00) to Two Hundred Seventeen Thousand Five Hundred Dollars (\$217,500.00), payable on the same terms as outlined in Paragraph 7.1 of the Agreement.
3. Paragraph 7.2 of the Agreement is amended to increase the annual contribution to the 401-A defined contribution plan by Seventy-Five Hundred Dollars (\$7,500.00), payable on the same terms as outlined in Paragraph 7.2 of the Agreement.
4. The terms and provisions set forth in this Second Amendment shall be effective as of March 7, 2015.
5. Except as modified herein all of the remaining terms and provisions shall remain in effect. If any conflicts exist between the Agreement and this Second Amendment, the terms of this Second Amendment shall govern

CITY OF MENLO PARK

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Alexander D. McIntyre

**FIRST AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN  
THE CITY OF MENLO PARK AND ALEXANDER D. MCINTYRE**

The CITY OF MENLO PARK ("CITY") and ALEXANDER D. MCINTYRE ("MCINTYRE") have previously entered into that certain Employment Agreement dated February 6, 2012, ("Agreement") whereby MCINTYRE was employed as the City Manager of the CITY. The parties agree to modify and amend the Agreement as follows:

1. Paragraph 7.2 of the Agreement is amended to include an additional sentence as follows: "If MCINTYRE elects to opt out of the CITY's health insurance coverage and to obtain coverage on his own, effective upon such election and so long as such election remains in effect, CITY shall make an additional monthly contribution to the 401-A plan established for MCINTYRE equal to the amount of the monthly health insurance premium that CITY would have paid for MCINTYRE's health insurance coverage with such amount based on single person coverage."
2. Paragraph 10.1 of the Agreement is amended to acknowledge that the amount of the existing loan to MCINTYRE in connection with the purchase of his home in Menlo Park is \$990,000 and to provide that CITY agrees to loan MCINTYRE up to an additional \$360,000 for a total loan of not to exceed \$1,350,000.00, to be used for remodeling/renovation of the home, with such additional loan to be evidenced by a promissory note and secured by a second deed of trust on MCINTYRE's home. The interest rate on the existing loan will be reduced by 0.5% from 3.5% to 3.0% with the interest rate on the additional loan to be 2.5%. The specific terms of such loans are as specified in the revised Attachment "A".
3. The terms and provisions set forth in this First Amendment shall be effective on January 1, 2014.
4. This First Amendment and the above terms and provisions are intended to be in lieu of any increase in salary or other compensation payable to MCINTYRE following his performance evaluation.
5. Nothing herein shall preclude the Council from granting a bonus to MCINTYRE at any time in the future.
6. Except as modified herein all of the remaining terms and provisions shall remain in effect.

CITY OF MENLO PARK

Date: 7/10/14

By:   
Ray Mueller, Mayor

Date: 7/14/14

By:   
Alexander D. McIntyre

ATTACHMENT "A"  
TO  
FIRST AMENDMENT TO EMPLOYMENT AGREEMENT  
TERMS OF HOUSING LOANS

The CITY has made a loan in the amount of \$990,000 to MCINTYRE for the purpose of purchasing a home in the City of Menlo Park. Effective January 1, 2014, the interest rate on the loan shall be reduced from three and one half percent (3.5%) per annum, simple interest, to three percent (3.0%) simple interest for five (5) years. Thereafter, commencing January 1, 2019, the interest rate shall be adjusted once per year based on comparable "5/1" loans made by banks at the time of such annual adjustments, as determined by the City Attorney. In addition to the existing purchase loan in the amount of \$990,000, the CITY agrees to loan MCINTYRE up to \$360,000 for a total loan of not to exceed \$1,350 million, with the additional loan to be used for remodeling/renovation of the home. The interest rate on the additional loan will be 2.5% and evidenced by a new promissory note and a second deed of trust against MCINTYRE's home. The amount of the additional loan will be based on the total cost of remodeling/renovation of MCINTYRE's home, including hard and soft costs for such remodeling/renovation based upon approved building permit plans and a contractor's estimate/bid for such work, along with estimates for soft costs, as demonstrated to the City Attorney. The following terms shall apply to both the existing loan and the additional loan:

1. **Payments** – Monthly payments shall be interest only. At MCINTYRE's option, he may make monthly payments based on an interest rate of two percent (2%) with remainder of the interest being deferred until the loan is paid off. At the option of MCINTYRE, the monthly payments may be automatically deducted from his bi-weekly salary check or paid monthly by the first of the month. All payments shall be applied first to interest and then to principal. Upon the adjustment of the interest rate as provided above, the required payment and the amount MCINTYRE may elect to defer shall be proportionately adjusted to reflect any increase in the interest rate.

2. **Late Payment Penalty** – There shall be a late payment penalty of five percent (5%) of any payment not paid within ten (10) days of the due date.

3. **Due on Sale, Termination of Employment or Non-use as Personal Residence** – The loan(s) shall be due and payable in full on sale or transfer of the Menlo Park property, no later than twelve (12) months plus one (1) additional month for every two (2) months of completed employment after February 2013, but in any event within twenty-four (24) months following the termination of MCINTYRE's employment with the CITY for any reason, including death or disability or within twelve (12) months of MCINTYRE's failure to reside in the property, whichever shall occur first.

4. **Payment of Taxes, Insurance, Maintenance and Repairs** – MCINTYRE shall keep and maintain the property in good condition and repair, reasonable wear and tear excepted, shall pay all property taxes in a timely manner, and shall maintain hazard and liability insurance for full replacement cost, with the CITY named as loss payee.

**EMPLOYMENT AGREEMENT BETWEEN  
THE CITY OF MENLO PARK AND ALEXANDER D. MCINTYRE**

1. **Parties:** The parties to this Agreement are the CITY OF MENLO PARK ("CITY") and ALEXANDER D. MCINTYRE ("MCINTYRE").
2. **Purpose:** The purpose of this Agreement is to provide for the employment of MCINTYRE as City Manager of the CITY, as currently provided by Title 2, Chapter 2.08 of the Municipal Code of the City of Menlo Park.
3. **Duties:** The CITY hereby agrees to employ MCINTYRE to perform the functions and duties of City Manager for the CITY and of Executive Director of the Community Development Agency of the City of Menlo Park ("CDA"), to the extent the CDA is not dissolved, as specified in the Municipal Code of the City of Menlo Park, the job description, and any other applicable Ordinances, Resolutions or Policies, and to perform such other legally permissible and proper duties and functions as the CITY shall from time-to-time assign. MCINTYRE agrees that to the best of his ability and experience he will at all times loyally and conscientiously perform all of the duties and obligations required of him either expressly or implicitly by the terms of this Agreement. MCINTYRE agrees that he will not, so long as he is employed by the CITY, take any employment or perform any consulting duties that will interfere with or be inconsistent with the performance of his duties as City Manager for the CITY.
4. **Term of Agreement:** The term of MCINTYRE's employment shall commence on March 5, 2012. MCINTYRE agrees to remain in the exclusive employ of the CITY until March 7, 2015, and neither to accept other employment nor become employed by another employer until such termination date, unless such termination date is modified as provided hereafter.
5. **Separation from Employment:**
  - 5.1 The City Council may, subject to the provisions set forth below, terminate the services of MCINTYRE at any time, it being expressly understood and agreed between the parties that MCINTYRE serves as an at-will employee of the City Council. The CITY must provide MCINTYRE with thirty (30) days notice prior to the separation from employment. The CITY may not give notice of separation from employment to MCINTYRE until ninety (90) days after a general municipal election, or an election in which a member of the City Council is elected, as further set forth in Section 2.08.110, paragraph five, of the Municipal Code of the City of Menlo Park.
  - 5.2 In the event of separation from employment by the City Council prior to March 7, 2015, while still willing and able to perform the duties of City Manager, MCINTYRE shall be entitled to receive compensation, consisting of a lump-sum payment of six (6) months of base salary and benefits, ("Severance Payment"), inclusive of the thirty (30) day notification period.



**“Benefits” shall include all benefits payable to or on behalf of MCINTYRE, including medical premiums, with the exception of general leave (other than those amounts already accrued by MCINTYRE as of the date of separation). Both salary and benefits shall be computed as of the rates in effect as of the date of separation from employment.**

**The Severance Payment will release the CITY from any further obligations under this Agreement, and any claims of any nature that MCINTYRE might have against the CITY by virtue of his employment or termination thereof. Contemporaneously, with the delivery of the Severance Payment and in consideration therefore, MCINTYRE agrees to execute and deliver to the CITY a release releasing the CITY of all claims that MCINTYRE may have against the CITY. In return for such Severance Payment, MCINTYRE agrees to be reasonably available for consultation and assistance to an Interim City Manager, a newly appointed City Manager or any other Council designated appointee during the period covered by such Severance Payment.**

**MCINTYRE shall not be entitled to a Severance Payment in the following events:**

**5.2.1 CITY elects not to renew this Agreement.**

**5.2.2 MCINTYRE is terminated because of his conviction of a felony or misdemeanor involving moral turpitude, or is convicted of any illegal act involving personal gain to himself.**

**5.2.3 MCINTYRE dies, or MCINTYRE becomes disabled as provided in Paragraph 6 and CITY terminates his employment.**

**5.3 MCINTYRE may resign at any time from his position with the CITY provided that he gives the CITY not less than sixty (60) days’ prior written notice. Should MCINTYRE not provide the CITY with at least sixty (60) days’ prior written notice, he shall not be entitled to cash out of any benefit other than as required by law. In the event MCINTYRE resigns his position as City Manager, he shall not be entitled to a Severance Payment.**

**6. Disability: If MCINTYRE is permanently disabled to the extent that he cannot perform the full range of the essential functions of his position as determined by his treating physician or is otherwise unable to perform the full range of the essential functions of his position because of sickness, accident, injury, mental incapacity or other health reasons for a period of six (6) successive weeks beyond the exhaustion of all general leave, the CITY shall have the option to terminate this Agreement, subject to compliance with all provisions of law.**

**7. Compensation:**

- 7.1 CITY agrees to pay MCINTYRE for his services rendered pursuant hereto an annual salary of One Hundred Ninety Nine Thousand Dollars (\$199,000.00) payable on a bi-weekly basis in the same manner as other employees of the CITY are paid.
- 7.2 CITY agrees to establish a 401-A defined contribution plan for the manager with ICMA Retirement Corporation, and contribute Nine Thousand Five Hundred Dollars (\$9,500.00) to such plan annually. The contribution shall be pro-rated and made on a bi-weekly basis in the same manner as any deferred compensation contributions made to any other employee. There will be no vesting period. The CITY shall pay any set-up or administrative fees. In the event that MCINTYRE separates from employment, the bi-weekly contribution shall cease on the date of termination from employment and no additional contribution shall be made.
- 7.3 CITY agrees to pay MCINTYRE the same automobile allowance provided all executive management employees, currently Three Hundred Twenty Dollars (\$320.00) per month, payable on a bi-weekly basis in the same manner as other employees of the City are paid.
- 7.4 MCINTYRE shall be entitled to the same benefits, holidays and general leave provided to CITY executive management employees under the CITY's Management Benefit Plan for Management Appointees, as such plan may be amended by the CITY from time to time. In addition, CITY shall provide MCINTYRE with a cell phone and personal computer for business and personal use.

8. **Retirement Plan:** MCINTYRE shall be covered by the same retirement plan by which all other "miscellaneous employees" of the City in effect as of March 5, 2012. MCINTYRE shall be placed in the appropriate miscellaneous tier according to his hire date. MCINTYRE shall pay the required employee contribution on a tax-deferred basis as provided under Section 414(h)(2) of the Internal Revenue Code, and shall contribute to the employer contribution as specified in the CITY's Management Benefit Plan for Management Appointees as such may be modified from time to time by the City Council.

**9. One Time Relocation Assistance and Temporary Housing:**

- 9.1 The CITY shall reimburse MCINTYRE for all reasonable relocation expenses incurred in moving his residence including transportation, packing, temporary storage of household goods and furnishing, unpacking and insurance. MCINTYRE shall obtain three quotations for such relocation services and shall select the lowest of the bids. MCINTYRE shall provide copies of the quotations to the Finance Director for documentation and reimbursement purposes. The CITY shall also pay or reimburse MCINTYRE for the expenses incurred in one economy round trip air travel between his place of residence and

Menlo Park for MCINTYRE to locate temporary housing in the vicinity of Menlo Park. The trip shall be coordinated with participation in the City Council meetings of January 30, 2012 and January 31, 2012, plus one goal setting session/Council meeting the afternoon of January 31, 2012 in Menlo Park. The total paid or reimbursed under this provision shall not exceed One Thousand Dollars (\$1,000.00).

- 9.2 The CITY shall pay MCINTYRE up to Two Thousand Five Hundred Dollars (\$2,500.00) per calendar month to reimburse him for the reasonable costs of obtaining temporary housing in the vicinity of the City while he searches for a permanent residence. This allowance shall only continue until MCINTYRE secures a permanent residence and only if MCINTYRE is incurring rental expenses, but shall in no event exceed nine (9) months. MCINTYRE shall provide copies of rental and other temporary housing expenses to the Finance Director for documentation and reimbursement purposes.

**10. Housing Assistance:**

- 10.1 The CITY agrees to loan to MCINTYRE up to One Million Three Hundred Fifty Thousand Dollars (\$1,350,000.00) toward the purchase price of a home, townhouse or condominium should he elect to purchase a primary residence within the City limits of the City of Menlo Park. The specific terms and conditions of the new loan are pursuant to the terms of Attachment "A".
- 10.2 During the term of this Agreement, MCINTYRE shall pay in a timely manner the loan obligation for the property acquired in Paragraph 10.1. MCINTYRE shall obtain and keep in force policies of fire and hazard insurance with limits of not less than the replacement value of the property naming both the CITY and MCINTYRE as insured parties. All taxes, homeowner dues, and other obligations assessed against the property, and the cost of maintaining the policies of fire and hazard insurance, shall be paid on a timely basis by MCINTYRE.
- 10.3 MCINTYRE shall maintain the property, at his sole expense, in good and habitable condition, reasonable wear and tear excepted. MCINTYRE may make such improvements to the property as he deems beneficial.
- 10.4 The loan to MCINTYRE shall not be assumable, and shall be immediately due and payable in full to the CITY upon sale or other transfer of title of the property to any third party. In the event that MCINTYRE's employment is terminated for any reason, the loan shall become due and payable in accordance with the terms set forth in Attachment "A". If the use of the property as the principal residence of MCINTYRE is terminated, the loan shall become due and payable in full not later than twelve (12) months following the termination of such use.

**11. Performance Evaluation:**

11.1 The City Council shall endeavor to review and evaluate the performance and compensation of MCINTYRE on at least an annual basis.

11.2 The City Council, in consultation with MCINTYRE, shall define such goals and performance objectives which they determine to be necessary for the proper operation of the City. In attainment of the City Council's adopted performance objectives, the City Council, in consultation with MCINTYRE, shall further establish a relative priority among the various goals and objectives, and reduce said goals and objectives to writing.

12. **Professional Development:** The CITY hereby agrees to budget a reasonable amount for and to pay membership fees and dues, of conference and meeting registrations, and the travel and subsistence expenses of MCINTYRE for professional development and official travel, meetings and occasions adequate to continue the professional development of the City Manager and to adequately pursue necessary official and other functions of the CITY, including, but not limited to, International City Manager's Association (ICMA) conferences. Travel and conference expenses shall be reimbursed for reasonable expenses only, and in accordance with the City's standard policies governing travel and conference expense reimbursement.

13. **Non-Liability of Officials and Employees:** No official or employee of the CITY shall be personally liable for any default or liability under this Agreement except MCINTYRE.

14. **Bonding:** MCINTYRE shall secure a public official's bond in the amount of \$200,000 as required by Section 2.08.040 of the Municipal Code of the City of Menlo Park. The CITY shall bear the full cost of such bond and/or any other bonds required of MCINTYRE under any law or ordinance.

**15. Other Terms and Conditions of Employment:**

15.1 The City Council, in conjunction with MCINTYRE, shall fix any other terms and conditions of employment, as it may determine from time to time, relating to the performance of MCINTYRE, provided such terms and conditions are not inconsistent with or conflict with the provisions of this Agreement or other applicable law.

15.2 All provisions of the Municipal Code of the City of Menlo Park, and regulations and rules of the CITY relating to other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to the City Manager as they do other employees of the CITY except as herein provided.

16. **Notice:** Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid. Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial proceedings. Notice shall be deemed given as of the date

of personal service or 48 hours after the date of deposit of such written notice in the course of transmission in the United States Postal Service to the addresses set forth below or as subsequently communicated by one party to the other in writing.

16.1 Notice to MCINTYRE shall be sent to: Alexander D. McIntyre  
6463 SW Burlingame Place  
Portland, OR 97239

16.2 Notice to CITY shall be sent to: Mayor  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

17. General Provisions:

17.1 The Agreement shall be binding and inure to the benefit of the heirs at law and executors of MCINTYRE.

17.2 This Agreement shall become effective March 5, 2012.

17.3 If any provision, or any portion therefore, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be effective, and shall remain in full force and effect.

17.4 The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement.

17.5 This Agreement constitutes the entire agreement between the parties and supersedes any previous Agreements, oral or written. This Agreement may be modified or provisions waived only by subsequent mutual written agreement executed by the CITY and MCINTYRE.

17.6 This Agreement shall be interpreted as though prepared by both parties.

CITY OF MENLO PARK

Date: 2.6.12

By: Kirsten Keith  
Kirsten Keith  
Mayor

Date: 2.6.12

By: Alexander D. McIntyre  
Alexander D. McIntyre

**ATTEST:**

---

**Margaret Roberts  
City Clerk**

**ATTACHMENT "A"**  
**TO**  
**EMPLOYMENT AGREEMENT**  
**TERMS OF HOUSING LOAN**

The CITY agrees to provide a loan(s) to MCINTYRE for purposes of purchasing a home, townhouse, or condominium unit located in the City of Menlo Park upon the following terms and conditions:

1. **Loan Amount** – The amount of the loan(s) shall not exceed One Million Three Hundred Fifty Thousand Dollars (\$1,350,000.00), which may include a first loan in the amount of not to exceed ninety percent (90%) of the purchase price and a short term bridge loan of not to exceed ten percent (10%) of the purchase price, provided the total amount of both loans shall not exceed the maximum loan amount of \$1,350,000.

2. **Interest Rate** – The interest rate on the loan(s) shall be three and one half percent (3.5%) per annum, simple interest, for five (5) years. Thereafter, the interest shall be adjusted once per year based on comparable "5/1" loans made at the time of the loan to MCINTYRE, as determined by the City Attorney.

3. **Payments** – Monthly payments shall be interest only. At MCINTYRE's option, he may make monthly payments based on an interest rate of two percent (2%) with interest of one and one-half percent (1.5%) being deferred until the loan is paid off. At the option of MCINTYRE, the monthly payments may be automatically deducted from his bi-weekly salary check or paid monthly by the first of the month. All payments shall be applied first to interest and then to principal. Upon the adjustment of the interest rate as provided in Paragraph 2, the required payment and the amount MCINTYRE may elect to defer shall be proportionately adjusted to reflect any increase in the interest rate.

4. **Late Payment Penalty** – There shall be a late payment penalty of five percent (5%) of any payment not paid within ten (10) days of the due date.

5. **Security for Loan** – The loan in the amount of not to exceed 90% of the purchase price shall be secured by a first deed of trust against the property purchased in Menlo Park with a standard title company form of deed of trust. The short term bridge loan in the amount of not to exceed 10% of the purchase price shall be secured by a second deed of trust against the Menlo Park property and also secured by a junior deed of trust against other property owned by MCINTYRE having demonstrated equity (to the reasonable satisfaction of the City Attorney) of not less than the amount of the bridge loan (after deducting estimated selling expenses for the sale of such other property).

6. **Due on Sale, Termination of Employment or Non-use as Personal Residence** – The loan(s) shall be due and payable in full on sale or transfer of the Menlo Park property, no later than twelve (12) months plus one (1) additional month for every two (2) months of completed employment after February 2013, but in any event within twenty-four (24) months following the termination of MCINTYRE's employment with the CITY for any reason, including death or disability or within twelve (12) months of MCINTYRE's failure to reside in the property, whichever shall occur first. The bridge loan shall be due and payable in full upon the earlier of (a) the sale of the other property securing said bridge loan (if only one property, or if

multiple properties are securing the bridge loan, the net sales proceeds from the sale of any one property sold shall be applied to the outstanding principal balance), or (b) one year from the date of the bridge loan.

**7. Payment of Taxes, Insurance, Maintenance and Repairs – MCINTYRE shall keep and maintain the property in good condition and repair, reasonable wear and tear excepted, shall pay all property taxes in a timely manner, and shall maintain hazard and liability insurance for full replacement cost, with the CITY named as loss payee.**



City Manager			Cash						Insurance Benefits				
Survey Agency	Comparable Class	Max Monthly Base Salary	457 Contrib.	401a Contrib	Auto Allowance	EE Pickup of ER Retirement %	EE Pickup of ER Retirement	Base + Cash	Health	Dental	Vision	LTD	Base + Cash + Ins.
Belmont	City Manager	\$19,154	\$958	\$0	\$500	0.0%	\$0	\$20,612	\$1,858	\$128	\$19	\$0	\$22,617
Burlingame	City Manager	\$18,780	\$376	\$0	\$0	-1.5%	-\$282	\$18,874	\$2,234	\$89	\$27	\$24	\$21,248
Campbell	City Manager	\$16,958	\$417	\$0	\$225	0.0%	\$0	\$17,600	\$1,160	\$164	\$31	\$66	\$19,021
Cupertino <sup>1</sup>	City Manager	\$20,000	\$0	\$0	\$350	0.0%	\$0	\$20,350	\$802	\$78	\$15	\$63	\$21,308
Foster City <sup>2</sup>	City Manager	\$18,105	\$0	\$724	\$0	0.0%	\$0	\$18,829	\$1,858	\$285	\$0	\$391	\$21,363
Los Altos <sup>3</sup>	City Manager	\$16,913	\$0	\$0	\$300	0.0%	\$0	\$17,213	\$1,759	\$139		\$0	\$19,111
Los Gatos	Town Manager	\$17,995	\$750	\$0	\$500	0.0%	\$0	\$19,245	\$1,743	\$125	\$10	\$31	\$21,154
Millbrae <sup>4</sup>	City Manager	\$19,650	\$833	\$0	\$0	-5.5%	-\$1,081	\$19,402	\$1,386	\$108	\$31		\$20,927
Pacifica <sup>5</sup>	City Manager												
Palo Alto	City Manager	\$22,946	\$0	\$4,417	\$600	0.0%	\$0	\$27,963	\$1,840	\$211	\$16	\$37	\$30,067
Redwood City	City Manager	\$20,717	\$414	\$414	\$400	-9.5%	-\$1,968	\$19,977	\$1,684	\$118	\$13	\$17	\$21,809
San Bruno <sup>6</sup>	City Manager	\$18,355	\$184	\$0	\$300	0.0%	\$0	\$18,839	\$1,845			\$103	\$20,787
San Carlos	City Manager	\$19,444	\$0	\$0	\$525	0.0%	\$0	\$19,969	\$1,511	\$88	14	\$68	\$21,650
Menlo Park <sup>7</sup>	City Manager	\$16,667	\$0	\$1,628	\$320	-1.4%	-\$233	\$18,382	\$0	\$283	\$0	\$78	\$18,743
	<b>Average</b>	\$18,899						\$19,906					\$21,755
	<b>%+/-</b>	-13.4%						-8.3%					-16.1%
	<b>Median</b>	\$18,967						\$19,324					\$21,278
	<b>%+/-</b>	-13.8%						-5.1%					-13.5%

MP NEW      \$18,125      + \$2,253      ↓ 320      -1.4% (254)      + \$283      + \$78      \$20,444      \$20,805

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**CITY COUNCIL**  
**SPECIAL AND REGULAR **DRAFT** MINUTES**  
Tuesday, March 24, 2015 at 6:30 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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**6:30 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)**

Mayor Carlton called the closed session to order at 7:00 p.m. All Councilmembers were present.

**CL1.** Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with PSA

Attendees: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure, Human Resources Director Gina Donnelly, Finance Director Drew Corbett, Labor Counsel Charles Sakai

**7:00 P.M. REGULAR SESSION**

Mayor Carlton called the meeting to order at 7:23 p.m.

Staff present: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure and City Clerk Pamela Aguilar

Mayor Carlton led the pledge of allegiance.

**REPORT FROM CLOSED SESSION**

There was no reportable action from the closed session held earlier this evening.

**ANNOUNCEMENTS**

Mayor Carlton announced the current vacancies on the various City commissions and that the deadline to apply will be extended for all Commissions except the Planning Commission.

**SS. STUDY SESSION**

**SS1.** Provide feedback on Downtown Parking Program ([Presentation](#))

Transportation Manager Nikki Nagaya introduced the item. Bill Hurl gave a presentation.

Public Comment:

- Fran Dehn, Chamber of Commerce, spoke regarding the need for on-street parking consistency and 3-hour parking
- Cindy Welton spoke regarding the need to consolidate parking structures and provide space for more bike lanes

Based on Council consensus, staff will bring back a report on potential alternatives to simplify the current parking restrictions in the downtown area. Potential modifications could include modifying time limits, such as extending the 2-hour free parking limit in the public plazas to 3 free hours, modifying 15-minute zones to 30-minutes or 1-hour, or other changes to provide more consistent options and time limits. Feedback was also given to initiate planning for a parking structure, which will be included as part of the upcoming discussion on the City's 5-Year Capital Improvement Program. The staff report will consider implications for parking demand, costs, and revenue implications that could come with such modifications.

**A. PRESENTATIONS AND PROCLAMATIONS - None**

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS – None**

**C. PUBLIC COMMENT #1**

Assistant City Manager Robinson exited the Council chambers during public comment due to a conflict of interest that her residence is within 300 feet of Santa Cruz Avenue.

- Mike Doran spoke regarding Santa Cruz Avenue sidewalks and clarification of the motion from the March 10<sup>th</sup> City Council meeting
- Greg Druehl spoke in support of six-foot sidewalks on Santa Cruz Avenue
- Betsy Nash spoke regarding Santa Cruz Avenue sidewalks, reducing speed, the immediate need for a survey, undergrounding and interim implementation of the bike buffer
- Cindy Welton spoke regarding bike safety, reducing speed, buffers and restriping on Santa Cruz Avenue
- Tim Brand spoke regarding cement plant pollution in Cupertino
- Barry Chang, Bay Area for a Clean Environment, requested Council to join in an amicus brief supporting an appeal against Lehigh Southwest Cement Company ([Handout](#))

Councilmember Mueller recused himself from further discussion regarding Mr. Chang's comments due to a conflict of interest that within the last year he was employed by Senator Joe Simitian who has jurisdiction over the item.

Assistant City Manager Robinson returned to the Council chambers.

**D. CONSENT CALENDAR**

Councilmember Keith pulled Items D3 and D4 for further discussion.

**D1.** Approve the Environmental Quality Commission 2-Year Work Plan goals for years 2014-2016 ([Staff Report #15-048](#))

**D2.** Approve the design of the solar carport at the Burges Campus, appropriate \$320,000 from the General Capital Improvement Fund balance, and authorize the City Manager to execute an amendment/agreement with Cupertino Electric

[\(Staff Report #15-049\)](#)

**D3.** Approve the process for reviewing proposed modifications to the Menlo Gateway Project at 100-190 Independence Drive and 101-155 Constitution Drive and authorize the City Manager to execute a letter regarding proposed project modifications after consulting with the Planning Commission and making findings consistent with the Development Agreement and Conditional Development Permit [\(Staff Report #15-046\)](#)

**D4.** Approve minutes for the Council meeting of March 10, 2015 [\(Attachment\)](#)

**ACTION:** Motion and second (Keith/Ohtaki) to approve Items D1 and D2 on the Consent Calendar passes unanimously.

**ACTION:** Motion and second (Ohtaki/Keith) to approve Item D4 with the modifications stated by Councilmember Keith passes unanimously.

In regards to Item D3, Tim Tosta of the Bohannon Development Company provided information and responded to concerns regarding bird strikes.

**ACTION:** Motion and second (Keith/Ohtaki) to approve Item D3 passes unanimously.

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

**F1.** Review and Acceptance of the Annual Report on the status and progress in implementing the City's Housing Element and the Annual Housing Successor Report [\(Staff Report #15-047\)](#)

Senior Planner Deanna Chow introduced the item.

**ACTION:** Motion and second (Ohtaki/Cline) to accept the Annual Report on the status and progress in implementing the City's Housing Element and the Annual Housing Successor Report passes unanimously.

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS - None**

**J. COUNCILMEMBER REPORTS**

**J1.** Rail Subcommittee update

City Attorney McClure exited the Council chambers due to a conflict of interest that his business location is within 300 feet of the railway.

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Councilmember Cline reported on the recent Rail Subcommittee meeting and discussions regarding grade separation at Ravenswood Avenue and modifications to the Ravenswood Crossing.

Councilmember Keith reported on the recent community meeting with Belle Haven residents and Caltrans regarding ballast rock near Chilco Street.

Mayor Carlton and Councilmember Mueller reported on their recent trip to Kochi, India in connection with the cities' economic exchange agreement and showed a short video.

Councilmember Keith reported regarding a recent BAWSCA meeting and a violation of untreated water mixed with Hetch Hetchy water, and potential rate increases.

**K. PUBLIC COMMENT #2**

There was no public comment.

**L. ADJOURNMENT** at 10:02 p.m.

Pamela Aguilar  
City Clerk

These minutes were approved at the Council meeting of \_\_\_\_\_, 2015.



**CITY COUNCIL  
SPECIAL AND REGULAR MEETING  
DRAFT MINUTES  
Tuesday, May 05, 2015 at 6:00 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

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**6:00 P.M. SPECIAL SESSION**

1. Interviews of applicants for appointments to the Planning Commission

There were no public comments prior to the session.

Mayor Carlton called the Special Session to order at 6:12 p.m. Councilmembers Keith and Ohtaki were present. Councilmembers Cline and Mueller were absent.

The City Council interviewed the following four candidates for the two vacancies on the Planning Commission.

- Susan Goodhue
- Andrew Barnes
- Larry Kahle
- Brent Harris

**ADJOURNMENT at 7:15 p.m.**

**7:00 P.M. REGULAR SESSION**

Mayor Carlton called the Regular Meeting to order at 7:21 p.m. Council members Cline and Mueller were absent.

Mayor Carlton led the pledge of allegiance.

**ANNOUNCEMENTS**

**A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation recognizing Junior League of Palo Alto-Mid Peninsula  
This item was moved to the May 19th, 2015 Council Meeting.

**A2.** Proclamation for Bike to Work Day on May 14, 2015  
Bicycle Commission Chair Bill Kirsch accepted the proclamation. ([Attachment](#))

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS**

**B1.** Consider applicants for appointment to fill two vacancies on the Parks and Recreation Commission, three vacancies on the Library Commission, one vacancy on

the Housing Commission, two vacancies on the Environmental Quality Commission, two vacancies on the Transportation Commission and two vacancies on the Planning Commission

City Clerk Pamela Aguilar facilitated the voting. The council made the following commission appointments. Details regarding nominations and votes recorded in Attachment A of the minutes. ([Attachment](#))

Housing Commission:

- Julianna Dodick

Library Commission:

- Kristen Leep
- Kristina Lemons
- Freda Manuel
- Regine Nelson

Parks and Recreation Commission

- Marianne Palefsky
- Laura Lane

Environmental Quality Commission:

- Scott Marshall
- Andrew Barnes

Transportation Commission:

- Jason Pfannenstiel
- Bianca Walser

Planning Commission:

- Susan Goodhue
- Larry Kahle
- John Onken

### **C. PUBLIC COMMENT #1**

- Steve Van Pelt spoke in regards to Ravenswood rail crossing grade separations.
- Mike Brady spoke against high speed rail.
- Susan Dunlap spoke about the Bedwell-Bayfront Park Earth Day event.
- Betty Meissner spoke in regards to donations to “Silicon Valley Gives”.
- Adley Vogel spoke in regards to distribution and production of nuclear weapons and asked the Council to consider Menlo Park becoming nuclear free. ([Handout](#))
- Ernest Meissner spoke in regards to the Ravenswood triangle property. ([Handout](#))
- Tom McRae spoke regards Solo Aquatics program and its need for more lanes. ([Handout](#))
- Stephanie Zeller spoke regards Solo Aquatics and fair allocations of lanes.
- Erin Glanville spoke in regards to aquatics contract negotiations and financial analysis of the pool facility revenue.



- Genevieve Gerard spoke about aquatics contract and allowing Solo to access lanes at reasonable hours.
- Lily Helmers spoke about opening an RFP process to allow other operators to compete for the aquatics contract.
- Angela Robinson spoke about the Solo program and options it offers to her children.
- Chad Harding spoke about the Solo Aquatics program.
- John Martin spoke in favor of the Solo Aquatics program.
- Diane Bailey spoke in support of the application for Beacon Award for Sustainable Cities.
- Brian Keating spoke about swimming programs in Menlo Park and the need for having more swimming pools in the city.
- Vaneta Kanelakos spoke about the Solo Aquatics program.

#### **D. CONSENT CALENDAR**

Councilmember Ohtaki pulled item D2; Mayor Carlton pulled items D2 and D5, and Councilmember Keith pulled items D2 and D4 for further discussion.

- D1.** Amend the contract with Hello Housing for housing loan services and portfolio management and authorize the City Manager to exceed his purchasing authority and appropriate \$25,000 in below market rate housing funds ([Staff Report #15-066](#))
- D2.** Approve the Parks and Recreation Commission recommendation to negotiate with Menlo Swim and Sport to extend the lease agreement for City aquatics operations ([Staff Report #15-067](#))
- D3.** Adopt a resolution to support the City of Menlo Park's Beacon Award application for sustainable cities ([Staff report #15-068](#))
- D4.** Authorize the City Manager to execute an agreement for architectural rendering services up to \$10,000 for the Santa Cruz Sidewalk Project ([Staff report #15-070](#))
- D5.** Adopt a resolution of intention to abandon public right-of-way and public utility easements within the property at 1221 Willow Road for the Mid-Peninsula Housing Project ([Staff report #15-074](#))
- D6.** Approve minutes for the Council meeting of April 14, 2015 ([Attachment](#))

**ACTION:** Motion and second (Ohtaki/Keith) to approve Items D1, D3, D6 on the Consent Calendar passes 3-0-2. (Cline and Mueller absent)

**ACTION:** Motion and second (Keith/Ohtaki) to approve Item D2 on the Consent Calendar passes 3-0-2. (Cline and Mueller absent)

**ACTION:** Motion and second (Ohtaki/Keith) to approve Item D4 on the Consent Calendar passes 3-0-2. (Cline and Mueller absent)

**ACTION:** Motion and second (Ohtaki/Keith) to approve Item D5 on the Consent Calendar passes 3-0-2. (Cline and Mueller absent)

Jan Lindenhall with the Mid-Peninsula Housing was present and answered questions regarding item D5.

**E. PUBLIC HEARING – None**

**F. REGULAR BUSINESS**

- Elias Blawie spoke in regards to water regulations.

**F1.** Adopt a resolution implementing water regulations for the Menlo Park Municipal Water District ([Staff report #15-069](#))

Senior Civil Engineer Pam Lowe made a presentation.

**ACTION:** Motion and second (Keith/Ohtaki) to adopt resolution implementing water regulations for the Menlo Park Municipal Water District passes 3-0. (Cline and Mueller absent)

**F2.** Consider modifications to the City's Rail Policy to allow elevated rail options and approve a six-month trial installation of modifications to the Alma Street and Ravenswood Avenue intersection ([Staff report #15-072](#))

Public comment:

- David Mathiasmeier spoke in regards to the rail policy.
- Brian Keating spoke in regards to the rail policy and the Ravenswood rail crossing.
- Elias Blawie spoke in regards to the rail policy and the Ravenswood rail crossing.
- Adina Levin spoke in regards to the rail policy and the Ravenswood rail crossing.
- Mike Brady spoke in regards to the rail policy and the Ravenswood rail crossing.
- Mary Abramowitz in regards to regards the rail policy.

At 10:15 p.m. City Attorney McClure recused himself and left the Council chambers due to a conflict of interest that his business location is in proximity to the location that is the subject of this item. Greg Rubens was present in the City Attorney's place.

Transportation Manager Nikki Nagaya introduced the item and made a presentation. Director of Public Works Jesse Quirion answered questions.

**ACTION:** Motion and Second (Keith/Ohtaki) to adopt modifications as included in the staff report to the City's Rail Policy to allow consideration of elevated rail options and approve a six-month trial installation of modifications to the Alma Street and Ravenswood Avenue intersection; and that staff would report back to the Council if problems occur during the trial period passes 3-0-2. (Cline and Mueller absent)

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS**

No staff presentation.

- I1. Parks and Recreation Commission recommendations regarding non-resident fees for recreation programs ([Staff report #15-065](#))
- I2. Chestnut paseo summer pilot program ([Staff report #15-071](#))
- I3. Update on the proposed Priority Conservation Area (PCA) for the Bayfront area of Menlo Park and East Palo Alto ([Staff report #15-073](#))

**J. COUNCILMEMBER REPORTS – None**

Councilmember Ohtaki reported that he has questions in regards to the 35% difference between the non-resident and resident charges for recreational programs and requested from staff that more data be provided for review.

**K. PUBLIC COMMENT #2**

- Adina Levin spoke in regards to water conservation and zero-scaping.
- Elias Blawie stated that he wished to speak regarding the City Manager's contract.

**L. ADJOURNMENT** at 12:10 a.m.

Jelena Harada  
Deputy City Clerk

These minutes were approved at the Council meeting of \_\_\_\_\_, 2015.

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**CITY COUNCIL  
SPECIAL AND REGULAR MEETING  
DRAFT MINUTES  
Tuesday, May 19, 2015 at 6:00 PM  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

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**6:00 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)**

**CL1.** Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with Service Employees International Union (SEIU), *American Federation of State, County and Municipal Employees* (AFSCME), Menlo Park Police Officers' Association (POA), Police Sergeants' Association (PSA)

Attendees: City Manager Alex McIntyre, Assistant City Manager Starla Jerome- Robinson, City Attorney Bill McClure, Human Resources Director Gina Donnelly, Finance Director Drew Corbett, Labor Counsel Charles Sakai

**CL2.** Closed Session pursuant to Government Code Section §54957:  
Public Employee Performance Evaluation - City Manager

**7:00 P.M. REGULAR SESSION**

Mayor Carlton called the meeting to order at 7:39 p.m. Councilmember Mueller was absent.

Staff present: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure, Deputy City Clerk Jelena Harada and Executive Assistant to the City Manager Nicole Mariano

Mayor Carlton led the pledge of allegiance.

**REPORT FROM CLOSED SESSION**

Mayor Carlton stated there is no reportable action from the Closed Session held earlier this evening.

**ANNOUNCEMENTS**

**A. PRESENTATIONS AND PROCLAMATIONS**

**A1.** Proclamation recognizing Junior League of Palo Alto-Mid Peninsula ([Attachment](#))  
President of the Junior League of Palo Alto-Mid Peninsula Jan Hickman received the proclamation.

**A2.** Proclamation in celebration of Public Works Week, May 17–23, 2015 ([Attachment](#))  
Public Works employee, Gordy Hummel accepted the proclamation. Director of Public Works Jesse Quirion made a brief presentation. ([Attachment](#))

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS**

Mayor Carlton reported that all commission vacancies are filled.

**C. PUBLIC COMMENT #1**

- Elias Blawie spoke regarding water operations fund and General Budget.
- Josh Abend spoke regarding a need to make City facilities and marketing opportunities available to local entrepreneurs. ([Handout](#))
- Fran Dehn spoke regarding the Summer Block Party on June 17 on Santa Cruz Avenue. ([Handout](#))

**D. CONSENT CALENDAR**

- D1.** Quarterly financial review of General Fund Operations as of March 31, 2015 and approval of a reallocation of service charges between the Workers' Compensation Fund and the General Liability Fund ([Staff report #15-077](#))
- D2.** Adopt a resolution authorizing the City Manager to execute an agreement with Turbo Data Systems, Inc. for police parking citation processing and adjudication services, for a five (5) year term expiring June 30, 2020 ([Staff report #15-078](#))
- D3.** Adopt a resolution to extend Chapter 16.79.045 of the Zoning Ordinance to allow the conversion of accessory buildings into secondary dwelling units for one year, expiring on June 13, 2016 ([Staff report #15-080](#))
- D4.** Authorize an agreement with West Yost Associates to develop the Water System Master Plan and appropriate \$387,220 from the Water Main Replacement Project Budget ([Staff report #15-079](#))
- D5.** Appropriate \$1.5 million from the Building Construction Impact Fee fund balance for the 2013-14 Resurfacing Project ([Staff report #15-086](#))
- D6.** Adopt a resolution of preliminary approval of the Engineer's Report for the Menlo Park Landscaping District for fiscal year 2015-16; adopt a Resolution of Intent to order the levy and collection of assessments for the Menlo Park Landscaping District for fiscal year 2015-16; and set the date for the Public Hearing for June 16, 2015 ([Staff report #15-082](#))
- D7.** Adopt a resolution nominating the Menlo Park and East Palo Alto Baylands as a Priority Conservation Area (PCA) ([Staff report #15-085](#))

**D8.** Authorize the City Manager to sign an amended contract with Arnold Mammarella, Architecture + Consulting for contract planning services ([Staff report #15-084](#))

**ACTION:** Motion and second (Keith/Ohtaki) to approve all items on the Consent Calendar passes 4-0-1. (Mueller absent)

**E. PUBLIC HEARING** – None

**F. REGULAR BUSINESS**

**F1.** Consideration of approval of the terms of an agreement between the City of Menlo Park and the Menlo Park Police Sergeants' Association ([Staff report #15-075](#))  
Director of Human Resources Gina Donnelly was available for questions.

**ACTION:** Motion and second (Cline/Ohtaki) to approve the terms of an agreement between the City of Menlo Park and the Menlo Park Police Sergeants' Association passes 4-0-1. (Mueller absent)

**F2.** Approve mailing the Proposition 218 notification for Rate Structure Option 2 (Two Tiers) for the Menlo Park Municipal Water District's Proposed five-year water rates, including fixed meter charges, unmetered fire fixed charges, water consumption charges, water capital surcharges, and drought charges; and approve proposed water capacity charges not subject to Proposition 218 ([Staff report #15-087](#))

Senior Civil Engineer Pam Lowe introduced the Bartle Wells Associates, Catherine Tseng and Doug Dove who opened the presentation. Public Works staff was available to answer questions.

**ACTION:** Motion and second (Keith/Ohtaki) to approve mailing the Proposition 218 notification for Rate Structure Option 2 (Two Tiers) for the Menlo Park Municipal Water District's Proposed five-year water rates, including fixed meter charges, unmetered fire fixed charges, water consumption charges, water capital surcharges, and drought charges; and approve proposed water capacity charges not subject to Proposition 218 passes 4-0-1. (Mueller absent)

**F3.** Approve the draft 5-Year Capital Improvement Plan to be included in the proposed 2015-16 Budget ([Staff report #15-083](#))

Director of Public Works Jesse Quirion made the presentation and answered questions. ([Handout](#), [presentation](#))

**ACTION:** Motion and second (Ohtaki/Keith) to approve the draft 5-Year Capital Improvement Plan to be included in the proposed 2015-16 Budget passes 4-0-1. (Mueller absent)

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS**

No Staff presentations.

**I1.** Update on the Facebook Campus Expansion Project at 300-309 Constitution Drive

**I2.** Review of the City's investment portfolio as of March 31, 2015

**J. COUNCILMEMBER REPORTS**

Councilmember Keith reported that the Boys and Girls Club of the Peninsula is holding summer classes for youth on creating websites, sponsored by Hack the Hood.

Mayor Carlton reported that she will vote on behalf of the Council at the upcoming Council of Cities City Selection Committee meeting for two open seats on ABAG.

Mayor Carlton reported that she reached out to St. Raymond Catholic Church and St. Raymond Elementary School in regards to the installation of buffered bike lanes on Santa Cruz Avenue and received feedback to begin the project after school ends in June.

**K. PUBLIC COMMENT #2**

There was no public comment.

**L. ADJOURNMENT at 10:33 PM**

Jelena Harada  
Deputy City Clerk

These minutes were approved at the Council meeting of \_\_\_\_\_, 2015.



**FINANCE DEPARTMENT**

**Council Meeting Date: June 2, 2015**  
**Staff Report #: 15-076**

**PUBLIC HEARING:** **Public Hearing on Fiscal Year 2015-16 Budget and Capital Improvement Program**

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**RECOMMENDATION**

Staff recommends that the City Council hold a public hearing on the proposed fiscal year 2015-16 budget and capital improvement program and provide direction on any desired changes. Council's direction will be incorporated into the staff report for the adoption of the fiscal year 2015-16 budget, which is scheduled for June 16<sup>th</sup>.

**BACKGROUND**

The City Manager's [proposed fiscal year 2015-16 budget](#) was delivered to Council on May 22, 2015, and it was posted to the City's website that same day. A comprehensive budget workshop was held on May 26, 2014, and can be viewed online.

Prior to Council's adoption of the budget, which is scheduled for June 16, 2015, a public hearing is held to take public comment on the proposed budget and capital improvement program. The operating budget was developed using the guidance Council provided at its January 26, 2015, goal setting workshop, and all of Council's priority goals have been proposed for funding in fiscal year 2015-16. In addition, the capital improvement program has been reviewed by all of the appropriate boards and commissions, with their feedback provided to Council at the May 19, 2015, Council meeting where the 5-year capital improvement program was presented.

In addition to the adoption of the fiscal year 2015-16 budget and capital improvement program, there will be two other actions requested of Council as a part of the overall budget adoption process on June 16<sup>th</sup>. These actions are to establish the City's appropriations limit for fiscal year 2015-16 and establish a continuation of the temporary reduction in Utility Users' Tax rates to maintain the current one percent rate. These two actions are discussed in more detail in the next section of this staff report.

## ANALYSIS

### Fiscal Year 2015-16 Budget

The proposed Citywide budget for fiscal year 2015-16 is \$78.1 million and includes the following expenses by category:

<b>Expense Category</b>	<b>2015-16 Proposed Budget</b>
Personnel	\$36.7 million
Operating	\$18.7 million
Projects	\$9.9 million
Services	\$8.0 million
Transfers	\$2.9 million
Debt Service	\$1.9 million
<b>Total</b>	<b>\$78.1 million</b>

Proposed General Fund revenues and expenditures for 2015-16 are summarized in the table below:

<b>Revenues:</b>	<b>2015-16 Proposed Budget</b>
Taxes	\$29.3M
Fees and Service Charges	\$14.0M
Other Revenues	\$3.5M
Use of Assigned Fund Balance	\$1.3M
<b>Total Revenues</b>	<b>\$48.1M</b>
<b>Expenditures:</b>	
Personnel	\$32.9M
Operating	\$7.7M
Services	\$5.8M
Transfers	\$2.9M
<b>Total Expenditures</b>	<b>\$49.3M</b>
<b>Revenues Over/(Under) Expenditures</b>	<b>(\$1.2M)</b>

As discussed in more detail in the City Manager's Budget Message, this proposed budget represents an ambitious investment in our community by ramping up staffing to meet service-level demand for development-related activity, as well as to achieve other Council priorities. Also as noted in the budget document, this includes utilizing nearly \$1.3 million in assigned fund balance in fiscal year 2015-16 to help fund additional resources for development-related activity. These funds represent revenues received in excess of expenditures in 2013-14 and 2014-15 for planning and permitting activity.

Based on assumptions related to revenue and expenditure growth, the 10-year forecast as presented in the proposed budget document is projected to have deficits in 2016-17 and 2017-18 before revenues from in-process projects, most notably the Menlo Gateway project, are expected to begin generating a growing surplus in the General

Fund starting in 2018-19. While the proposed increase in spending to meet service-level demand is a major factor in the projected deficit over the next three years, also contributing to the projected deficit is the highly speculative assumption that Excess ERAF revenue will be approximately 50% of the baseline amount, or \$700,000, for the next two years before being eliminated altogether after 2016-17. It is also important to note that the 10-year forecast is a planning tool intended to identify revenue and expenditure trends that can be used to guide decisions on how to utilize the City's resources. It is most effective when it is updated on an ongoing basis to reflect new information as it is received, and staff will continue to modify the forecast as conditions change and update Council as appropriate.

### **Fiscal Year 2015-16 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.

The appropriations limit for the City of Menlo Park for fiscal year 2015-16 is \$51,750,376, while the proceeds of taxes subject to the appropriations limit is \$31,225,941. Therefore, the City is well below its appropriations limit for fiscal year 2015-16.

### **Utility Users' Tax (UUT) Rate Considerations**

Council will be asked to take one action with respect to UUT at the budget adoption on June 16<sup>th</sup>. This action is to adopt a resolution to maintain a consecutive temporary tax reduction in Utility Users' Tax rates, which will continue the current one percent tax rate on all utilities as of October 1, 2015. Temporary tax rate reductions for a period of up to twelve months can be implemented with the specific finding provided in the UUT ordinance:

*“The temporary tax reduction shall not adversely affect the City’s ability to meet its financial obligations as contemplated in its current or proposed budget.”*

Should Council not establish a continuation of the reduced tax rate, the original tax percentages will be automatically reinstated as of October 1, 2015.

The fiscal year 2015-16 proposed budget estimates total UUT revenues of \$1.18 million. This projection is based on the assumption that Council will establish a continuation of the temporary tax reduction that keeps that UUT at the current one percent rate.

## **IMPACT ON CITY RESOURCES**

As noted in the previous section, the General Fund's proposed fiscal year 2015-16 budget provides for expenditures exceeding revenues by nearly \$1.2 million. This budget provides the necessary expenditure appropriation to meet service-level demand for development-related activity, as well as to fund Council priorities. A more detailed discussion on General Fund revenues and expenditures is included in both the *Budget Message* and the *Budget Summary* sections of the budget document.

Information on the City's other funds, including a description of the fund, fiscal year 2015-16 proposed resources and requirements, and the expected ending fund balance, is included in the *Fund Information* section of the budget document. In total, resources for the other funds are expected to exceed requirements by nearly \$5.3 million in fiscal year 2015-16. This accumulation of fund balance is predominantly in the special revenue funds related to development impact fees such as the Below Market Rate Housing Fund, the Transportation Impact Fund, and the Construction Impact Fund. This accumulation of fund balance will be utilized for future projects and is restricted for specific uses.

For some funds, the fund balance is being drawn down in 2015-16. In most instances, this drawdown of fund balance is not an issue, as resources are accumulated over time to fund large projects. For example, this is the case in the General Capital Improvement Fund. In other cases, however, the drawdown of fund balance is a concern because the fund is utilized for ongoing maintenance. One such fund is the Bedwell-Bayfront Park Maintenance Fund. This fund is not generating any material interest income to offset maintenance expenditures, and as a result, its fund balance is declining annually. At its current rate of decline, this fund will only be a viable source of funding for this park's maintenance for another four or five years. As such, alternate funding mechanisms or a reduction in service levels will have to be explored in the relatively near future.

## **POLICY ISSUES**

Presentation of the City Manager's proposed budget is consistent with the City's budgeting process and represents no changes in City policy.

## **ENVIRONMENTAL REVIEW**

Environmental review is not required.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

Report prepared by:  
*Drew Corbett*  
*Finance Director*

**ATTACHMENTS**

None

Report prepared by:  
*Drew Corbett*  
*Fin*

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# OFFICE OF THE CITY MANAGER

Council Meeting Date: June 2, 2015  
Staff Report #: 15-092

**REGULAR BUSINESS:**                      **Approval of the draft Economic Development Plan Strategic Policy Recommendations**

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## RECOMMENDATION

Staff recommends that the City Council approve the Draft Economic Development Plan Strategic Policy Recommendations and to authorize their incorporation into the Economic Development Plan.

## POLICY ISSUES

Updating the Economic Development Plan is a City Council Goal and the City Council has approved the Economic Development Plan Goals. This review and direction will help complete the update of the Economic Development Plan and allow staff to work to implement the City's Economic Development Strategies.

## BACKGROUND

While the nation has shifted from a manufacturing-based to an innovation-based economy, Menlo Park's land use, transportation and economic strategies have not followed suit. As a result, Menlo Park is losing ground compared to neighboring cities, and the residents are missing out on the benefits of the innovation economy for the community. To address this, City Council directed staff to update the Economic Development Plan to make Menlo Park more competitive in the regional and global economy.

BuildPublic, the consultant selected to assist with the Economic Development Plan, expanded on the Economic Trends Report in the Comparative Economic Advantage Study (CEAS). The CEAS analyzes Menlo Park's existing economic conditions in comparison to other Bay Area cities, characterizes the role Menlo Park plays in the regional economy, identifies areas where Menlo Park could improve in order to become more competitive, and examines how other cities are attempting to capture the value of development in their community.

On January 27, 2015, the City Council approved the Economic Development Plan Goals and directed staff to return with a budget and scope of work for completing Phase II of the Economic Development Plan.

On February 24, 2015, the City Council approved the scope for Phase II of the Economic Development Plan.

On April 14, 2015, the City Council hosted a study session, facilitated by BuildPublic, in order to discuss different options for further defining how to efficiently and consistently capture value from development for the benefit of the community, otherwise known as “Public Benefit”. This discussion helped inform the strategies presented in the Draft Economic Development Plan Strategic Policy Recommendations (Attachment A) and will inform other long-range planning efforts ie., ConnectMenlo, El Camino Real Downtown Specific Plan biennial review.

On May 27, 2015, Staff hosted an Economic Development Plan Stakeholder Group Meeting that was open to the public in order to receive feedback on the proposed strategies. The Group provided great feedback on the Strategies and offered suggestions for the City Council’s review on June 2<sup>nd</sup>. Specifically, the Group recommended: 1) that there be a mix of development types and scales in the M-2, 2) that we focus on developing incubator/co-working spaces Downtown and 3) consider alternative approaches to traffic mitigation, such as post occupancy monitoring and refinement.

## **ANALYSIS**

The Draft Economic Development Plan Strategic Policy Recommendations document has been prepared for Council review and direction. The approved Strategic Policy Recommendations will be revised per Council direction and will be incorporated into the Draft Economic Development Plan that staff anticipates presenting to Council for approval on June 16<sup>th</sup>.

As previously discussed, the Economic Development Plan Update has been following a three phase process:

- 1) Existing Conditions: Because the economy changed drastically since the last Business Development Plan was amended in 2010, BAE Urban Economic conducted an Economic Trends Report to better understand the existing economic conditions.
- 2) Economic Development Plan: Upon completion, the Economic Development Plan will consist of:
  - (1) Comparative Economic Advantage Study (CEAS),
  - (2) Economic development goals
  - (3) A list of strategic policy recommendations.
- 3) Implementation: Following approval of the plan staff will work on developing and implementing the strategic policy recommendations. Some of strategic policy



recommendations will be incorporated into existing long-range planning efforts, while others will be stand-alone policy initiatives.

### **IMPACT ON CITY RESOURCES**

No additional consultant or staff resources are anticipated for final development of the Economic Development Plan.

### **ENVIRONMENTAL REVIEW**

The Economic Development Plan is not a project under CEQA.

### **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

### **ATTACHMENTS**

- A. Draft Economic Development Plan Strategic Policy Recommendations

Report prepared by:

*Jim Cogan*

*Economic Development Manger*

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# **MENLO PARK**

## ***ECONOMIC DEVELOPMENT PLAN UPDATE***

### ***STRATEGIC POLICY RECOMMENDATIONS***

**MAY 22, 2015**



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**01**

**MENLO PARK**

**ECONOMIC**

**DEVELOPMENT**

**GOALS**





# MENLO PARK

## ECONOMIC DEVELOPMENT GOALS

### 1. Diversify and Grow City Revenue Sources

*For decades, the El Camino Real was home to many car dealerships that produced a large, reliable sales tax base for the city. In recent years, these dealerships have moved out of Menlo Park, taking tax revenue elsewhere and leaving vacancies. Instead of “chasing” large sales tax generators like big box retail or auto dealerships, the City should cultivate a diverse range of new sources of public revenue to ensure Menlo Park’s long-term fiscal health. Overreliance on one revenue source or tax does not produce long-term stability. The City should be creative in how it generates new public revenue—capturing a greater share of the disposable income of its innovation sector workforce, for example, or leveraging new real estate development opportunities through intelligent land value capture policies.*

### 2. Grow “Walkable Urbanism” in a Few Strategic Locations

*It’s unrealistic to expect all of Menlo Park to become an amenity rich “walkable” neighborhood. Instead, the City should identify a small subset of locations that are best situated for increased retail and cultural amenities, changes in land use and urban form and growth. The goal is to increase walkability and create neighborhood identity, and adding more neighborhood-serving retail is a strategy to get there.*

### 3. Capture the Economic Potential of “Pass-Through” Traffic

*An estimated 80% of east Menlo Park’s daily traffic is “pass-through” – auto trips by individuals with no planned destination in Menlo Park. By offering better reasons to stop and spend time and money in Menlo Park, ideally through walkable and amenity rich retail and entertainment clusters, the City could increase its capture of the economic wealth of the larger region, without adding significant vehicle traffic, and also enhance retail and cultural amenities for Menlo Park’s residents.*

### 4. Activate the East Side by Leveraging Planning and Real Estate Development Opportunities in the M-2

*Menlo Park’s Belle Haven neighborhood lacks many resident-serving amenities, but it also holds some of the best economic and real estate development opportunities for Menlo Park. Many Belle Haven residents support a vision for development that could bring greater urban vitality, including adding a movie theater, supermarket, and other amenities that could improve their neighborhood but also give reasons for residents from west Menlo Park to visit east Menlo Park.*

*At the same time, the adjacent M2 zone in east Menlo Park is ripe for transformative development. If the city is strategic about how it plans and rezones this area it will gain much more than just increased property taxes—it can create a whole new live, work and play*

*neighborhood that will provide new amenities for existing Belle Haven residents incubate new businesses, and generate funding for new public parks and plazas.*

#### **5. Work with Neighboring Cities to Increase Transit & Cycling Options that Integrate Menlo Park into the Region**

*Transit is a regional dilemma. Menlo Park cannot solve regional problems on its own. However, Menlo Park can make local, tactical improvements in cooperation with businesses like Facebook, institutions like Stanford, and with neighboring cities like Redwood City, to enhance its connection to regional transit, private shuttles, car-sharing and bicycle networks.*

#### **6. Enhance Cultural/Arts Offerings**

*Menlo Park should actively promote arts and culture as an economic development strategy.*

#### **7. Preserve Housing Affordability and Income Diversity Wherever Possible**

*Providing access to housing affordable to a range of incomes is a crucial component of economically vibrant and resilient communities, especially for small businesses like restaurants and retail that rely on lower-paid employees.*

#### **8. Consider the Needs of the Market -- Now and in the Future**

*Menlo Park must focus on the needs of the innovation sector with particular attention to the unique growth stages of these companies. Ideally, Menlo Park can provide space for start-ups, room for them to grow, and even accommodate local businesses when they scale-up to larger sized, publicly traded companies. Focusing on the needs of employers and employees of this sector now and in the future will help capture the benefits*

*of that sector, for the benefits of Menlo Park residents.*

#### **9. Attend to the Details**

*Menlo Park must not lose sight of the “small stuff,” which supports the overall quality of life. While the City should focus on some big strategic moves for economic development, it must also maintain focus on everyday services like maintenance and capital improvements of public infrastructure.*

#### **10. Rethink Downtown**

*Improving vibrancy downtown requires a plan that addresses retail offerings, the buildings that house them, and access to the area. Menlo Park’s parking replacement requirements for residential development in the downtown are inadvertently limiting development that could enhance its potential as a mixed-use urban village with vibrant retail. Further, Menlo Park owns the surface parking lots in its downtown, which represent a tremendous opportunity for the development of parking structures to enhance access to downtown amenities.*

#### **11. Make Menlo Park a Predictable Place to Do Business**

*The current planning and permitting process in Menlo Park is onerous and unpredictable, which can discourage new companies, developers, and business owners from wanting to locate in Menlo Park. By streamlining the planning and permitting process, the City can create a more welcoming environment for new businesses and residential development in Menlo Park.*

**02**

**SUMMARY OF  
RECOMMENDATIONS**



# SUMMARY OF RECOMMENDATIONS

## GOAL 1. DIVERSIFY AND GROW CITY REVENUE SOURCES

### ***STRATEGY 1A. ENCOURAGE DOWNTOWN COMMERCIAL VIBRANCY***

#### **Recommendations:**

- Allow temporary activation of vacant storefronts and land.
- Allow increased FAR for office above ground floor with no net new parking requirement.
- Create Facade Improvement Program.
- Provide clear navigation assistance through commercial permitting process.
- Educate commercial property owners about ways to build property value.
- Expand definitions and flexibility in permitted land uses for commercial zones.

### ***STRATEGY 1B. DIVERSIFY SOURCES OF TAX REVENUE***

#### **Recommendations:**

- Evaluate a Targeted Transfer Tax
- Evaluate Negotiated Benefit Covenants
- Evaluate a Targeted Community Facility District (CFD)
- Evaluate Transient Occupancy Tax (TOT) rebates to encourage hotel development.
- Evaluate City-owned property for potential of public space leases.

### ***STRATEGY 1C. RECAPTURE LAND VALUE VIA PUBLIC BENEFIT ZONING***

## GOAL 2: GROW WALKABLE URBANISM IN A FEW STRATEGIC LOCATIONS

#### **Recommendations:**

- Focus on Downtown & Willow Road today, Menlo Gateway & Facebook Prologis site in future.
- Seek to revive Dumbarton Rail project.
- Allow more housing near transit.
- Value capture where up-zoning occurs.
- Design intersection of public and private realms at a pedestrian scale.
- Expand allowable land uses.
- Experiment with low-cost, quickly-implemented, and grassroots adjustments to public realm.
- Require parking to be placed behind buildings, on side streets, or in structures.
- Reduce parking requirements.

- Consider establishing an In-Lieu Parking Program.
- Price parking strategically.
- Install quality sidewalks, crossings, bulb-outs and lighting.
- Encourage company campuses to integrate into urban street grids.

### **GOAL 3. CAPTURE THE ECONOMIC POTENTIAL OF “PASS-THROUGH” TRAFFIC**

#### **STRATEGY 3A. CREATE “DESTINATIONS” OFF HIGHWAYS 101 AND 84 IN M-2 ZONE**

##### **Recommendations:**

- Work closely with Facebook development team to ensure Prologis site becomes a regional attraction.
- Continue to work with Menlo Gateway development team to ensure it becomes a regional attraction.

#### **STRATEGY 3B. CAPTURE EXISTING “PRIMARY SERVICE AREA” POPULATIONS FOR MENLO PARK’S MAJOR DESTINATIONS**

- Downtown / Caltrain Station
- Menlo Gateway / Future Marsh Road Station
- Facebook-Prologis Site / Future Willow Road Station

#### **STRATEGY 3C. ACTIVATE MENLO PARK CALTRAIN STATION**

##### **Recommendations:**

- Engage a marketing consultant to develop a Menlo Park Caltrain station area marketing campaign.
- Celebrate and highlight existing attractions.
- Encourage commuter-friendly land uses along Caltrain corridor.

### **GOAL 4. ACTIVATE THE EAST SIDE BY LEVERAGING PLANNING AND REAL ESTATE DEVELOPMENT OPPORTUNITIES IN THE M-2**

#### **STRATEGY 4A. CREATE MARKET-DYNAMIC LAND VALUE RECAPTURE SYSTEM**

- Recommendation:** “Public Development Rights” (PDR) Trading Market Concept

#### **STRATEGY 4B. ENGAGE FACEBOOK WITH THE NEIGHBORHOOD**

##### **Recommendations:**

- Work closely with Facebook development team.
- Promote walkable urbanism throughout.

#### **STRATEGY 4C. DEVELOP DUMBARTON RAIL CORRIDOR**

- Phase I: Dumbarton Trail

Phase II: Dumbarton Spur

Phase III: Dumbarton Rail

## **GOAL 5. WORK WITH NEIGHBORING CITIES TO INCREASE TRANSIT & CYCLING OPTIONS THAT INTEGRATE MENLO PARK INTO THE REGION**

### **STRATEGY 5A. DEVELOP DUMBARTON RAIL CORRIDOR**

### **STRATEGY 5B. PARTNER WITH REGIONAL RIDESHARE PROGRAMS**

#### **Recommendations:**

Consider partnering with Bay Area Bike Share.

Consider partnering with Scoot Networks.

Consider partnering with RidePal.

### **STRATEGY 5C. EXPAND PUBLIC SHUTTLE SERVICE**

### **STRATEGY 5D. CONSIDER MUNICIPAL CAR-SHARING FLEET**

**Recommendation:** Consider allowing usage of municipal fleet on weekends and evenings for public carshare service

### **STRATEGY 5E. CREATE “ONE-STOP-SHOP” TRANSIT ONLINE PLATFORM**

**Recommendation:** Consider developing a “GoMenlo” type sub-website and/or app.

## **GOAL 6: ENHANCE CULTURAL/ARTS OFFERINGS**

### **STRATEGY 6A. INCREASE LAND USE FLEXIBILITY TO ALLOW FOR INNOVATIVE USES.**

#### **Recommendation:**

Expand permitted uses in commercial zones.

Add “Art Gallery” to permitted uses in zoning code

### **STRATEGY 6B: STREAMLINE PERMITTING FOR STREET EVENTS.**

**Recommendations:** Reduce 60 day advance permit application time.

### **STRATEGY 6C. CREATE CITY MATCHING GRANT FUND FOR STREET ACTIVATION**

**Recommendation:** Establish matching grants to leverage private sector investment for greater public benefit.

### **STRATEGY 6D. LANDLORD PROPERTY TAX REBATE FOR ARTIST/MAKER SPACES**

### **STRATEGY 6E. CREATE “POP-UP” LEASE TEMPLATES**

### **STRATEGY 6F. LINK POP-UP BUSINESSES WITH UNDERUTILIZED RETAIL SPACE**

## **GOAL 7. PRESERVE HOUSING AFFORDABILITY AND INCOME DIVERSITY WHEREVER POSSIBLE**

### **Recommendations:**

- Allow taller buildings and relax parking requirements so that homes can be built more cost effectively.
- Allow micro-apartments and/or co-living projects that cost less to build than conventional apartments.

## **GOAL 8. CONSIDER THE NEEDS OF THE MARKET -- NOW AND IN THE FUTURE**

### **STRATEGY 8A. DESIGN FLEXIBILITY INTO CODE**

### **STRATEGY 8B. INCENTIVIZE TECH INCUBATOR SPACES**

## **GOAL 9. ATTEND TO THE DETAILS**

### **STRATEGY 9A. LEVERAGE TECHNOLOGY TO ENGAGE COMMUNITY IN UPKEEP OF THEIR CITY**

### **Recommendations:**

- Publish baseline standard of city services on city website.
- Open source city data to allow development and adoption of civic apps.

### **STRATEGY 9B. LEVERAGE PRIVATE SECTOR TO SUPPLEMENT CITY SERVICES**

### **Recommendations:**

- Require ongoing maintenance of public realm improvements associated with new or redevelopment projects.
- Encourage establishment of neighborhood stewardship entities.

## **GOAL 10. RETHINK DOWNTOWN**

### **STRATEGY 10A. CONTINUE TO VALUE THE DOWNTOWN**

### **STRATEGY 10B. GROW WALKABLE URBANISM**

### **STRATEGY 10C. ENCOURAGE HOUSING, TRANSIT, WALKING AND BIKING**

### **Recommendations:**

- Price parking intelligently and create a parking benefit district.
- Build a downtown parking structure.
- Use transportation demand management measures to increase transit use, walking and bicycling.



Relax parking requirements in areas near transit.

Join Bay Area Bikeshare and install bike sharing facilities.

Consider flexible and form-based land use regulations.

## **GOAL 11. MAKE MENLO PARK A PREDICTABLE PLACE TO DO BUSINESS**

### **Recommendations:**

Continue to improve Menlo Park website to be simpler and more interactive.

Enhance Menlo Park Open Government site.

Create a one-stop permit application and tracking system.



**03**

**STRATEGIC**

**POLICY**

**RECOMMENDATIONS**

# STRATEGIC POLICY RECOMMENDATIONS

## GOAL 1. DIVERSIFY AND GROW CITY REVENUE SOURCES

### **STRATEGY 1A. ENCOURAGE DOWNTOWN COMMERCIAL VIBRANCY**

A balanced mix of economically healthy retail, restaurant and services in the downtown core will increase sales tax revenue to the City. A vibrant downtown will also better leverage the disposable income and multiplier effect of the local innovation sector workforce.

**Recommendation: Allow temporary activation of vacant storefronts and land.** “Pop-ups,” or short-term commercial uses, are effective tools with which to both build energy and interest in a downtown area, and to generate revenue for property owners and thus cities. Pop-up businesses typically occupy vacant retail spaces for three to twelve months, and pay a reduced rent with minimal tenant improvements allowed. Pop-up businesses are often local and “start-up” in nature, either run by new or experienced business owners who live in the area, or by existing businesses seeking to test new market concepts. A pop-up can be a “win-win-win” for landlord, business, and city: the landlord gains a rental income stream where there had been none prior, the pop-up business owner has a chance to vet a business concept with low overhead, and the city receives modest sales tax revenue in addition to increased interest and activity in the commercial core, which can in turn attract more business and thus more revenue.

Cities are only recently beginning to recognize the value of such temporary activation strategies, and often zoning codes lag far behind the market trends. When the range of permitted uses in a commercial zone are limited and inflexible, creative land uses that could otherwise stimulate a city’s economic vitality are stymied. Only a handful of cities have established specific “pop-up” retail ordinances, but with the surge in pop-up businesses around the country, codifying these innovative uses will be important to enhancing economic vitality especially in stagnating downtowns and on vacant or underutilized land. The City of Austin, Texas created a Pop-Up Retail Ordinance in 2011 that Menlo Park could use as a model, both for existing retail spaces downtown and for new retail spaces in the M-2 and Belle Haven areas. Additionally in New York City, a Vacant Lot Temporary Activation Program has encouraged temporary uses on undeveloped land; Menlo Park could adopt a similar program in the M-2 zone.

**Case Study:** [Austin TX Pop-Up Retail Ordinance](#), passed Nov 2011 - Non-prescriptive allowance of temporary uses up to 3 months.<sup>1</sup>

**Case Study:** [New York City Vacant Lot Temporary Activation Program](#) - Begun 2013, made 15 city-owned lots available for temporary activation, 6-12 months. Selected programs eligible for incentives & assistance programs - tax reductions/financing, discounts on utility costs, etc.<sup>2</sup>

**Recommendation: Allow increased FAR for office above ground floor with no net new parking requirement.** Consider relaxing the parking and Floor-Area-Ratio (FAR) restrictions on above-

<sup>1</sup> . Ordinance No. 20111103-075: <http://www.austintexas.gov/content/november-3-2011-austin-city-council-regular-meeting>.

<sup>2</sup> . <http://www.nycedc.com/service/workforce-local-business-programs>

ground office uses in commercial areas like Downtown and the El Camino Real corridor, to attract small companies with significant Caltrain ridership (e.g. young, tech, startup). Office workers downtown drive demand for coffee, lunch, après-work food, entertainment, shopping, and fitness related commercial uses. Incentivizing small, dense office uses may help increase both business and sales tax revenues. Consider complementing a reduction in parking requirements with rideshare incentives outlined in Goal 5.

**Recommendation: Create a Façade Improvement Program.** Encourage commercial property owners to reinvest in their buildings to attract more vibrant commercial tenants. Allocate small City matching grants to help property owners repaint, remove old awnings, replace signage, etc.

**Case Studies:** *Mountain View, San Diego Façade Improvement Programs. See Appendix A for Façade Improvement Program Comparison Table.*

**Case Study:** *Downtown Los Altos – Passerelle Investment Company has been successful at investing in modest building façade improvements for high aesthetic yield. At the First and State Retail Building, removing awnings and repainting in vibrant modern colors has dramatically modernized the character of this 1980s-architecture building. (Figure 1)*

**Figure 1:** 359 State Street & 379 State Street, before and after façade improvement.



**Recommendation: Provide clear navigation assistance through commercial permitting process.** Encouraging the growth of locally-owned businesses is a widely supported concept in cities today but is quite challenging to implement. For prospective small business owners who may or may not have experience running a business, a typical city’s labyrinth of forms, permits and approvals from numerous departments can be overwhelming. In order to promote the type of commercial economic growth Menlo Park desires, namely unique local businesses that both lend character to a downtown and help recirculate local dollars, the City’s Economic Development Department should explore the development of a clear online business development portal in which business owners are led through the city’s processes. One such product worth exploring is OpenCounter – see Goal 11 recommendations.

**Case Study:** [San Francisco Business Portal](http://businessportal.sfgov.org/) – online information clearinghouse with clean interface for existing and prospective businesses (begun November 2014).<sup>3</sup>

**Recommendation: Educate commercial property owners about ways to build property value.** Consider hosting free workshops through Economic Development Department describing value and examples of a hands-on landlord approach, tenant curation, facade improvement (low cost, high yield), etc.

**Case Study:** *Passerelle Investment Company’s “Landlord 2.0” Program (Los Altos) – Brooke Ray could speak to Downtown MP property owners about progressive landlord policies – zero waste program, foot traffic data, employee parking permits required by lease, etc - if of interest.*

**Recommendation: Expand definitions and flexibility in permitted land uses for commercial zones, especially M-2 and SP-ECR/E.**

See Strategy 6A below.

### **STRATEGY 1B. DIVERSIFY SOURCES OF TAX REVENUE**

Menlo Park should seek to diversify its sources revenue beyond conventional modes (e.g. sales tax revenue, development fees, etc.), layering various income streams of differing magnitudes to help build capacity for important public benefit projects, from transit to neighborhood greening and open space to pedestrian-oriented developments and streetscapes. The following recommendations outline enduring funding mechanisms that can support ongoing maintenance and operations of public amenities or infrastructure, beyond just capital improvements.

**Recommendation: Evaluate a Targeted Transfer Tax.** The City of Menlo Park’s transfer tax rate is currently \$0.55 per \$1,000 of property value. In the M-2 zone, evaluate an innovative application of a “Targeted Transfer Tax” in which all or a portion of the proceeds from property sales in that area funds public benefit

<sup>3</sup> . <http://businessportal.sfgov.org/>

improvements in that same area. An advantage is that the fees generated would not be limited to capital; they could be used for ongoing maintenance of public amenities or infrastructure.

**Recommendation: Evaluate Negotiated Benefit Covenants.** A variation on the transfer tax idea, consider negotiating public benefit covenants recorded on property deeds during the Development Agreement process. In this scenario, as the property changes hands the new owner would be required to contribute a public benefit fee to the city. An advantage is that the fees generated would not be limited to capital; they could be used for ongoing maintenance of public amenities or infrastructure.

**Case Study: BART “Transit Benefit Fee Covenant”** - In 2005 West Dublin/Pleasanton BART placed a benefit fee covenant on the purchase and sale of 3.65 acres to a residential developer.<sup>4</sup> The covenant stipulated that BART would receive sale price participation equal to 50% above a pre-specified price per unit. In 2011 the Benefit Fee was modified, beginning with 1% of gross operating revenues for the first year and increased to 2% by the 16th year.<sup>5</sup>

**Recommendation: Evaluate a Targeted Community Facility District (CFD).** In lieu of paying a one-time up front fee for public benefit (e.g. under the Public Development Rights model, see Goal 4 Strategies and Recommendations), Menlo Park could allow a developer to instead create a CFD or Mello Roos District and amortize payments into a public benefit fund over time. A fiscal analysis would need to be conducted by the developer to prove that annual payments over a specified period would be equal to or greater than the value of a lump sum payment at the outset. This strategy may be more applicable for large scale development projects, or projects in which the developer feels he/she may be able to amass support from neighboring property owners. However, the intent behind the above three recommendations is to identify ways to create enduring funding mechanisms that can support ongoing maintenance and operations of public amenities or infrastructure, not just capital improvements.

**Recommendation: Parking Revenue Bonds.** To finance new public infrastructure, either in the M-2 or downtown areas, consider parking revenue bonds in which future parking structure revenue can help offset the cost of its construction.

**Recommendation: Evaluate Transient Occupancy Tax (TOT) rebates to encourage hotel development projects.**

Re-evaluate current 12% TOT rate.

Encourage hotel land uses through permit streamlining, zoning incentives.

Identify preferred hotel development areas, create a map and list of development incentives, and distribute

<sup>4</sup> Keyser Marston, November 2014. Memorandum to Pleasant Hill BART Station Leasing Authority: Block C Condominium Feasibility Analysis, p11. <http://ca-contractocostacounty2.civicplus.com/DocumentCenter/View/34410>.

<sup>5</sup> BART Board of Directors, July 14, 2011. Board of Directors Meeting Minutes, p4. <https://www.bart.gov/sites/default/files/docs/minutes/07-14-11%2520regular%2520Minutes.pdf>.

a Menlo Park “pitch book” to attract prospective hotel entities. A pitch book is a marketing presentation used in real estate and finance that clearly and attractively outlines the advantages of investing or developing in a certain area, i.e. Menlo Park.

**Case Studies:** *City of Palm Springs TOT Incentive Ordinance, City of La Quinta TOT rebate for Silver Rock Public Golf Course development, City of Anaheim Hotel Economic Development Assistance Program.*

### **Recommendation: Evaluate City-owned property for potential of public space leases**

Consider increasing allowed private uses of public land.

Consider streamlining short term uses such as events, festivals, pop-ups on City land.

Re-evaluate existing long term leases, identify new leasing opportunities.

### **STRATEGY 1C. RECAPTURE LAND VALUE VIA PUBLIC BENEFIT ZONING**

Before intensifying land use in currently underutilized areas such as the M-2 zone, Menlo Park should ensure that land value recapture mechanisms are built into the revised zoning code for these areas. This will help ensure that as development capitalizes on this increase in land value, a portion of that increment is held for the preservation and enhancement of the public realm or “the commons.” This strategy is discussed in further detail below under Goal 4.

## **GOAL 2: GROW WALKABLE URBANISM IN A FEW STRATEGIC LOCATIONS**

*The most successful downtowns in Bay Area cities tend to follow a pattern of “walkable urbanism.” They combine good transit services, moderate residential density, a walkable public realm, and smart parking management. These downtown characteristics often cultivate a virtuous cycle, in which visitors and residents attract new businesses, and the businesses in turn attract more visitors. Growing in an intentional way – a way that promotes walkability, activity, commerce, and vibrant neighborhoods – we refer to as walkable urbanism. It is important for several reasons:*

**Walkable urban neighborhoods are convenient** – with more businesses in Menlo Park and a greater mix of land uses, more people will be able to live within walking distance of a grocery store.

**Walkable urban neighborhoods capture more regional spending.** Menlo Park isn’t capturing as much business as it could. People passing through on 101 could be stopping and shopping.

**Walkable urban neighborhoods participate in the region.** By capturing a portion of regional housing development, Menlo Park can contribute to addressing the region’s housing supply and affordability crisis.

**Walkable urban neighborhoods attract educated, high-earning professionals.** An educated workforce is one of the most valuable economic resources a city can have. Their wealth allows them to spend more at local



*businesses, to pay higher taxes, to employ more local service providers, and to start more new businesses.*

**Walkable urban neighborhoods reduce driving.** *Living in a walkable neighborhood near public transit makes it easier for people to drive less. This helps both local traffic congestion and global climate change.*

**Walkable urban neighborhoods promote safety.** *A key principle of walkable urbanism is to provide safe streets for pedestrians and bicyclists as well as drivers, and to provide public spaces that are active, busy and safe.*

**Recommendation: Focus on Downtown and Willow Road today, Menlo Gateway and Prologis site in future.** Identify two or three locations with good transit service, such as downtown (Caltrain) and along Willow Road (DB and DB-1 bus lines) to become more walkable neighborhoods through emphasis on streetscaping and pedestrian street crossings, tactical urbanism, public space activation events and ongoing programming, etc. In a future that explores the development of the Dumbarton Rail Corridor through the M-2 zone, walkable urbanism nodes could expand to include Menlo Gateway and Facebook’s newly acquired Prologis site. In these M-2 areas which may also become Dumbarton Rail transit hubs, consider implementing form-based codes for new development to encourage a pedestrian-friendly environment surrounding these potential new transit stations.

**Case study:** [\*Central Petaluma Specific Plan\*](#). *A plan that prioritizes downtown Petaluma’s sense of place, using form-based codes.*<sup>6</sup>

**Case Study:** [\*San Pablo Avenue Specific Plan \(El Cerrito\)\*](#). *Establishes new height and density requirements to promote a vibrant, transit-oriented downtown.*<sup>7</sup>

**Recommendation: Seek to revive the Dumbarton Rail project.** Designate planned Dumbarton Rail stations as walkable urban neighborhoods. Stations have been proposed at Marsh and Willow Roads (See Figures 2 and 3).

**Case study:** [\*Union City Intermodal Station \(Union City\)\*](#). *An example of smart growth in a greenfield location; it remains to be seen if stronger retail will develop.*<sup>8</sup>

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<sup>6</sup> <http://cityofpetaluma.net/cdd/cpsp.html>

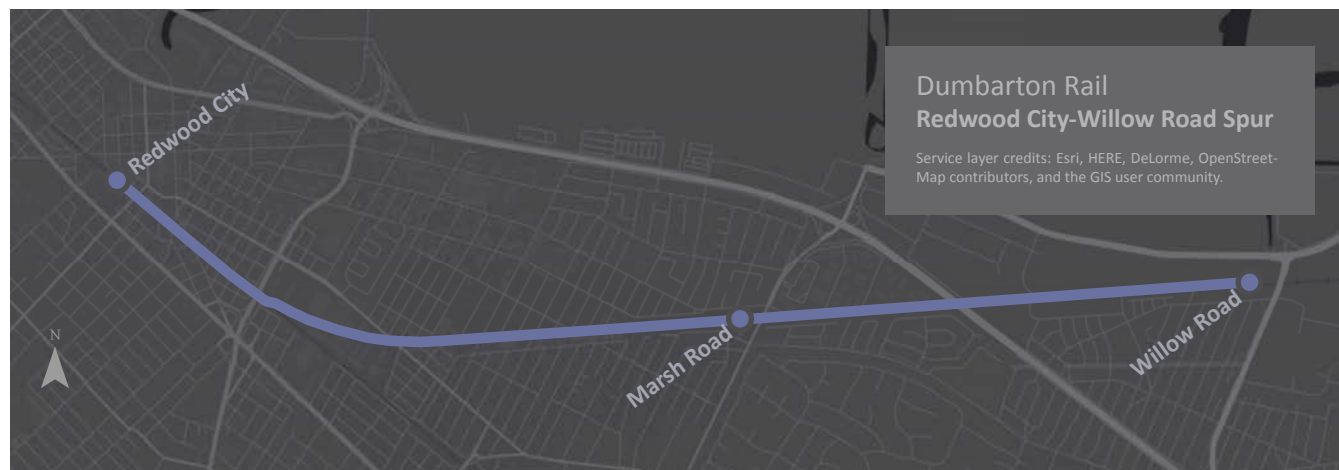
<sup>7</sup> <http://www.el-cerrito.org/index.aspx?nid=396>

<sup>8</sup> <http://www.ci.union-city.ca.us/departments/economic-community-development/economic-development/intermodal-station>.

**Figure 2: Dumbarton Rail Concept**



**Figure 3: Potential Future Dumbarton Rail Spur Transit Nodes**



**Recommendation: Allow more housing to be built near transit, focusing especially on the M-2 District.** Make sure there are enough residential buildings to support an active, vibrant downtown environment.

**Case study: [Diridon Station \(San Jose\)](http://www.sanjoseca.gov/index.aspx?NID=1743).** Keeps residential density moderate, but high enough to support active streets and local retail.<sup>9</sup>

**Recommendation: Where property is up-zoned, capture value for the public through public benefit zoning.** Consider implementing a system of traded development rights, or “public development rights” to recapture a portion of increased land value as a result of city-initiated height or density allowances. The proceeds would be dedicated for public benefit purposes. See Goal 4 for more details. This tool

<sup>9</sup> <http://www.sanjoseca.gov/index.aspx?NID=1743>

may also be used to promote historic preservation and protect open space.

**Case study:** [\*Transfer of Development Rights for Historic Preservation \(San Francisco\)\*](#). San Francisco's historic preservation program uses the same market mechanism for different purposes.<sup>10</sup>

**Recommendation: Design the intersection of the public and private realms for pedestrians, at a pedestrian scale.** Local walking trips tend to engage both the public realm – sidewalks, streets and public spaces – and the private realm – the buildings that frame public space.

**Case study:** [\*Central Petaluma Specific Plan \(Petaluma\)\*](#). Coordinates the design of the public realm and the buildings that frame it, using a form-based code.<sup>11</sup>

**Recommendation. Expand allowable land uses.** Allow mixed uses, flexible uses, temporary uses. In particular, allow retail in most locations if the market supports it.

**Case study:** [\*Central Petaluma Specific Plan \(Petaluma\)\*](#). Allows mixed-use buildings and ground-floor commercial uses in most areas.<sup>12</sup>

**Recommendation: Experiment with low-cost, quickly-implemented, and grassroots adjustments to the public realm such as parklets, temporary pedestrian facilities like bulb-outs, pop-up parks and retail spaces,** Sunday street closures, and public markets. Often described as 'tactical urbanism,' these actions have several advantages. They can be relatively inexpensive and quick in comparison to major public realm interventions; they can harness the creativity of grassroots organizations and private enterprises; and they allow for the use of experimentation and failure to promote more successful public spaces.

**Case study:** [\*Market Street Prototyping Festival\*](#). Invited creative teams outside City government to design and build public art and pedestrian improvements for a temporary 'festival' of new public realm ideas.<sup>13</sup>

**Case study:** [\*San Francisco Parklet policy\*](#). Inspired by Park(ing) Day, where private citizens reclaim parking spaces for alternate uses, the parklet program has allowed for the creation of mini-parks and outdoor additions to cafes, restaurants and bars in San Francisco.<sup>14</sup>

**Case Study:** [\*Downtown Los Altos Third Street Green\*](#). A partnership between a downtown property owner, Passerelle Investments, and the City of Los Altos, the Third Street Green was a month-long pop-up park in downtown Los Altos. It created public gathering space in the downtown core that featured various types of programming throughout the day and evening from free art and yoga classes to live music, largely hosted by local businesses and groups.<sup>15</sup>

<sup>10</sup> <http://www.seifel.com/index.php/latest-news/preserving-san-francisco-s-unique-historic-and-cultural-character.html>

<sup>11</sup> <http://cityofpetaluma.net/cmgr/pdf/smartcode-final.pdf>

<sup>12</sup> <http://cityofpetaluma.net/cmgr/pdf/smartcode-final.pdf>

<sup>13</sup> <http://marketstreetprototyping.org>

<sup>14</sup> <http://pavementtoparks.sfplanning.org/parklets.html>

<sup>15</sup> [www.thirdstreetgreen.com](http://www.thirdstreetgreen.com)

**Recommendation: Require parking to be placed behind buildings, on side streets, or in structures.**

**Case study:** [Vision North San Jose \(San Jose\)](#). Calls for parking to be tucked behind buildings and on side streets.<sup>16</sup>

**Recommendation: Reduce parking requirements for new development and encourage transportation demand management.** Level of service (LOS) as a metric of transportation impacts is being de-emphasized at the State level through SB 743. Local policy changes can take advantage of the opportunity this creates to impose conditions on development that further reduce transportation impacts and promote alternate modes of transportation.

**Case study:** [Transportation Sustainability Program \(San Francisco\)](#). Replaces traffic level of service (LOS) evaluation of development projects with evaluation based on transportation demand management and non-auto mode share.<sup>17</sup>

**Recommendation. Consider establishing In-Lieu Parking Program.** Many cities offer an in-lieu fee option for developers who are unable to provide requisite on-site parking for a proposed development project. This could be due to small lot size, soil or drainage characteristics, or other environmental or site considerations. To encourage pedestrian-oriented development throughout Menlo Park and especially in the downtown core, consider adopting an In-Lieu Parking Program allowing developers to pay a per-stall fee in lieu of providing some or all of on-site required parking. Work with a consultant to establish appropriate \$/stall fee structure.

**Case study:** Mountain View, Palo Alto, Redwood City, San Jose, Walnut Creek, Burlingame – see *In-Lieu Research Summary, Appendix A*. See also [“In Lieu of Required Parking”](#) by Donald Shoup, 1999, *Journal of Planning Education and Research*.<sup>18</sup>

**Recommendation: Price parking strategically to support more efficient use of under-utilized facilities, and sufficient vacancy to allow drivers to park without circling.**

**Case study:** [SFPARK \(San Francisco\)](#). Uses dynamic parking pricing – prices that rise in high-demand locations and at high-demand times – to encourage use of under-utilized parking, keep some parking available at most times in most locations.<sup>19</sup>

**Recommendation. Install quality sidewalks, crossings, bulb-outs and lighting.** As envisioned in the Menlo Park El Camino Real and Downtown Specific Plan, incorporate pedestrian-oriented streetscape features such as these into a redesign of Santa Cruz Avenue.

<sup>16</sup> <https://www.sanjoseca.gov/index.aspx?NID=1744>

<sup>17</sup> <http://www.sf-planning.org/index.aspx?page=3035>

<sup>18</sup> <http://mrsc.org/getmedia/ADF5FFDC-BCC3-4A41-909F-F51980D68874/Shoup.aspx>.

<sup>19</sup> <http://sfpark.org/resources/how-the-sfmta-makes-parking-management-decisions/>

**Case study:** [Downtown Precise Plan: Public Frontage Regulations \(Redwood City\)](#). Provides for improved sidewalks, trees, lighting and pedestrian crossings.<sup>20</sup>

**Recommendation. Encourage company campuses to integrate into urban street grids, particularly in the M-2 district.** Establish clear boundaries to public spaces, and engage the street interactively at ground level.

**Case studies:** [Samsung Headquarters](#) (North First Street, San Jose),<sup>21</sup> [Twitter Headquarters](#) (Market Street, San Francisco). Think of these as a rebuttal to the familiar Silicon Valley campus in a park (e.g. Apple's new headquarters). These buildings are embedded in the street grid, maintaining and activating the pedestrian realm. At ground level, they host commercial uses that serve both employees and the public.

### GOAL 3. CAPTURE THE ECONOMIC POTENTIAL OF “PASS-THROUGH” TRAFFIC

#### STRATEGY 3A. CREATE “DESTINATIONS” OFF HIGHWAYS 101 AND 84 IN M-2 ZONE

The major new developments planned along freeways or arterials, specifically Menlo Gateway and Facebook, should be designed as regional destinations that attract pass-through traffic as commuters drive to and from work.

**Recommendation: Work closely with Facebook’s development team to ensure Prologis site becomes a regional attraction**

Require commercial on ground floor - create neighborhood commercial core feel

Emphasize neighborhood commercial uses: cafes, bars, fitness, boutique retail

Require pedestrian-scale architecture, public amenities, limited storefront widths - i.e. prevent “bedroom community”

Require additional parking in locations easily accessible by arterials (e.g. Willow Road, Hwy 84), via development requirements and/or public-private parking partnership

Create bicycle connections to Bay Trail and Caltrain/downtown - emphasize and market bicycle commute corridors to residents

**Case Study: Patriot Place.** *Patriot Place is an open-air shopping center in Foxborough, Massachusetts adjacent to the home stadium of the New England Patriots. Although Menlo Park is not proposing infrastructure at the scale of a football stadium, lessons can be learned from activity centers like Patriot Place in which a wide variety of restaurant and retail land uses as well as ongoing events and programming fosters activity at all hours of day and night, not just on game days.*

<sup>20</sup> <http://www.redwoodcity.org/phed/planning/precise/preciseplan.html>

<sup>21</sup> <http://www.spur.org/publications/article/2014-01-14/taste-future-north-first-street>

**Recommendation: Continue to Work Closely with Menlo Gateway Development Team to ensure it becomes a regional attraction**

Maintain close communication with development team to explore opportunities for collaboration

Encourage commuter-friendly land uses: restaurants, fitness clubs, personal services

Encourage pedestrian and bicycle connections to Bedwell Bayfront Park and Bay Trail

**STRATEGY 3B. CAPTURE EXISTING “PRIMARY SERVICE AREA” POPULATIONS FOR MENLO PARK’S MAJOR DESTINATIONS**

It is important to complement analyses of pass-through traffic capture with primary service area capture, because each is required to activate a “destination” or commercial center of activity at different times: commuters on weekday mornings and evenings, and nearby residents on weekdays and weekends. This analysis hones in on three destinations: Downtown (existing), Menlo Gateway (in progress), and Facebook’s Prologis site (future). The existing population living within 1/2 mile of each of these can be considered the potential population who could walk to the destination, and the population within a 3-mile area comprises the potential population who could cycle to the destination. Based on these data, these existing and future destinations do supply a sufficient local population to support healthy neighborhood commercial centers. (Table 1 and Figure 4)

**Downtown / Caltrain Station**

Within ½ mile of the Menlo Park Caltrain Station are 3,500 residents who could potentially walk downtown in lieu of driving. Within 3 miles of downtown are 125,000 residents who could bike downtown. Ideally these residents would consider downtown Menlo Park their primary shopping area, provided the downtown can offer the range of services needed. Having such a robust “Primary Service Area” population base to support downtown’s growth is important to recognize; capturing pass-through traffic is an added bonus.

**Menlo Gateway / Future Marsh Road Station**

Within ½ mile of a potential future Dumbarton Rail station at Marsh Road are 5,400 residents, and within 3 miles 108,000. The approved Menlo Gateway development is also within walking distance of this potential rail station. If the City required sufficient pedestrian and bicycle connections between Menlo Gateway and the westward neighborhoods, this area could evolve into a successful walkable urbanism node.

**Facebook-Prologis Site / Future Willow Road Station**

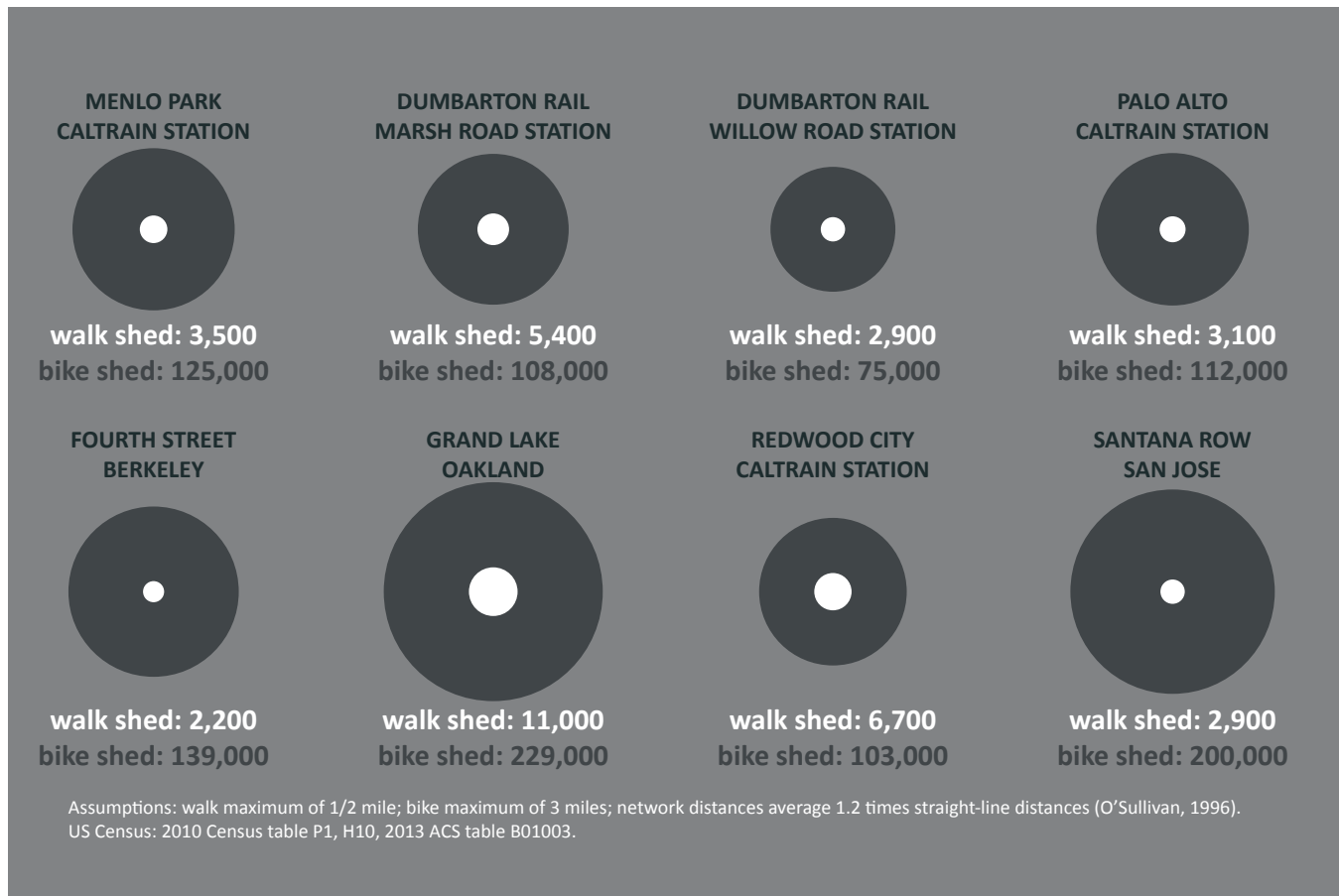
Within ½ mile of a potential future Dumbarton Rail station at Willow Road are 2,900 residents, and within 3 miles 75,000; however that number will rise if and when Facebook develops mixed use housing on its newly acquired site formerly owned by Prologis. The number of nearby existing and future residents can help entice retailers and developers to bring new businesses to the area.

**Table 1: Local Market Base for Menlo Park Activity Nodes**

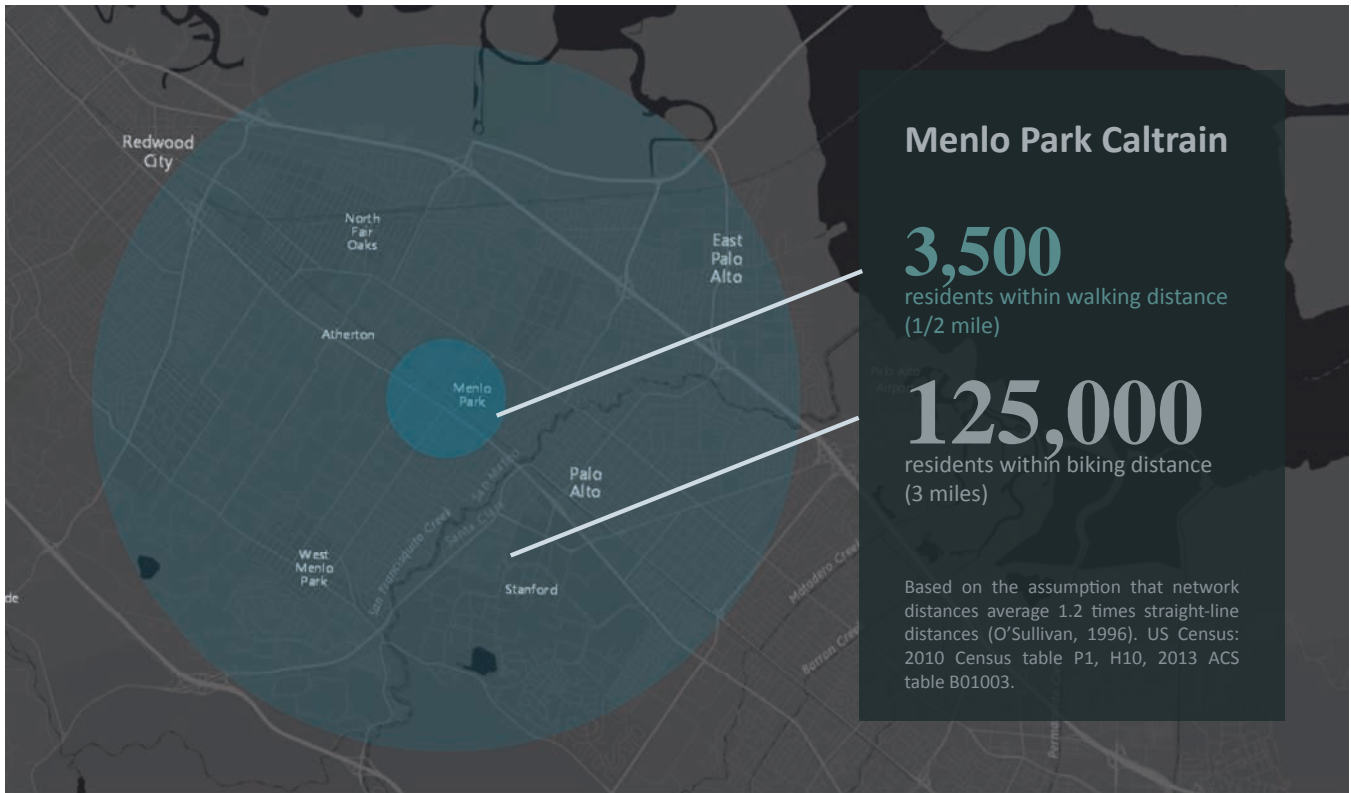
Local and regional market base for prominent regional destinations	Local market		Regional connections
	Walk shed (1/2 mi)	Bike shed (3 mi)	
Downtown ( MP Caltrain)	3,584	125,523	Caltrain, El Camino Real
Menlo Gateway (Marsh Rd)	5,466	108,257	Hwy 101, CA SR 84, Dumbarton Rail*
Facebook Prologis (Willow Rd)	2,970	75,005	Hwy 101, CA SR 84, Dumbarton Rail*
Caltrain, Palo Alto	3,092	111,974	Caltrain, El Camino Real
Caltrain, Redwood City	6,701	103,517	Caltrain, El Camino Real
Fourth Street, Berkeley	2,258	139,682	I-80, Amtrak
Grand Lake, Oakland	11,606	229,577	I-580
Santana Row, San Jose	2,947	200,656	I-280, I-880

\* Potential.  
 Based on the assumption that network distances average 1.2 times straight-line distances (O'Sullivan, 1996).  
 US Census: 2010 Census table P1, H10, 2013 ACS table B01003.

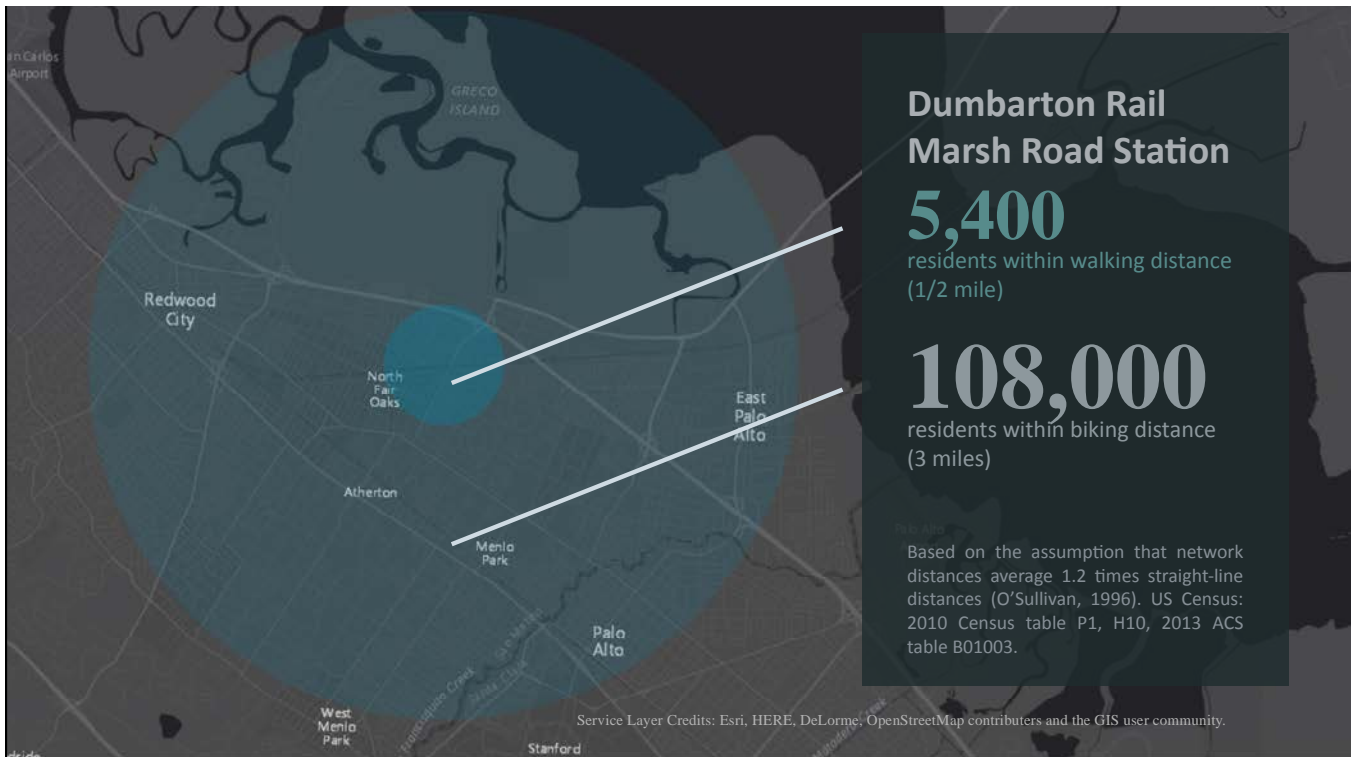
**Figure 4: Walk-Shed and Bike-Shed Comparisons for Menlo Park Activity Nodes**



**Figure 5: Menlo Park Caltrain Station Area Analysis**

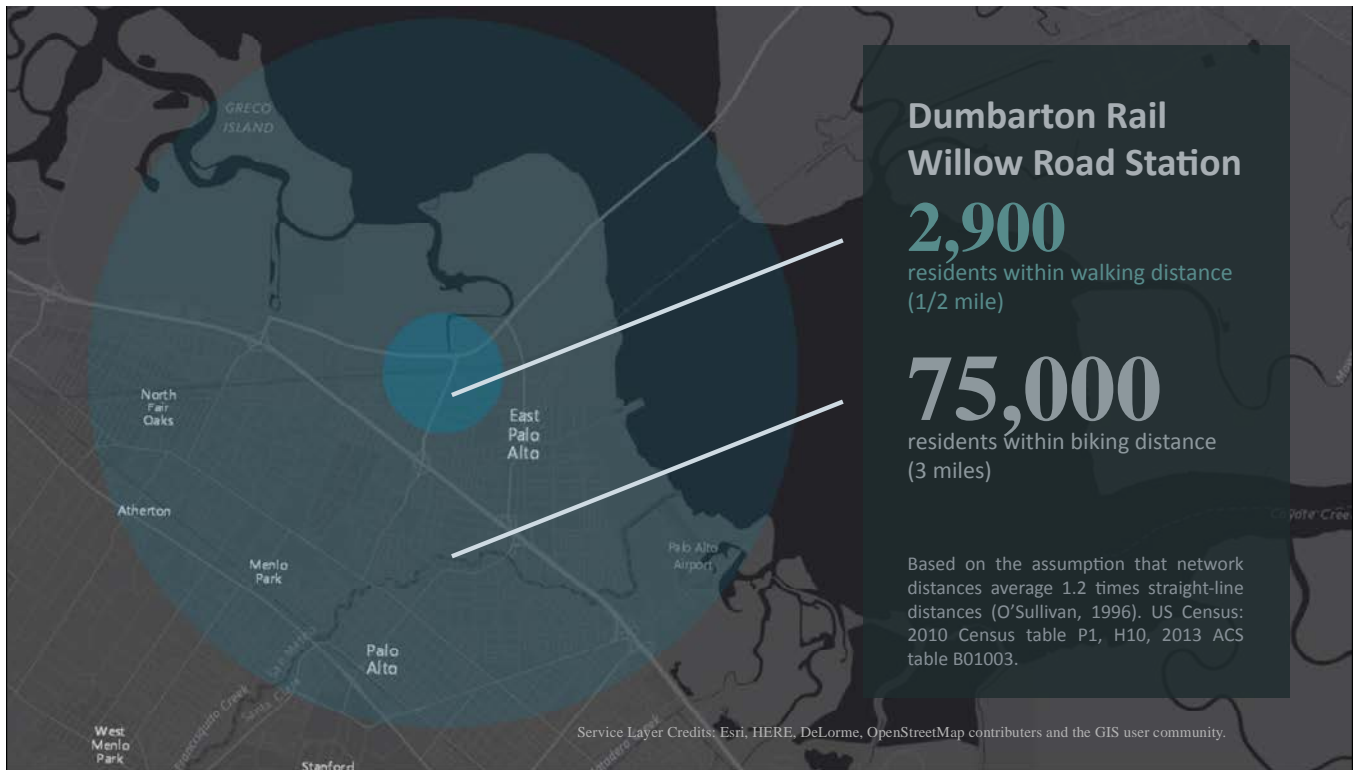


**Figure 6: Menlo Gateway / Future Dumbarton Rail “Marsh Road” Station Area Analysis**





**Figure 7: Facebook Prologis Site / Future Dumbarton Rail “Willow Road” Station Area Analysis**



### **STRATEGY 3C. ACTIVATE MENLO PARK CALTRAIN STATION**

In 2014 the Menlo Park Caltrain station saw an Average Weekday Ridership (AWR = number of passengers boarding or alighting per station per day) of 1,668, up 9.3% from 2013. However, this represents only 3.2% of Caltrain’s overall AWR. For reference, Palo Alto captures 11.7% AWR, Palo Alto 8.1% and Mountain View 5.6% (2014 Caltrain Annual Passenger Counts Key Findings). Menlo Park could increase its AWR by encouraging development of commercial amenities around its Caltrain station.<sup>22</sup>

According to Caltrain’s 2013 Triennial Customer Survey, Caltrain commuters are:

**New** - 35% of respondents have been riding Caltrain less than one year.

**On Foot or Bicycle** - 28%/32% of respondents walked to/from Caltrain (vs 23%/19% driving to/from). An additional 17% used a bicycle to/from Caltrain.

**Young** - Average rider age is 36.7, with a 5% increase in riders age 25-34 between 2010-2013.

**Affluent** - Rider average household income is \$117,000, with 33% of weekday riders living in households earning over \$150,000.

New riders are more likely to be open to forming new habits, such as stopping at new Caltrain stops that offer services they seek. Riders without cars are more likely to off board to shop, eat or drink at establishments within

<sup>22</sup> October 2013. Caltrain Triennial Customer Survey Summary Report. Corey, Canapary & Galanis Research. [http://www.caltrain.com/Assets/\\_Marketing/pdf/2013+Caltrain+Triennial+Customer+Survey+-+Report.pdf](http://www.caltrain.com/Assets/_Marketing/pdf/2013+Caltrain+Triennial+Customer+Survey+-+Report.pdf)

a block or two of the Caltrain station. Young affluent riders will be enticed by after-work attractions such as bars, restaurants and entertainment.

**Recommendation: Engage a marketing consultant to develop a Menlo Park Caltrain station area marketing campaign.** Consider developing a branding campaign such as, “Rediscover Menlo” or “94025” etc. Such a campaign could target Caltrain riders by placing ads on Caltrain, Facebook, Spotify and other social media, regional news/media.

**Recommendation: Celebrate and highlight existing attractions** such as long-standing businesses that offer unique experiences compared to other cities, and which offer Menlo Park a competitive strength.

**Recommendation: Encourage commuter-friendly land uses along Caltrain corridor.**

Consider amending the Specific Plan for specific transit-oriented development (TOD) incentives such as reduced parking requirements within a 1-2 block radius of Caltrain station to attract new and redevelopment.

Regional branding campaign for Menlo Park Caltrain station area, see above.

Seek regional, state and federal funding for Transit-Oriented Development grants.

#### **GOAL 4. ACTIVATE THE EAST SIDE BY LEVERAGING PLANNING AND REAL ESTATE DEVELOPMENT OPPORTUNITIES IN THE M-2**

*The current M-2 zoning is restrictive and Menlo Park recognizes the need to up-zone this area. Currently minimum lot size is 25,000 square feet with minimum 100 foot by 100 foot dimensions, a 20 foot front setback, and maximum 50% lot coverage. The height limit is 35 feet and maximum Floor Area Ratio (FAR) for industrial uses is 55%, for office 45%.*

*According to the 2014 Menlo Park Economic Trends report,<sup>23</sup> the M-2 zone consists of 8.7 million square feet of built space on 640 acres. Of that, approximately 2.5 million square feet are in office uses and 2.7 million square feet are in industrial uses. Office rents are commanding on average \$5.16 per square foot per month, full service. 48% of the jobs in Menlo Park are located in the M-2 zone. The report also asserts that based on current market trends, new development in the M-2 can be expected to consist of Class A office buildings ranging from four to eight stories, and multi-family residential buildings at four to six stories.*

*Consider the office up-zoning scenario. Assuming 35 feet translates into three stories, an up-zoning that captures market demand might increase height limits to 85 feet, to accommodate up to eight-story developments. This would represent a five-fold increase in developable building area for any given M-2 property*

<sup>23</sup> Bay Area Economics. April 2014. “Menlo Park Economic Development Strategic Plan Phase 1: Economic Trends Report”

owner. Rather than simply give such a windfall to these lucky landowners, a fairer strategy might be to develop a “public development rights” trading market for these developable air rights. To quantify, say the M-2 zone has 2.5 million square feet of office currently, and we assume for simplicity’s sake and to be conservative that this represents full build-out of allowable development under current zoning; that is, buildings are built out to the 35 foot height limit. Up-zoning to 85 feet would create 12.5 million new potential square feet of developable air space. At \$5.16/sf this represents \$64.5 million in potential office revenue, a staggering amount if this were to be handed to property owners gratis through City-initiated up-zoning.

#### **STRATEGY 4A. CREATE MARKET-DYNAMIC LAND VALUE RECAPTURE SYSTEM - A “PUBLIC DEVELOPMENT RIGHTS” TRADING MARKET**

A Public Development Rights (PDR) trading system would require that above a certain development baseline, such as existing zoning, developers must purchase PDR or developable air rights, measured by floor area. The value of PDR units would be assessed in the same way that land value is assessed today, and at the time of the proposed purchase. In this way, the value of PDR units is allowed to fluctuate with the market as assessed property value is. The advantage of such a dynamic pricing system is that it remains relevant in ever-changing market conditions; if the real estate market falls, the price of PDR units falls with it, enabling land owners or developers to still consider purchasing PDR to densify their property or project.

PDR proceeds would be deposited into a “Smart Growth Infrastructure Bank” managed by a reputable third party financial institution. Funds from this Bank would be allocated to public benefit infrastructure projects as identified by the City, such as new or rehabilitated parks, plazas, playgrounds, pedestrian and bicycle infrastructure, streetscape improvements, public transit infrastructure, green stormwater management, etc. These projects could be publicly initiated or, with proper oversight in place, a private developer could propose public realm improvements above and beyond his or her project requirements, and the City could award funds that the developer must use towards those additional public improvements. Another way of thinking about PDR is as “Air Bonds,” which the City sells to raise funds for density-supportive public infrastructure improvements. San Francisco’s Transferable Development Rights (TDR) program is a successful model for this kind of trading system; it has been in place since the mid 1980s in San Francisco’s downtown area, and is still effectively and actively used.

**Case Study:** *San Francisco’s Transferable Development Rights (TDR) Program, established in 1985 in San Francisco Downtown Plan.*<sup>24</sup>

#### **STRATEGY 4B. ENGAGING FACEBOOK WITH THE COMMUNITY**

Facebook has expressed interest in exploring mixed-use opportunities in its upcoming development projects. Menlo Park should leverage this interest to the fullest in order to create a model to which other tech campuses can look for exemplary public-private partnerships.

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<sup>24</sup> <http://www.seifel.com/index.php/latest-news/preserving-san-francisco-s-unique-historic-and-cultural-character.html>

**Recommendation: Work closely with Facebook development team.** Be proactive with outreach and identify key players in various Facebook departments who are informed about each development parcel: existing Facebook campus, in-progress Facebook West campus, and the newly acquired Prologis site. Offer to attend meetings as a brainstorming partner and city “reality check,” in spirit of guiding development to be the best it can be.

**Recommendation: Promote walkable urbanism throughout. See Recommendations for Goal 2: Walkable Urbanism.**

### ***STRATEGY 4C. DEVELOP DUMBARTON RAIL CORRIDOR***

The Dumbarton Rail concept is a long-term necessity for the region as land uses densify, housing and office development grows, and traffic congestion increases. Though it may seem a major and risky investment today given the underutilization of land along the Dumbarton corridor, those conditions may make this an opportune time to invest in inevitable future growth. For the development of the Dumbarton Rail through Menlo Park we envision a phased approach that in the short term creates immediate benefit while also growing support for a longer term full-connectivity option between Caltrain and the East Bay BART.

**Case Study:** *Sonoma-Marin Area Rapid Transit (SMART) Rail and Trail White Paper*<sup>25</sup>

#### **Phase I: Dumbarton Trail**

Convert a portion of the right-of-way (ROW) into a multi-use bicycle and pedestrian trail, ideally with a paved two-way striped bike path and a permeable pedestrian/jogging trail (e.g. made of decomposed granite)

Remainder of ROW to be developed as light rail in Phases II and III

Future light rail land can be programmed with creative interim activation uses - arts, fitness activities, kiosks, e.g. a “High Line” of Menlo Park

Trail would remain through all three phases

Build support through Phase I uses for Phases II and III

#### **Phase II: Dumbarton Spur**

Build out non-trail ROW into rail spur connecting Facebook campus with Redwood City Caltrain

Bike-Ped trail remains intact

Build support through Phase II uses for Phase III

#### **Phase III: Dumbarton Rail**

Full buildout of Dumbarton Rail across San Francisco Bay to Union City, connecting Redwood City Caltrain to

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<sup>25</sup> <http://www2.sonomamarintrain.org/index.php/docs/whitepapers/>

Union City BART station

Ideally bike-ped trail remains intact, pending ROW width

**Sample ROW Details:**

Standard 2-way Class I bike pathway width = 7'9" (CA Highway Design Manual)

Gravel or decomposed granite (D.G.) pedestrian / jogging pathway width = 5' (Los Altos Hills D.G. pathway design)

Rail line width Comparisons – Caltrain, Mtn View Light Rail, SMART - TBD

Dumbarton ROW width = 80' in most places, 20' across bridges (Figure 8)

**Figure 8:** Dumbarton Rail Right of Way Dimensions



**GOAL 5. WORK WITH NEIGHBORING CITIES TO INCREASE TRANSIT & CYCLING OPTIONS THAT INTEGRATE MENLO PARK INTO THE REGION**

**STRATEGY 5A. DEVELOP DUMBARTON RAIL CORRIDOR**

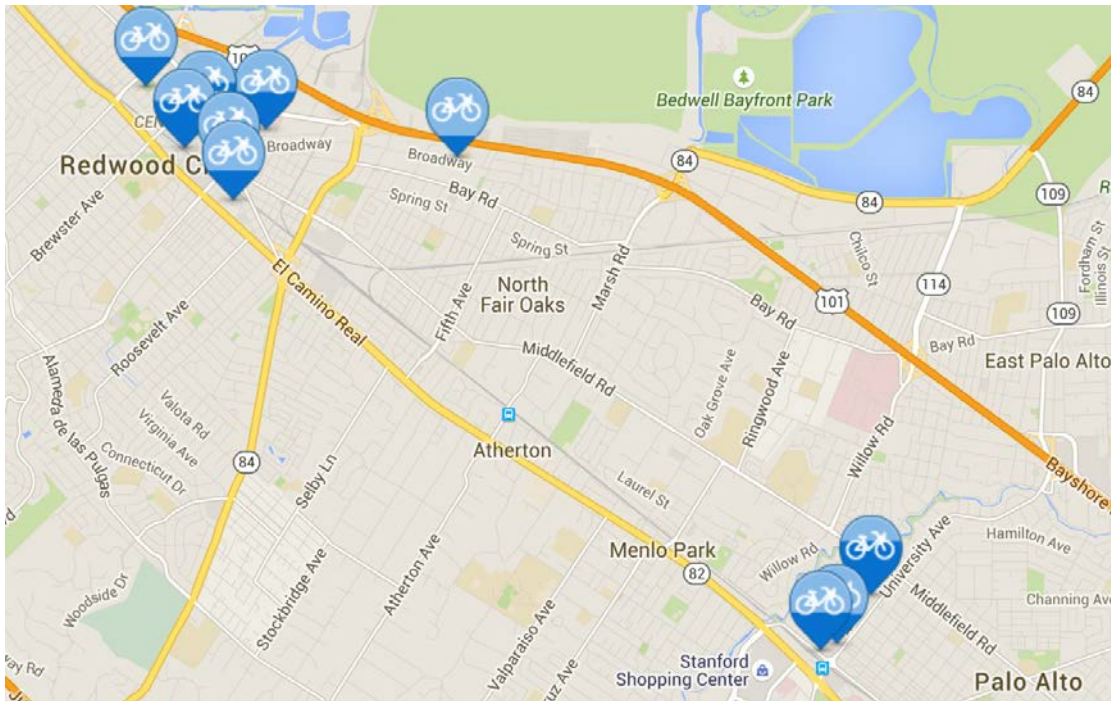
Capitalize on the existing rail corridor through the M2 zone for transit alternatives as described above in Strategy 4C.

**STRATEGY 5B. ESTABLISH PARTNERSHIPS WITH REGIONAL RIDESHARE PROGRAMS**

The Bay Area boasts several innovative rideshare programs that capitalize on the sharing economy to reduce car trips, traffic and parking congestion. As Menlo Park considers an increasingly transit-oriented future (e.g. Dumbarton Rail, Caltrain, High Speed Rail), it will be important to put systems in place to allow transit riders access to all parts of Menlo Park without needing a car.

**Recommendation: Bay Area Bike Share.** Currently this regional bicycle share program has stations at the Redwood City Caltrain and Palo Alto Caltrain. Menlo Park should consider requesting a BikeShare station at the Menlo Park Caltrain, potentially a location downtown, and at the Menlo Gateway and Facebook residential developments in the M-2 zone.

**Figure 9: Existing Bay Area Bike Share Stations Map**



**Recommendation: Scoot Networks.** Similar to Bike Share, Scoot Networks is an electric scooter rental program in which members may rent 1-person scooters from pods stationed in various locations throughout a city. Currently only in San Francisco, Scoot is however looking to expand in 2015. For a new location to be considered, it must have sufficient population density and a range of business services to support ridership.

**Recommendation: RidePal.** RidePal is a network of commuter buses that anyone can ride. Individuals can buy ride passes or small employers can provide passes for their employees if they are too small or new to develop a shuttle program of their own. There is currently a route from San Francisco to Menlo Park, stopping at 180 Jefferson Drive and at the intersection of Willow Road and Ivy Drive. Encourage employers and residents near these two existing stops to try RidePal if they commute to/from San Francisco, and explore working with employers and RidePal to add new stops.

## **STRATEGY 5C. EXPAND PUBLIC SHUTTLE SERVICE CONNECTING DOWNTOWN/ CALTRAIN TO M-2, SCHOOLS, PUBLIC/SENIOR FACILITIES**

Expand Menlo Park's existing [Caltrain, Midday and Shopper Shuttles Program](#) to further alleviate traffic and parking congestion, to increase mobility for youth and the elderly to key local destinations, and to encourage Caltrain ridership by growing the transit-accessibility of Menlo Park destinations.

Key destinations to link via shuttle: Caltrain Station, Downtown, community/recreation centers, schools, elderly care facilities. Future expansion to Menlo Gateway, Facebook properties, and potential future Marsh Road and Willow Road Dumbarton Rail stations should be explored.

Funding models:

Menlo Park could reassess its existing Annual Shuttle Fee levied on new development, currently at \$0.105/sq.ft. Evaluate potential to increase rate or apply rate to major commercial renovations in addition to new development.

Advertising revenue from shuttle side banners, shuttle stop walls, etc

Revenue from a downtown parking meter program

**Case Study:** See Appendix A for Downtown Shuttle Programs Summary.

## **STRATEGY 5D: ALLOW USAGE OF CITY CAR FLEET ON WEEKENDS/EVENINGS AS CARSHARE SERVICE**

Cities across the country are starting to use carshare programs to gain efficiencies in municipal vehicle fleet operations and maintenance costs, to meet greenhouse gas emissions targets, and to free up parking for public use. In Berkeley, the City has partnered with City CarShare to reserve a dedicated number of vehicles solely for city use during the work week. On weekends those cars become available to regular CarShare members for use. Other cities have now developed similar carsharing systems: Houston FastFleet & Washington DC Fleet Share use FastFleet; Philadelphia uses Enterprise CarShare for Government.<sup>26</sup>

**Recommendation: Municipal Carsharing.** Consider converting some or all of Menlo Park's city vehicle fleet to a carsharing model, as part of a Greenhouse Gas Reduction Strategy to be outlined in the General Plan Update. Explore options with CarShare, FastFleet, Enterprise and others, obtain and compare cost estimates to present to the City Council for review.

**Case Study:** [City of Berkeley City CarShare Fleet](#)<sup>27</sup>

*Begun 2004, first in country – other cities have used as model*

*Dedicated CarShare cars for city employees during work week, open to general CarShare members on weekends*

<sup>26</sup> <http://houston.fastfleet.net>; <http://dcfleetshare.fastfleet.net>; <http://www.fleetshare.com>; <http://www.enterprise-carshare.com/government/overview>

<sup>27</sup> <http://puff.lbl.gov/transportation/transportation/energy-aware/pdf/park-june05.pdf>

*Funding sources:*

*Under-parked development mitigation fee - \$150K in 1999, only usable to mitigate 10-stall deficit of underparked development*

*BAAQMD grant - \$126K*

*General funds reallocated from existing fleet & mileage reimbursements*

*New parking revenue from 10 additional stalls now for public parking*

*Benefits: Reduced fleet costs (ownership/insurance, maintenance, cleaning), reduced parking impacts, reduced scheduling inefficiencies, reduced GHG emissions*

*Eliminated 15 vehicles in Year 1 – converted to 5 CarShare vehicles*

*Avg annual cost savings (ownership/insurance, maintenance, cleaning), (not including new City parking income, air quality, or other indirect benefits)*

## **STRATEGY 5E. CREATE A “ONE-STOP-SHOP” TRANSIT ONLINE PLATFORM**

In addition to expanding capacity for alternatives to car-based travel modes, Menlo Park should concurrently expand awareness of and user support for these alternative modes from cycling and walking to sharing programs such as BikeShare and Scoot, to the Dumbarton Rail concept. As Menlo Park considers expansion of its transit options over the coming years, it is worthwhile to establish early on a digital central clearinghouse or hub outlining all travel options in a clear accessible manner. This way, as new transit modes are added to the city’s network, residents and transit users will already be familiar with the existence of a central information hub where they can learn about each transit option available to them and recommended routes. Envisioned as a website or app, this clearinghouse could also offer coupons or other incentives to boost ridership.

**Recommendation: Consider developing a “GoMenlo” type sub-website and/or app** with descriptions of all available modes and links to “how to” trip planning and fare information, e.g. in the model of GoBerkeley.<sup>28</sup>

**Case Study:** [GoBerkeley](#), City of Berkeley – received federal funding, explores methods for reducing local traffic congestion. 2012-2015 pilot so should have advice and lessons learned to share.

**Case Study:** [HopStop](#) – web- and app-based transit planning service in 300 cities worldwide<sup>29</sup>

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<sup>28</sup> <http://www.goberkeley.info>

<sup>29</sup> <https://www.hopstop.com/about>



## GOAL 6: ENHANCE CULTURAL & ARTS OFFERINGS

### STRATEGY 6A. INCREASE LAND USE FLEXIBILITY TO ALLOW FOR INNOVATIVE USES.

Many city zoning codes still reflect antiquated notions of separation of land use, restricting uses to a limited variety of single-purpose uses. However, urban planning theory today espouses the benefits of mixed-use zoning, or allowing multi-functional land uses, as a way to grow economic and community vitality especially in downtown commercial core and planned community areas. In order to attract economically viable commercial, office and even residential uses, cities should allow for non-conventional land uses such as temporary or “pop-up” uses, arts uses, “maker spaces,” business incubator spaces, co-living residential developments, etc. If Menlo Park seeks to capture a greater share of the innovation economy, it should encourage these flexible and creative uses of space to attract forward-thinking developers and businesses. A successful example of a pop-up that has also proven a lucrative sales tax generator is Menlo Park’s Pace Gallery. Located on El Camino Real, the contemporary art gallery pop-up was originally slated for a two-month stay but its tenure has been repeatedly extended, suggesting there is indeed a healthy market for arts-related offerings.

**Recommendation: Expand the permitted uses in commercial zones.** Currently Menlo Park’s M-2 “General Industrial District” zone allows only general industrial, office and storage as permitted uses, with cafes, convenience stores, personal services, day care, and public utilities as conditional uses. The ongoing General Plan update should consider flexibility in the types of allowable land uses that are trending in the current real estate marketplace and that may not fit well into existing land use categories. For example, many biotech companies require two work spaces per employee – an office and a lab – thus the parking requirement for this use might be lowered. In contrast, many tech startups utilize an open floor plan featuring more workers per square foot than under the conventional cubicle and private office model.

The SP-ECR/D “El Camino / Downtown Specific Plan” zone allows a greater mix of uses but is still restrictive in terms of restaurant uses, station area uses, and community services among others. The C-4 “General Commercial Retail” though limited to a small percentage of Menlo Park’s land area allows only retail stores, banks, offices, personal services, and cafes and restaurants without alcohol as permitted uses. These use restrictions limit creative land uses like art pop-ups, temporary art exhibitions in retail spaces, and outdoor art exhibitions and festivals. See Strategy 1A recommendations about pop-up zoning.

**Case Study:** [\*Norfolk VA Downtown Arts and Design District\*](#)<sup>30</sup>

*Result of a weekend-long community design event by Team Better Block – to create a new zoning district. 90% of once-neglected buildings now under contract or leased*

*Allowed uses - includes relatively innovative downtown land uses such as: Art Gallery, Farmer’s Market, Mixed Use, Indoor/Outdoor Flea Market, Retail Goods Establishment (operating after midnight), Retail Services Establishment (operating after midnight), Sale of Alcoholic Beverages for Off-Premises Consumption, Arts Studio, Dance Studio, Theater, Amphitheater, Museum, Community Recreation Center, Brewery and Microbrewery, among others.*<sup>31</sup>

<sup>30</sup> <http://www.norfolk.gov/index.aspx?NID=3047>

<sup>31</sup> [https://www.municode.com/library/va/norfolk/codes/code\\_of\\_ordinances?nodeId=COCI\\_APXAZOOR\\_ARTIISPDIREDI\\_CH8DODI\\_8-4DOARDEDI](https://www.municode.com/library/va/norfolk/codes/code_of_ordinances?nodeId=COCI_APXAZOOR_ARTIISPDIREDI_CH8DODI_8-4DOARDEDI)

**Recommendation: Add “Art Gallery” to permitted uses in zoning code.**

*Case Study: [SFMOMA's Project Los Altos](#). Four-month art exhibition partnership in 2013-2014 between SFMOMA, City of Los Altos, Passerelle Investment Company. Original work by 9 artists up for public viewing in private and public spaces throughout downtown Los Altos. Because no “art gallery” designation existed in zoning code, the 3 indoor public art exhibition spaces were considered temporary uses, with permitting expedited by the City of Los Altos. City listed as co-sponsor for in-kind provision of permitting in private and public spaces for exhibition.<sup>32</sup>*

**STRATEGY 6B: STREAMLINE PERMITTING & FEES FOR STREET EVENTS.**

Street activation events bring more people downtown, which can enhance economic vitality for downtown businesses and thus City sales tax revenue. Menlo Park can encourage street activation by reducing barriers for community groups, individuals and businesses to obtain necessary approvals.

*Case Study: San Francisco Market Street Prototyping Festival, April 9 – 11, 2015. 50 temporary art and civic engagement installations to “make San Francisco’s premier civic street a more active, engaging and inspiring public place.”<sup>33</sup>*

**Recommendation: Reduce 60 day advance permit application time** to allow for more spontaneous community-building events. Note that City staff is currently working to bring in new staff resources to help with community events, which should also help streamline this process.

**STRATEGY 6C. CREATE CITY MATCHING GRANT FUND FOR STREET ACTIVATION**

Streets and sidewalks comprise roughly one third of a city’s land area, and much of this space could be better used to serve the residents and property owners, taxpayers who fund its care. Expanding upon Menlo Park’s downtown sidewalk dining program, facilitate more varied use of public rights of way including streets, sidewalks and public parking lots.

**Recommendation: Establish matching grants** to leverage private sector investment for greater public benefit. Seek outside government or foundation support to supplement fund as needed.

*Case Study: [San Francisco’s Community Challenge Grant Program](#)<sup>34</sup>*

*For community-based neighborhood beautification projects*

*2009 awarded ~\$1m in 2 rounds*

<sup>32</sup> [www.sfmoma.org/losaltos](http://www.sfmoma.org/losaltos)

<sup>33</sup> <http://www.sf-planning.org/index.aspx?recordid=270&page=2719>

<sup>34</sup> <http://www.sfgsa.org/index.aspx?page=4264>

*Must be matched at 35-50% depending on grant size*

**Case Study:** [San Francisco Invest in Neighborhoods Initiative](#)<sup>35</sup>

*Provides assistance to strengthen commercial corridors and districts*

*Partnership of several city departments – Planning, Public Works, Transportation*

*Launched in 2012*

*2013 awarded \$500K in \$10-20K grants*

**STRATEGY 6D. PROPERTY TAX REBATES FOR LANDLORDS WHO ALLOW ARTIST/MAKER SPACES.**

Encouraging creative land uses such as artist studios and pop-ups can lead to a multiplier effect in which the presence of creative businesses attracts other creative businesses, driving an overall boost in the desirability of the area for the innovation sector businesses and residents alike.

**Case Study:** [Maryland’s Smart Growth Arts & Entertainment District Program](#)<sup>36</sup>

*Begun 2001, first statewide program in country.*

*First District created in 2002, Station North*

*Property tax abatement “to encourage the renovation of buildings for use by artists or arts and entertainment enterprises by lessening the financial burden on property owners”*

*Incentives offered:*

*Income tax deduction for artistic work sold by “qualifying residing artists”*

*Property tax credits for renovation of buildings that create space for artists and/or arts-related enterprises*

*Exemption from Admissions and Amusement tax levied by district artists and enterprises*

*Loan eligibility from Maryland Economic Development Assistance Fund*

**Case Study:** [Los Angeles Creative Artist Tax Exemption](#). For “creative artists” generating up to \$300K in gross receipts from their qualifying “creative activities.” For businesses not landlords.<sup>37</sup>

**STRATEGY 6E. CREATE “INTERIM ARTS USE” AND “POP-UP” LEASE TEMPLATES**

The City of Menlo Park’s Economic Development Department could provide educational resources and basic lease templates to help guide property owners through the process of creating a pop-up program. UP Urban Inc. (DBA Build Public) can assist with the development of such templates if requested, drawing upon past experience.

<sup>35</sup> <http://investsf.org>

<sup>36</sup> [http://www.mdarts.org/advocacy/historical\\_advocacy/smart-growth-arts-entertainment-districts](http://www.mdarts.org/advocacy/historical_advocacy/smart-growth-arts-entertainment-districts)

<sup>37</sup> <http://finance.lacity.org/content/entertainmentcreativetalentfaq.htm>

## **STRATEGY 6F: LINK POP-UP BUSINESSES WITH UNDERUTILIZED RETAIL SPACE.**

Consider working with groups like Storefront and Pop-Up Hood among others to identify underutilized or vacant storefronts Downtown and in the M-2 zone, and connect them with prospective creative sector businesses.

**Case Study:** See [Storefront](#) and [Pop-Up Hood](#)<sup>38</sup>

## **GOAL 7. PRESERVE HOUSING AFFORDABILITY AND INCOME DIVERSITY WHEREVER POSSIBLE**

*One of the biggest problems facing the Bay Area is that housing is too expensive for those who are not protected from rising costs by either homeownership or rent control. High housing costs act like an additional tax, reducing household wealth and dampening the economy. They lead people to save on housing by living further from their workplace, putting more cars on the freeway. High housing costs are passed back to businesses and then to consumers, pushing up the cost of groceries and everything else. To find affordable housing, some households are at risk of being forced to leave the region.*

*To address this problem, Bay Area governments commonly mount three general policy responses:*

*Build affordable housing reserved for low-income households (earning less than 80% of area median income) or moderate income households (earning 80% to 120% of area median income). Common funding sources include federal tax credits, the US Department of Housing and Urban Development (HUD), and local property developers (where inclusionary housing is required).*

*Make room for the private sector to provide more affordable housing through zoning policy changes. Examples include legalizing backyard and garage “accessory” dwelling units; reducing development costs by relaxing standards for parking and unit size; and changing zoning to permit greater development. The potential benefits of such policies are commonly underestimated.*

*Coordinate through regional bodies to ensure that the responsibility to provide housing is fairly distributed throughout the region.*

*Menlo Park is already leading this effort with its 2015-2023 Housing Element, which includes policies addressing the above best practices. However, over time further measures will be necessary to address the region’s housing crisis, and the City should prepare now for that challenge. There will be no quick fix to this problem; problems of housing affordability will most likely pose an ongoing problem in Menlo Park, and in most communities in the Bay Area, for many years to come.*

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<sup>38</sup> <https://www.thestorefront.com>; <http://www.popuphood.com>

**Recommendation. Allow taller buildings and relax parking requirements so that homes can be built more cost effectively.**

*Case study: [San Pablo Avenue Specific Plan](#) (El Cerrito). Establishes new height and density requirements to promote a vibrant, transit-oriented downtown.<sup>39</sup>*

*Case Study: [Vermont/Western Transit Oriented District](#) (Los Angeles). Replaces minimum parking requirements with maximum parking allowances.<sup>40</sup>*

**Recommendation. Allow micro-apartments and/or co-living projects that cost less to build than regular apartments.**

*Case study: [SoMa Studios](#) (San Francisco). Compact, flexible housing units cater to small households at cheaper prices.<sup>41</sup>*

## GOAL 8. CONSIDER THE NEEDS OF THE MARKET -- NOW AND IN THE FUTURE

### STRATEGY 8A. DESIGN FLEXIBILITY & ADAPTABILITY INTO CODES

As described in Strategies 1A and 6A, zoning codes need to be adapted to allow more flexibility in permitted land uses now and in the future. Pop-ups, art galleries, community spaces and flex-use spaces that vary by time of day are challenging conventional zoning models. In order to unlock the economic development potential of these innovative uses, Menlo Park should weigh flexibility options rather than adhere to a prescriptive land use based zoning code. See also Palo Alto's exploration of flexible zoning codes: [Flexibility vs. Certainty Discussion Paper](#), Dyett & Bhatia, 2001.<sup>42</sup>

*Case Study: Lafayette, LA – [PlanLafayette website](#). Clear straightforward website, simple fact sheets describing programs and codes. Lafayette is moving to a Unified Development Code integrating zoning, subdivision, and land use regulations into a single document.<sup>43</sup>*

*Case Study: [East SOMA Area Plan](#), San Francisco. Flexible zoning allows mix of land uses.<sup>44</sup>*

### STRATEGY 8B. INCENTIVIZE TECH INCUBATOR SPACES

The M-2 zone is a prime candidate for flexible tech innovation and R&D spaces. Many models exist to which Menlo Park can look, from a top-down approach such as Fremont's planned Innovation District, to a more market-driven approach such as Boston's Innovation District.

*Case Study: Warm Springs Innovation District, Fremont. (See CEAS Case Study Appendix, pg 21)*

<sup>39</sup> <http://www.el-cerrito.org/index.aspx?nid=396>

<sup>40</sup> <http://planning.lacity.org/complan/specplan/pdf/VermontWesternTOD.pdf>

<sup>41</sup> <http://www.bizjournals.com/sanfrancisco/blog/real-estate/2013/06/patrick-kennedy-to-sell-micro-units.html?page=all>

<sup>42</sup> <http://www.cityofpaloalto.org/news/displaynews.asp?NewsID=872&TargetID=239>

<sup>43</sup> <http://planlafayette.com/>

<sup>44</sup> [http://www.sf-planning.org/ftp/General\\_Plan/East\\_SoMa.htm](http://www.sf-planning.org/ftp/General_Plan/East_SoMa.htm)

**Case Study: [Boston Innovation District](#)<sup>45</sup>**

*1,000 acres in South Boston waterfront, created in 2010*

*An “urban environment that fosters innovation, collaboration, and entrepreneurship”*

*Since 2010 - 5000 new jobs added, 200 companies, 30% is in tech, 21% creative, 16% science tech*

*40% in co-working/shared incubator spaces*

*25% have <10 employees*

*Public-private partnership to create District Hall innovation space – “public innovation center...space for networking, events, working alone or with others, even pop-up shops”*

*Considering “innovation housing” – co-living*

*Lessons learned<sup>46</sup>*

*Design is important – must be attractive, user-friendly urban space*

*No financial incentives for businesses to locate there*

*But rents rising – as of Jan 2014 avg \$52/sf-yr (\$4.33/sf-mo)<sup>47</sup>*

*No specific sector targeted/incentivized – allowed market to determine*

*250' height limit*

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<sup>45</sup> <http://www.innovationdistrict.org/>

<sup>46</sup> <http://www.aia.org/aiaucmp/groups/aia/documents/pdf/aiab100106.pdf>

<sup>47</sup> <http://www.bostonglobe.com/business/2014/01/10/rents-soaring-city-innovation-district/nqeKNcRiLJijjKEEGog8GP/story.html>

## GOAL 9. ATTEND TO THE DETAILS

*In order for Menlo Park not to lose sight of the “small stuff” which supports overall quality of life, it must continue to focus on everyday services like maintenance and public infrastructure improvements. Unfortunately these services often are among the first to go when City budget or staffing declines; many cities are moving the responsibility of streetscape maintenance onto abutting property owners (in downtown Los Altos for example, many property owners are responsible for the publicly owned planted area between sidewalk and street). While a good idea in theory to call on the private sector to perform maintenance and improvements that benefit nearby property owners, developers and businesses, in reality the agreements are not always codified or funded adequately to ensure proper stewardship of the public realm.*

### **STRATEGY 9A. LEVERAGE TECHNOLOGY TO ENGAGE COMMUNITY IN UPKEEP OF THEIR CITY**

#### **Recommendation: Publish baseline standard of city services on city website.**

Though a seemingly simple action, clear communication of the services that a city provides its taxpayers in terms of its maintenance and improvements of the public realm is rare to find. To outline these services on the City's website, broken down into taxpayer-dollar metrics, may help residents understand (and perhaps even appreciate) how their tax dollars are being put to good use. This will also help identify for citizens, neighborhood groups, developers, businesses and property owners where city services are in need of private supplementation.

**Case Study:** [Palo Alto's Open Data platform](#) – City Services dashboard.<sup>48</sup>

**Recommendation: Open source city data to allow development and adoption of civic apps.** Many web-based tools are being developed nationwide to help city governments innovate. Code for America has numerous open source apps and APIs for cities to adapt

**Case Study:** Code for America's "[Adopt a Fire Hydrant](#)" program used in Boston. Described in Jennifer Pahlka's 2012 TED Talk, "[Coding a Better Government](#)" (12 minutes).<sup>49</sup>

### **STRATEGY 9B. LEVERAGE PRIVATE SECTOR TO SUPPLEMENT CITY SERVICES**

The private sector – developers, property owners, community groups and other nonprofits – can step in to supplement baseline city services where more assistance is needed, provided the parties can agree to a long-term maintenance and funding plan.

<sup>48</sup> <http://data.cityofpaloalto.org/dashboards/8873/city-services/>

<sup>49</sup> <http://www.codeforamerica.org/apps/>; [http://www.ted.com/talks/jennifer\\_pahlka\\_coding\\_a\\_better\\_government/transcript?language=en](http://www.ted.com/talks/jennifer_pahlka_coding_a_better_government/transcript?language=en)

**Recommendation: Require ongoing maintenance of adjacent public realm improvements associated with new or redevelopment projects.**

In addition to requiring streetscape improvements or other public improvements as part of a Development Agreement for example, Menlo Park could also require that the developer provide funding and maintenance of the public improvement for the first several years.

*Case Study: [San Francisco's In Kind Agreement process](#) requires developers of in-kind public improvements to develop a Maintenance Plan that identifies a funding source and management and operations entity to steward the improvement for at least three years after project completion.<sup>50</sup>*

**Recommendation: Encourage establishment of neighborhood stewardship entities.**

In San Francisco, residential property owners who want to improve their neighborhood parks, streetscapes, and other public realm features can form a Green Benefit District (GBD). A GBD is like a Business Improvement District (BID) for residential neighborhoods, and is a form of assessment district. District property owners pay through their property taxes to feed a fund that is used for agreed-upon neighborhood improvements. Importantly, because it has a regular funding source a GBD must have a robust management plan that outlines how the funds are to be managed, how the assessment rate is calculated, and what project types can be funded.

*Case study: [Dogpatch Northwest Potrero Hill GBD](#) (San Francisco). This is the first pilot of the GBD program and is in the formation process. Pending sufficient petition and ballot support, the inaugural assessment would be placed on November 2015 property tax bills.<sup>51</sup>*

## GOAL 10. RETHINK DOWNTOWN

*Menlo Park enacted the El Camino Real and Downtown Specific Plan in 2012. That plan articulates a positive and realistic vision for the downtown, and it implements some of the policies needed to achieve it. While continuing to implement the Specific Plan, consider integrating some or all of the strategies below.*

### STRATEGY 10A. CONTINUE TO VALUE THE DOWNTOWN.

The downtown area is a resource for the citizens of Menlo Park in all sorts of ways. Practically, it gives Menlo Park's residents places to shop as well as access to Caltrain and Samtrans services that connect them to the region. Fiscally, it generates property tax and sales tax revenues that fund government services and reduce the tax burden on residents. More intangibly, it contributes to the City's sense of identity. Downtown currently provides roughly \$1 million in annual sales tax revenue, which is a relatively small but growing percentage of the city's revenue stream. Continuing to bolster the vitality of downtown will improve the economic health of Menlo Park as a whole.

<sup>50</sup> <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=8601>

<sup>51</sup> <http://www.dnwph-gbd.org/>



## **STRATEGY 10B. GROW WALKABLE URBANISM.**

Looking around at nearby cities, the most successful downtowns follow a pattern of “walkable urbanism.” They combine good transit services, moderate residential density to support businesses, building form that supports a walkable public realm, and smart parking management. A virtuous cycle develops, in which visitors attract businesses, which then attract more visitors.

## **STRATEGY 10C. ENCOURAGE HOUSING, TRANSIT, WALKING AND BIKING.**

Traffic problems are front and center in Menlo Park and throughout Silicon Valley, and they contribute to a vicious cycle. Communities are afraid to build more housing for fear of the traffic it could bring. Meanwhile, the region’s economy continues to grow. Because cities are not building housing, people have to go further from the workplace to find a house, making their commute longer and adding one more car to rush hour. The pressure of housing costs segregates communities by income.

**Parking.** Parking is a central element in Menlo Park’s downtown. The City recognizes this, which is why it has provided parking plazas throughout the downtown area. This gives the City a powerful policy lever. Effective management of the City’s parking assets could make parking easier, improve downtown traffic, and allow more activity downtown. A parking structure could free up a plaza for other uses – imagine a city square with café tables and trees, or apartments three minutes from Caltrain and the planned El Camino Real Bus Rapid Transit line. Today, it is difficult to build new retail space and housing downtown. Downtown parking standards give single-story buildings (floor area ratio of 1.0 or less) the use of parking spaces in the parking plazas to meet zoning requirements. Meanwhile, taller buildings have to provide the parking themselves. Eliminating this discrepancy could be one step towards promoting development downtown.

**Land Use.** In an area where real estate is in such high demand, Menlo Park has the luxury of choice: the City could encourage almost any style of development the community might want. Looking around at other cities, what makes sense here, in the center of Menlo Park, near Caltrain services that put you an equally short train ride away from downtown San Francisco and downtown San Jose? This is a question that only the community can answer. You could have hip new apartments like Burlingame. You could have offices: demand is high and the market will vacuum up new space. Either one would boost the customer base of local businesses, and allow new retail businesses to open.

### **Recommendation. Price parking intelligently and create a parking benefit district.**

**Case study:** [\*SFPARK\*](#) (San Francisco). *Uses dynamic parking pricing – prices that rise in high-demand locations and at high-demand times – to encourage use of under-utilized parking, keep some parking available at most times in most locations.*<sup>52</sup>

<sup>52</sup> <http://sfpark.org/resources/how-the-sfmta-makes-parking-management-decisions/>

## **Recommendation. Build a downtown parking structure.**

**Case study:** [BART Parking Structure](#) (Richmond). A 750-space parking structure expanded development possibilities downtown.<sup>53</sup>

**Case Study:** [West Hollywood Automated Parking Structure](#) (Los Angeles).<sup>54</sup>

54,500 square foot structure – 200 cars (vs 68 cars if conventional structure)

Cost \$10.6 mil (vs standard equivalent structure estimated to be \$11.65 mil)

Automated structures are 30-50% more space-efficient than conventional structures.

Will yield energy savings, emissions reductions, and enhanced public safety and vehicle security.

## **Recommendation. Use transportation demand management measures to increase transit use, walking and bicycling.**

**Case study:** [Transportation Sustainability Program](#) (San Francisco). Replaces traffic level of service (LOS) evaluation of development projects with evaluation based on transportation demand management and non-auto mode share.<sup>55</sup>

## **Recommendation. Relax parking requirements in areas near transit.**

**Case study:** [Vermont/Western Transit Oriented District](#) (Los Angeles). Replaced minimum parking requirements with maximum parking allowances.<sup>56</sup>

## **Recommendation. Join Bay Area Bikeshare and install bike sharing facilities.**

**Case study:** [Bay Area Bike Share](#) (Palo Alto). Made downtown Palo Alto easier to get around without a car by joining Bay Area Bike Share.<sup>57</sup>

## **Recommendation. Replace regulations of land use that distort housing and commercial markets with flexible uses and form-based codes.**

**Case study:** [Central Petaluma Specific Plan](#) (Petaluma). Allows mixed-use buildings and ground-floor commercial uses in most areas.<sup>58</sup>

<sup>53</sup> <http://www.bart.gov/news/articles/2013/news20130514>

<sup>54</sup> <http://www.weho.org/city-hall/city-departments-divisions/assistant-city-manager/innovation-and-strategic-initiatives/25th-anniversary-capital-project/city-hall-automated>

<sup>55</sup> <http://www.sf-planning.org/index.aspx?page=3035>

<sup>56</sup> <http://planning.lacity.org/complan/specplan/pdf/VermontWesternTOD.pdf>

<sup>57</sup> <http://www.paloaltoonline.com/news/2013/08/29/palo-alto-puts-bike-share-system-into-gear>.

<sup>58</sup> <http://cityofpetaluma.net/cdd/cpsp.html>

## GOAL 11. MAKE MENLO PARK A PREDICTABLE PLACE TO DO BUSINESS

*Governments at all scales, and cities in particular, face the challenge of keeping up with the fast-paced and ever-evolving ways in which technology is revolutionizing how we communicate with one another. Being the most local governance authority for a population, city governments theoretically should have the most direct and close communication channels with their residents. However, too often a city's communication tools - websites, meeting notifications, approval processes and more - are cumbersome and difficult to navigate. This can discourage engagement and lead to a perceived sense of civic apathy, when in fact it may simply be that communication efforts could be clearer. See [TED Talk by Dave Meslin: The Antidote to Apathy](#) (2010) (7 min)<sup>59</sup>*

*As the sophistication and clarity of user interfaces for personal devices, apps, and other web-based platforms grows, so does the disparity between this 21st century technology and increasingly outdated city web interfaces.*

**Recommendation: Continue to improve Menlo Park website to be simpler and more interactive for customers.** Building on the recent upgrade to the City's website, Menlo Park could continue to simplify its menu options to improve the customer service experience. Being located in the heart of Silicon Valley, Menlo Park's website should be a hallmark of innovation. Here are a few examples of compelling, modern city websites that could serve as models for Menlo Park.<sup>60</sup>

[PlanLafayette](#) (Lafayette, LA) – Lafayette's comprehensive plan update website. ConnectMenlo could model after this, very clear and engaging.

[Lancaster](#) (PA) – city website, clean, modern.

[Nashville](#) (TN) – city website, clean modern.

[Grand Rapids](#) (MI) – city website, clean, cool URL.

[Oakville](#) (Ontario, Canada) – city website, clean.

[Chattanooga](#) (TN) – city website, relatively clean. Chattanooga also known for inventing their own font, Chatype, great branding

[Milwaukee Police News](#) (Milwaukee, WI) – not full city website, but catchy/trendy layout

### **Recommendation: Enhance Menlo Park Open Government site**

Consider engaging Code for America to create a more interactive, user-friendly dashboard interface where residents can learn and give feedback about their city. <http://www.codeforamerica.org/governments/principles/open-data/>

**Case study** – [City of Palo Alto Open Data Portal](#) – clean, interactive, dashboard-style data displays. See also [Palo Alto's Open Government website](#) – excellent financial reporting platform.<sup>61</sup>

<sup>59</sup> [http://www.ted.com/talks/dave\\_meslin\\_the\\_antidote\\_to\\_apathy/transcript?language=en](http://www.ted.com/talks/dave_meslin_the_antidote_to_apathy/transcript?language=en)

<sup>60</sup> <http://gizmodo.com/how-seven-cities-designed-surprisingly-great-websites-1442572957>

<sup>61</sup> <http://data.cityofpaloalto.org/home>; <https://paloalto.opengov.com/transparency>

## **Recommendation: Create a 1-stop permit application and tracking system.**

Consider engaging with groups like [Open Government Data](#), [Accela](#), [OpenCounter](#) or similar to develop a centralized web-based system through which developers are guided through the city's approval process.<sup>62</sup>

**Case Study:** [OpenCounter online permitting system in City of Santa Cruz](#)

## **CONCLUSION**

Menlo Park boasts unique comparative economic advantages in the San Francisco Bay Area region which provide a strong base for enhancing its economic vitality. The eleven Economic Development Goals established by the Menlo Park City Council in January 2015 outline a vision; the strategies and recommendations described in this document provide a suggested roadmap for achieving that vision. To the extent possible, Menlo Park should consider incorporating these recommendations into its upcoming General Plan update, to ensure that the Economic Development Goals are implemented in furtherance of Menlo Park's long term economic sustainability.

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<sup>62</sup> <http://opengovernmentdata.org>; <https://www.accela.com/platform>; <https://opencounter.us>

# 04

## APPENDIX

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*Prepared by:*

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## OFFICE OF THE CITY MANAGER

Council Meeting Date: June 2, 2015

Staff Report #: 15-090

**REGULAR BUSINESS:**                    **Approval of Design and Cost-sharing Requirements for the Santa Cruz Street Café Pilot Program**

### RECOMMENDATION

Staff recommends that the City Council:

1. Approve the base design, outlined in the report, as the preferred Street Café.
2. Approve a cost-sharing formula where the City bears 75% of the cost for businesses with parallel parking and 70% of the cost for businesses with angled parking.

### POLICY ISSUES

The Santa Cruz Street Café Pilot Program was developed in line with the El Camino Real/Downtown Specific Plan and the City Council's goal of enhancing vibrancy in the Downtown and expediting public improvements. The Specific Plan allows for sidewalk improvements on a trial basis before moving forward with a permanent installation.

### BACKGROUND

On January 27, 2015, the City Council accepted a report on the Expanded On-Street Dining Pilot Program. During the January 27, 2015 City Council meeting, the Council agreed that the existing Left Bank Brassier pilot program, initiated by the Council in May, 2014, successfully enlivened the Downtown retail experience. As a result, the City Council directed Staff to expand the pilot program, which Staff is now calling the Santa Cruz Street Café Program. The Council's direction was that the expansion be semi-permanent, include cost-sharing, and be open to all businesses.

In order to provide the Council with designs and realistic cost estimates, we contracted Ian Moore Design, Inc. (IMD). IMD is a landscape design-build firm whose president, Ian Moore, has experience designing and constructing public street scape projects such as Berkeley's North Shattuck and Cheeseboard parklets (See Attachment A). For the Santa Cruz Street Café Program, IMD designed two easily adaptable prototypes that match the parking configurations Downtown. One prototype is for parallel and one is for angled parking spaces. IMD used Left Bank and Refuge for the prototypes because they present common challenges, such as drainage and limited drive aisle widths, that may apply to future sites.

## ANALYSIS

In order to move forward with implementation of the Santa Cruz Street Café program, Staff is asking the Council to provide feedback on the design(s) to be included in the tool-kit and the framework for a cost-sharing plan. One factor to consider when providing direction on the design and cost-sharing plan is that in order for the program to be successful it also needs to be financially feasible for business owners.

### Design

The City Council directed Staff to return with an attractive design, and expressed a favor towards wood construction. Using Council's feedback, Staff and IMD came up with two design options: the base and the enhanced design. Both designs feature a cement platform (See Attachment B for example) but differ on the materials used to construct the planter barriers. The base design utilizes the cement planters already in use at Left Bank Pilot, while the enhanced design utilizes wood planters. The designs for each prototype can be seen in Attachment C. The estimated cost for each design is listed in Table 1: Design Cost Comparison, with an itemized cost estimate in Attachment D.

Table 1: Design Cost Comparison

	Parallel	Angled
Base Design	\$29,111	\$39,333
Enhanced Design	\$60,766	\$79,696

As can be seen in Table 1 and Attachment D, wood construction is significantly more expensive, in terms of material and labor costs, than the pre-fabricated cement planters. At double the cost of the base, the enhanced design would inhibit most of Menlo Park's small, downtown businesses from participating in the Santa Cruz Street Café program. For this reason, Staff recommends the City Council choose the base design to include in the tool-kit.

### Cost Sharing

The City Council also directed Staff to return with a proposed cost sharing plan that would allow businesses to take an active role in the design and invest in the Street Café Program. After extensive outreach, the general consensus from interested business owners is that a \$10,000 - \$15,000 investment would be feasible, but a \$20,000 investment would preclude most small businesses from participating. During our outreach, we also found that the return on investment was greater for restaurants than retail, which will likely result in few retail establishments wanting to participate.

Based on the proposed design costs estimates and feedback from downtown businesses owners, Staff is presenting two possible cost-sharing structures for the Council to consider:

Option 1: The City shares a percentage of the cost of an installment up to a certain amount.

*Table 2: Parallel Cost-Sharing (\$30,000) and Table 3: Angled Cost-Sharing (\$40,000) outline the structure of possible cost-sharing plans based on the baseline design estimates. The highlighted rows represent structures that are feasible for business owners and equitable between the two parking configurations.*

Given the fact that the cost estimates are based on prototypes, and that the actual cost for each site could fluctuate slightly depending on site specific conditions, we did not include a 50/50 cost-sharing structure in the margin of feasibility for the parallel configuration, even though \$15,000 is within the business' upper limit.

In an effort to account for the difference in size between the parallel and angled prototypes, we also did not include the 55/45, 60/40, and 65/35 split as a feasible cost-sharing structure for the parallel configuration. The parallel prototype is 310 sqft, whereas the perpendicular prototype is 510 sqft. If the same cost-sharing structure were applied to both configurations, business owners with parallel configurations would end up paying more money for less square footage, resulting in an unfair disadvantage for businesses fronting parallel parking and a disincentive to participating in the Program.

Table 2: Parallel Cost-Sharing (\$30,000)

Cost-sharing Structure	City	Business	Business Cost Per Sqft
50/50	\$15,000	\$15,000	\$49
55/45	\$16,500	\$13,500	\$44
60/40	\$18,000	\$12,000	\$39
65/35	\$19,500	\$10,500	\$34
70/30	\$21,000	\$9,000	\$29
75/25	\$22,000	\$7,500	\$24

Table 3: Angled Cost-Sharing (\$40,000)

Cost-sharing Structure	City	Business	Business Cost Per Sqft
50/50	\$20,000	\$20,000	\$40
55/45	\$22,000	\$18,000	\$36
60/40	\$24,000	\$16,000	\$32
65/35	\$26,000	\$14,000	\$27
70/30	\$28,000	\$12,000	\$24
75/25	\$30,000	\$10,000	\$20

\* Highlighted rows = cost structures within business owners' margin of affordability with similar cost per square foot for businesses

In order to establish a fair and equitable process, Staff recommends the Council choose cost-sharing structures with a similar cost per square ft, a maximum amount of money the City will contribute to each installment, and a cap on the number of installments. For example, the City will contribute 70% of the cost for the angled configuration and 75% of the parallel configuration, with a maximum City contribution of \$30,000 per installment for a total of seven installments. Under this scenario, the cost to the City would not exceed \$253,000 (See Table 4: Cost-Share Option 1 Maximum City Contribution for cost break-down).

Table 4: Cost-Share Option 1 Maximum City Contribution

	Unit	Maximum Per Unit Cost	Total Cost
IMD Design Work	1	\$20,000	\$20,000
Street Café Construction	7	\$30,000	\$210,000
Subtotal			\$230,000
Contingency	10%		\$23,000
<b>Total</b>			<b>\$253,000</b>

Option 2: The City pays the total cost of the Santa Cruz Street Café installments and businesses rent the space from the City.

Since most of the downtown businesses rent, rather than own, their property, some business owners expressed they would feel more comfortable renting installments from the City, given the uncertainty of lease renewal. In the event a businesses' lease is not renewed, the incoming business would have the option to rent the Street Café. If the incoming business declines, the Street Café would become public space. If the Council decides on this cost-sharing option, Staff recommends determining a cap on the number of installments.

Next Steps

In response to the Council's direction that the site selection process be fair and open to all downtown businesses, Staff has developed the following process.

1. Applications for the Santa Cruz Street Café Program will be accepted between June 12, 2015 and July 12, 2015.
2. Staff will ensure the applications meet the approved criteria that the sites (1) have a *de minimus* effect on parking, (2) agree to comply with existing outdoor seating permits (3) and agree to the cost-sharing plan.
3. IMD will adapt the prototype designs to the approved sites and the City will then issue an RFP for construction of the installments.
4. Staff will return to Council with an appropriation request to accelerate CIP funding from future fiscal years and a design for the locations that have met the program criteria.
5. Staff will return to the City Council to review the pilot after one year. If the Council decides during that review they would like to add additional sites to the pilot they

can open the application process again and contract the construction under the original RFP.

### **IMPACT ON CITY RESOURCES**

The 5-Year CIP allocates \$390,000 for Downtown Streetscape Improvement (Specific Plan) over the next three years. Staff will return with a request to accelerate these funds to the Fiscal Year 2015-2016 budget so that the Santa Cruz Street Café Pilot Program can be carried out all at once. The preparation and management of the RFP will require city Staff time and resources.

### **ENVIRONMENTAL REVIEW**

Council approval of this project includes a finding that it is categorically exempt under Class 4 (Section 153014 “Minor Alterations to Land”) of the current CEQA Guidelines.

### **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

### **ATTACHMENTS**

- A. Examples of IMD’s Parklets
- B. Example of a Cement Platform
- C. Santa Cruz Street Café Prototype Designs
- D. Santa Cruz Street Café Prototype Cost Estimates

Report prepared by:  
*Amanda Wallace*  
*Economic Development Specialist*

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# Examples of IMD Parklets

Cheese Board—Berkeley



Future North Shattuck Parklet—  
Berkeley



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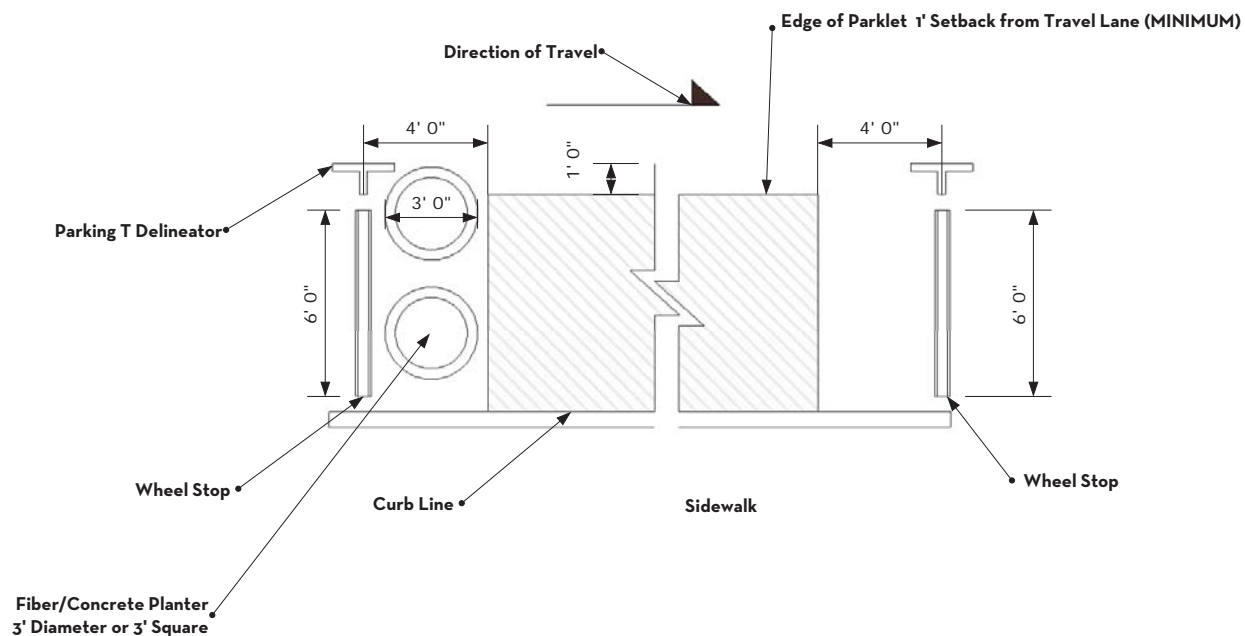


## Example of a Cement Platform



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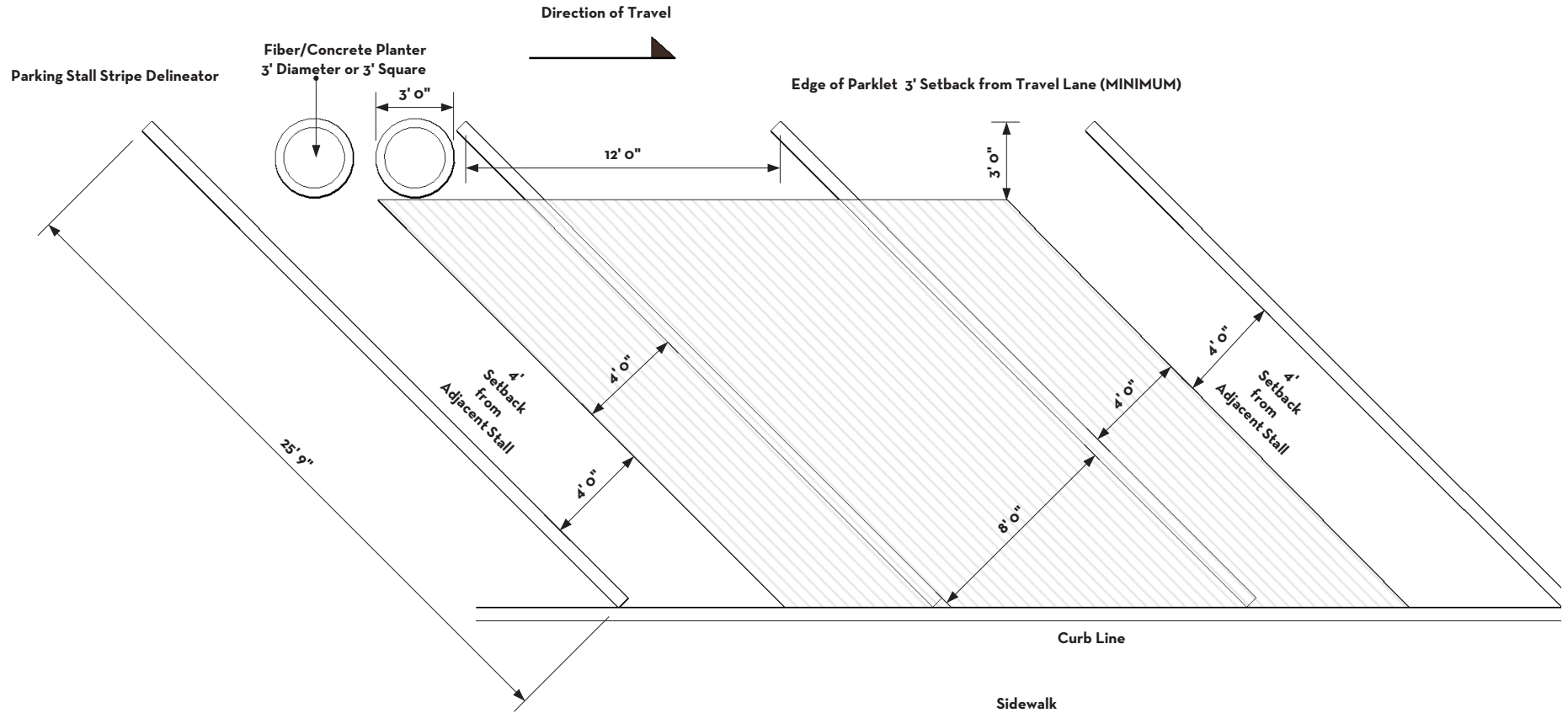
Baseline Standards - Parallel Parking Stalls



These standard safety features are required for all parklets.

Scale 1/4" = 1'

Baseline Standards - Angled Parking Stalls



These standard safety features are required for all parklets.

Scale 1/4" = 1'

Left Bank 635 Santa Cruz Avenue  
Parklet Type A. Concrete Planter

Plan View

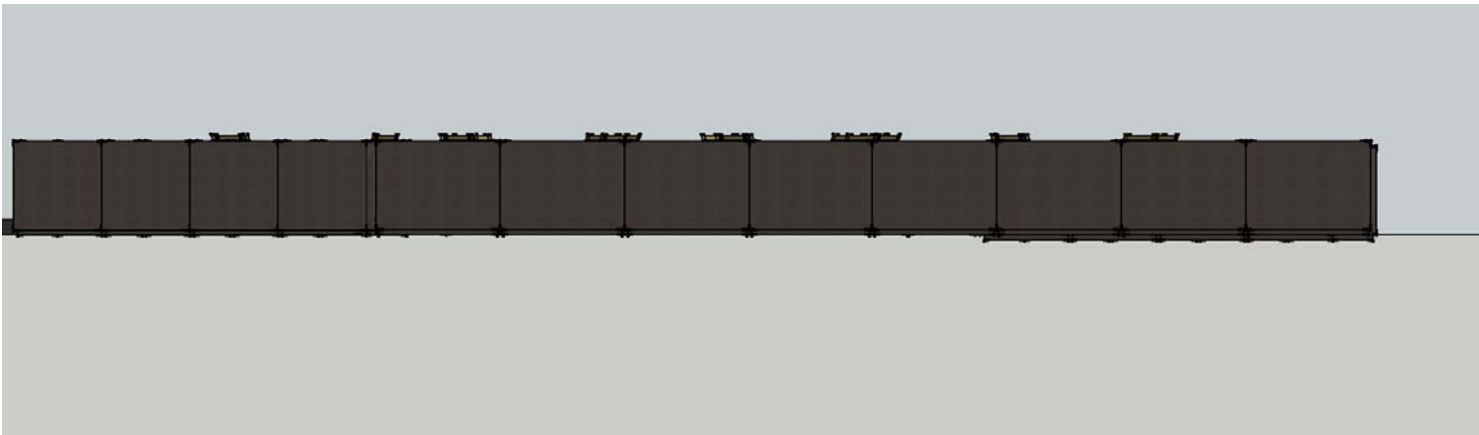


Left Bank 635 Santa Cruz Avenue  
Parklet Type A. Concrete Planter

Sidewalk View



Street View

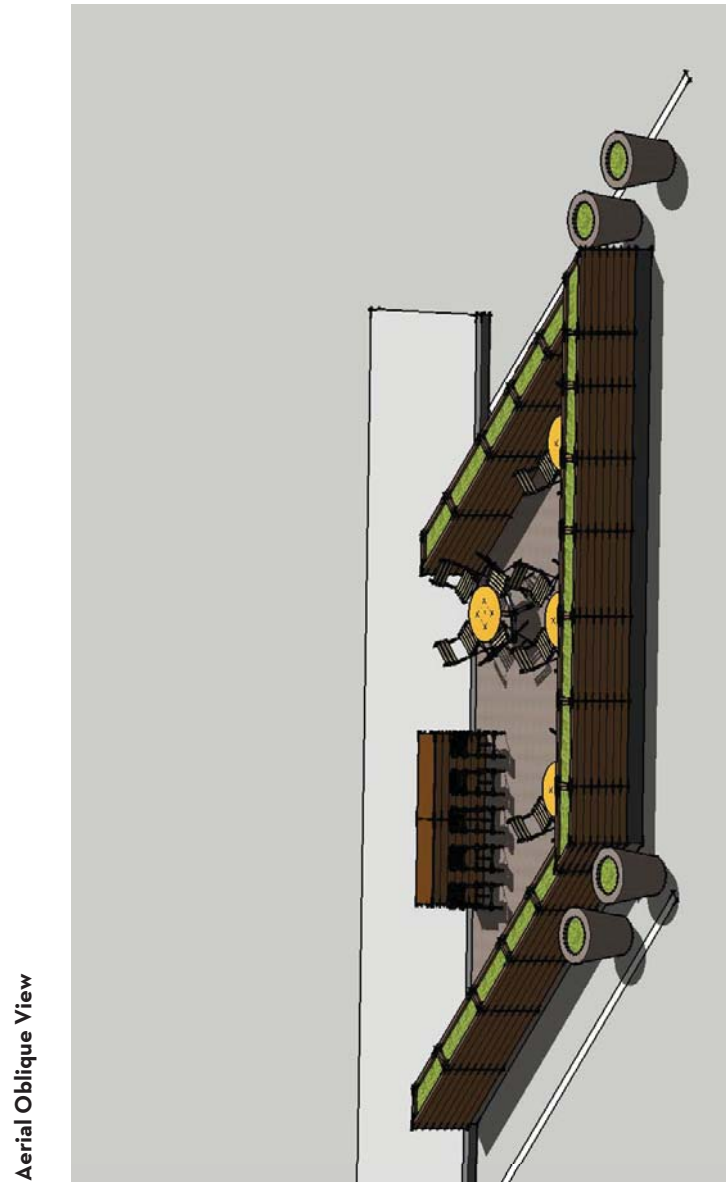
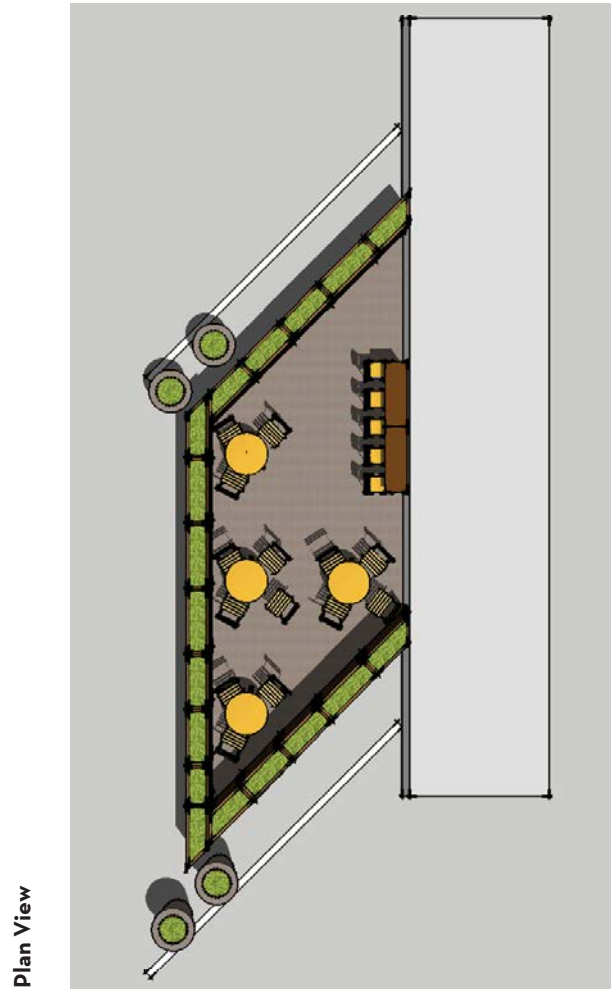


Left Bank 635 Santa Cruz Avenue  
Parklet Type A. Concrete Planter

Aerial Oblique View



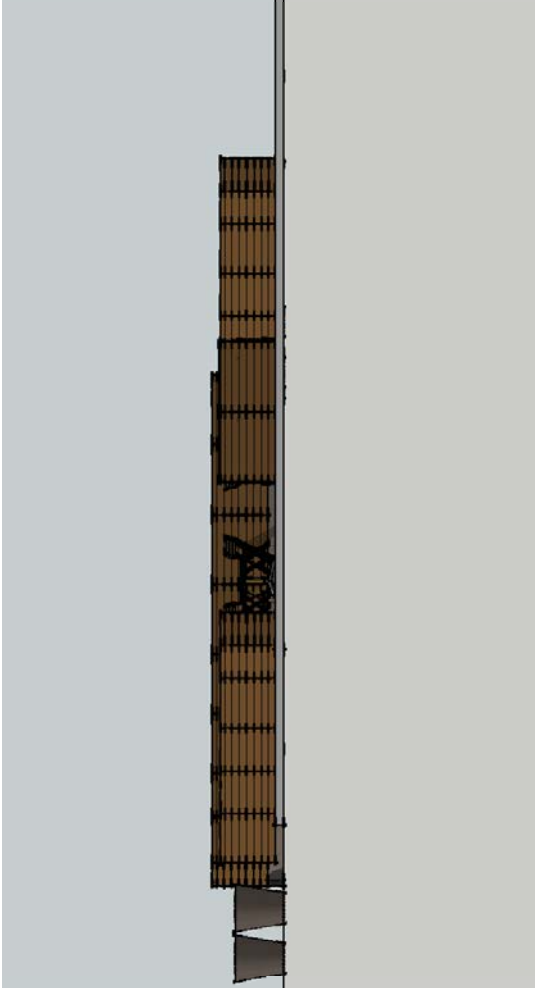
Left Bank 635 Santa Cruz Avenue  
Parklet Type B. Wood Modular Planter



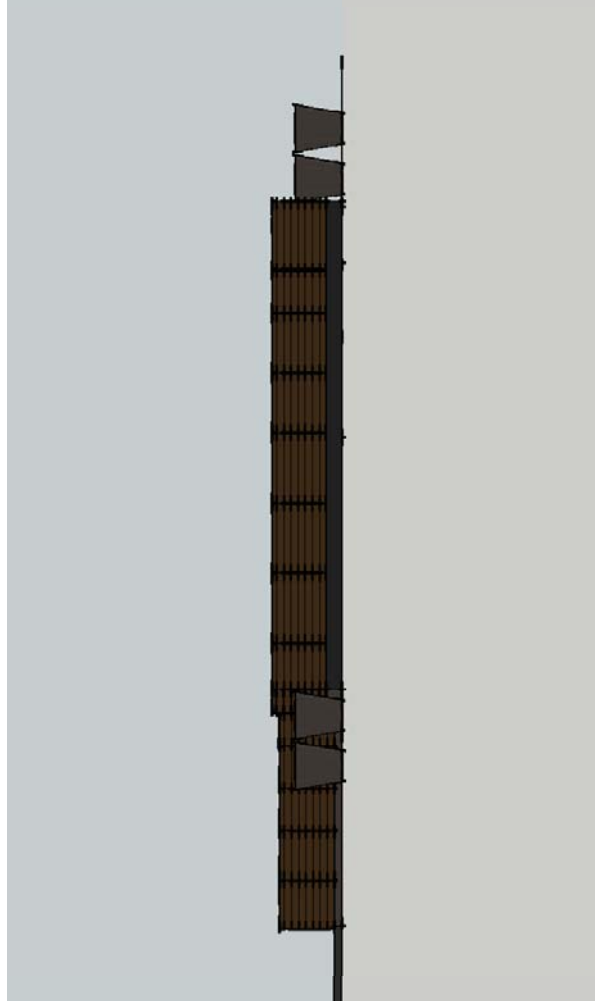


Left Bank 635 Santa Cruz Avenue  
Parklet Type B. Wood Modular Planter

Sidewalk View

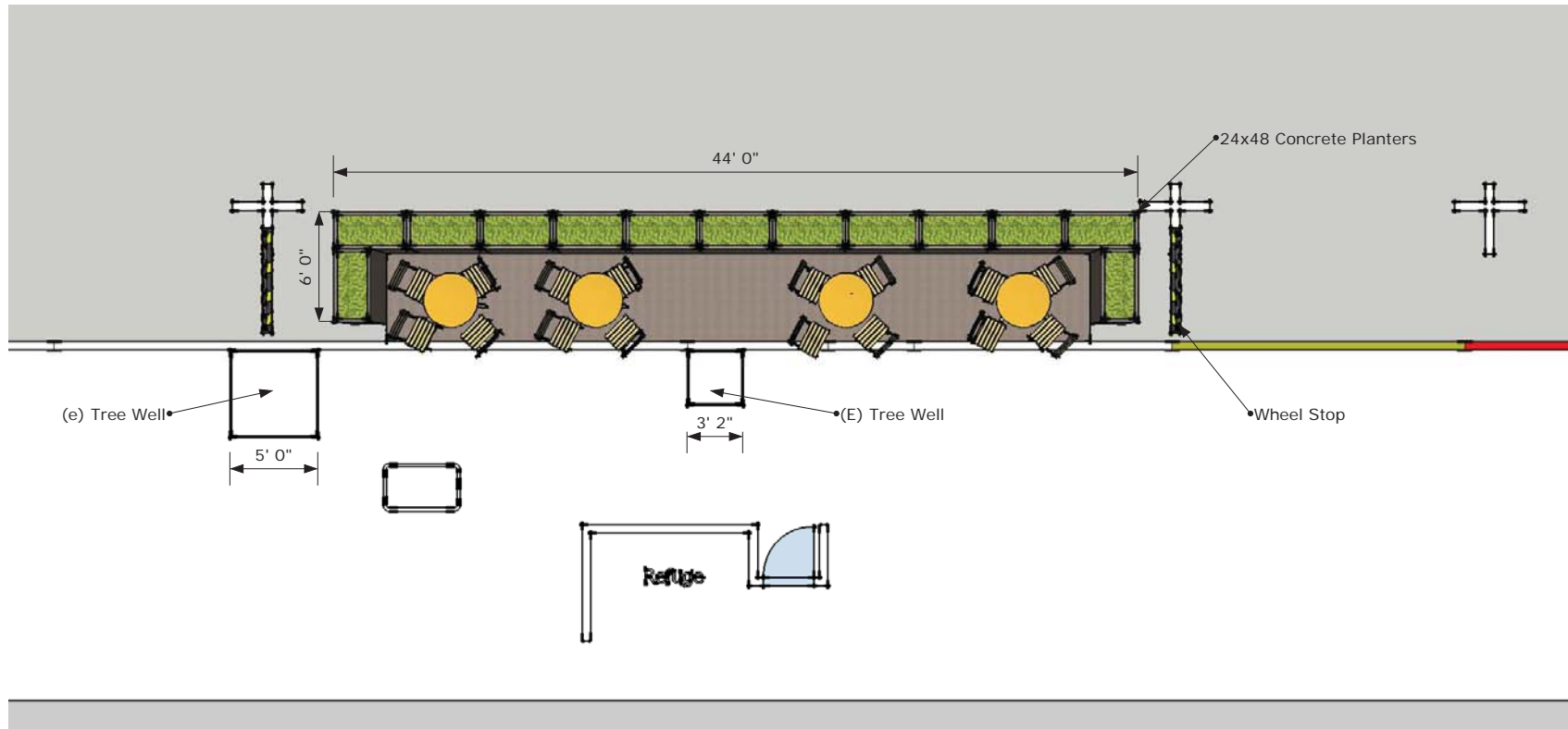


Street View



Refuge 1143 Crane Street  
Parklet Type A. Concrete Planter

Plan View

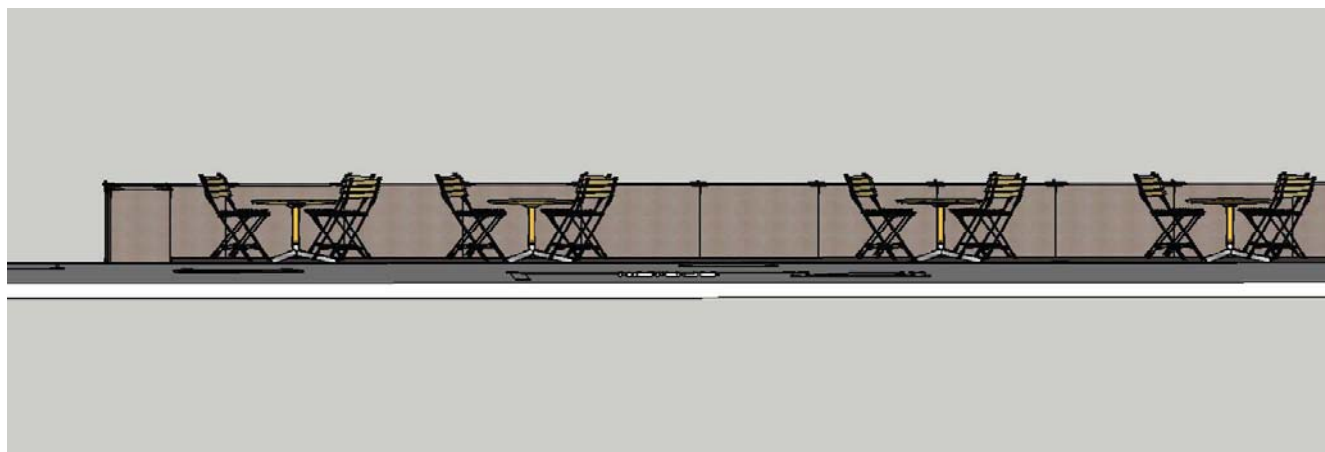


Refuge 1143 Crane Street  
Parklet Type A. Concrete Planter

Street View



Street View



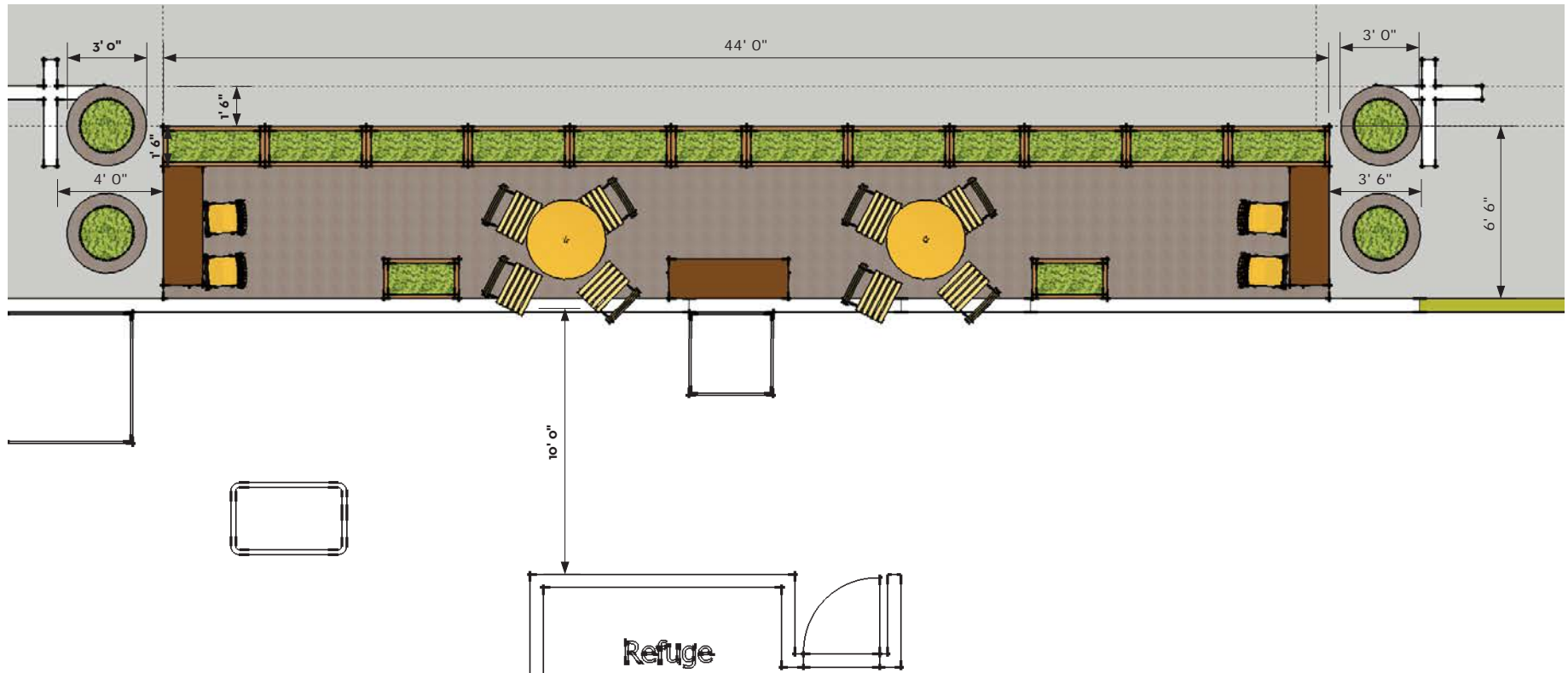
Refuge 1143 Crane Street  
Parklet Type A. Concrete Planter

Aerial Oblique



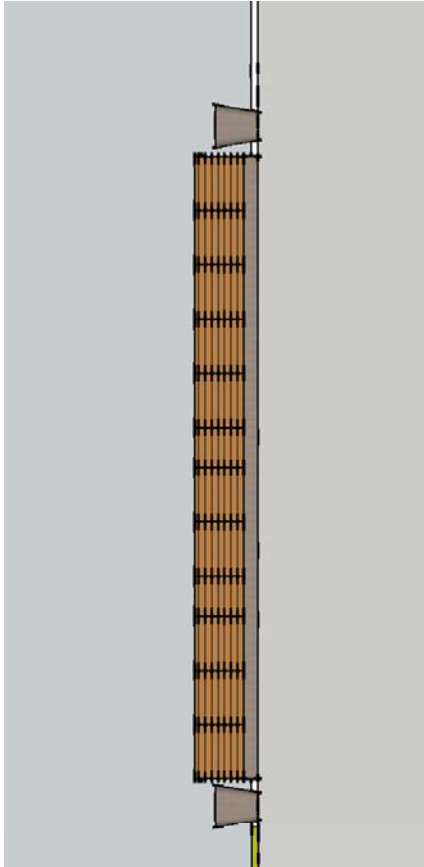
Refuge 1143 Crane Street  
Parklet Type B. Wood Planter

Plan View

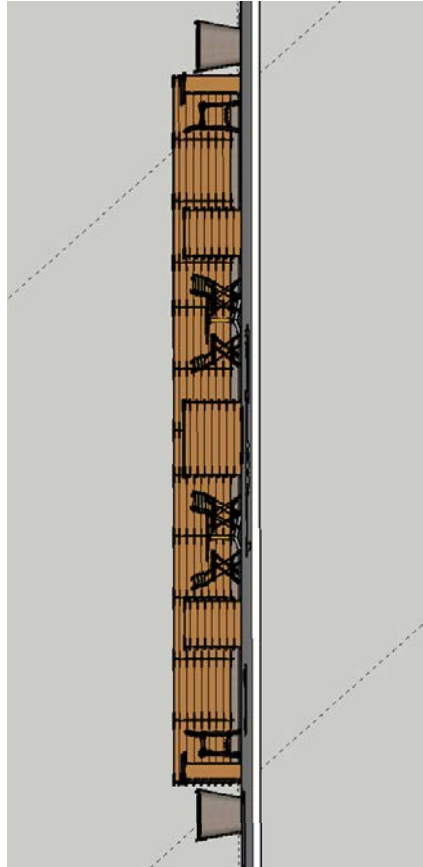


Refuge 1143 Crane Street  
Parklet Type B. Wood Planter

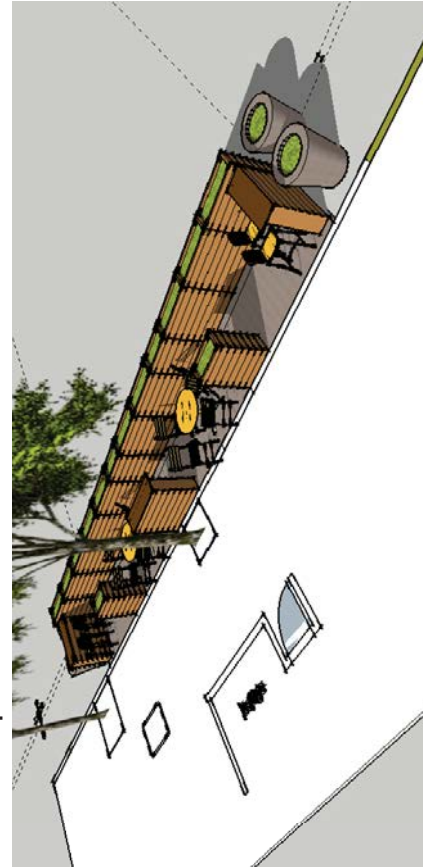
Plan View



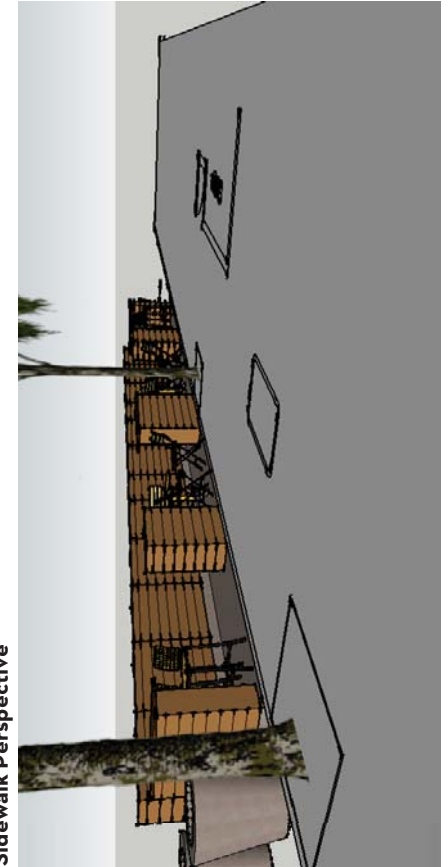
Street View



Sidewalk View



Sidewalk Perspective



Sidewalk Perspective

Prepared by: Ian Moore Design, Inc.  
510-388-0674 contact@ianmooredesign.com



Prepared for:  
City of Menlo Park  
Downtown Parklet Cost Estimate

**Parallel: Base Design**

Parklet Location		Refuge, 1143 Crane St, Menlo Park, CA 94025			
Parklet Square Foot Area		Square Ft		310	
Parklet Cost Per Square Foot		\$ 93.91			
<b>Parklet Itemized Cost Estimate</b>					
<b>Concrete Slab Deck and Curb Drainage System</b>					
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>	
Traffic Control - 1 Day	\$ 1,000.00	1	\$ 1,000.00	May be Provided by City PW	
Site Preparation/Cleaning	\$ 1,000.00	1	\$ 1,000.00	Power Wash, Etc.	
Barrier/Bonding Layer	\$ 750.00	1	\$ 750.00	VBL Material	
Concrete - Fiber Reinforced	\$ 750.00	4	\$ 2,625.00	Concrete Material & Delivery Only	
Steel Drainage Channel/Grates/ End Panels Fabrication	\$ 3,000.00	1	\$ 3,000.00	Specialty Steel Fabrication	
Assembly/Formwork/Placement/Finish	\$ 9,000.00	1	\$ 9,000.00	Labor and Consumable Materials	
			<b>\$ 17,375</b>		
<b>Concrete Planters</b>					
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>	
Planters - 48x24x36	\$ 500.00	13	\$ 6,500.00	Commercial Service Supply	
Delivery/Placement	\$ 2,000.00	1	\$ 2,000.00		
			<b>\$ 8,500</b>		
<b>Plantings</b>					
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>	
Planting Medium Delivered	\$ 100.00	12	\$ 1,155.56	50% Base Rock/50% Planter Medium	
Planting Medium Delivered	\$ 20.00	104	\$ 2,080.00	Drought Tolerant Perennial Mix	
			<b>\$ 3,236</b>		
			<b>\$ 29,111</b>	<b>TOTAL ESTIMATE 05/13/15</b>	

**Angled: Base Design**

Parklet Location	Left Bank 635 Santa Cruz Ave, Menlo Park, CA 94025			
Parklet Square Foot Area				Square Ft 505
Parklet Cost Per Square Foot	\$	77.89		
<b>Parklet Itemized Cost Estimate</b>				
<b>Concrete Slab Deck and Curb Drainage System</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Traffic Control - 1 Day	\$ 1,000.00	1	\$ 1,000.00	May be Provided by City PW
Site Preparation/Cleaning	\$ 1,000.00	1	\$ 1,000.00	Power Wash, Etc.
Barrier/Bonding Layer	\$ 750.00	1	\$ 750.00	VBL Material
Concrete - Fiber Reinforced	\$ 750.00	7	\$ 5,347.22	Concrete Material & Delivery Only
Steel Drainage Channel/Grates/ End Panels Fabrication	\$ 6,000.00	1	\$ 6,000.00	Specialty Steel Fabrication
Assembly/Formwork/Placement/Finish	\$ 12,000.00	1	\$ 12,000.00	Labor and Consumable Materials
			\$ 26,097	
<b>Concrete Planters</b>				
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Planters - 48x24x36	\$ 500.00	16	\$ 8,000.00	Commercial Service Supply
Delivery/Placement	\$ 2,000.00	1	\$ 2,000.00	
			\$ 10,000	
<b>Plantings</b>				
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Planting Medium Delivered	\$ 100.00	12	\$ 1,155.56	50% Base Rock/50% Planter Medium
Planting Medium Delivered	\$ 20.00	104	\$ 2,080.00	Drought Tolerant Perennial Mix
			\$ 3,236	
			\$ 39,333	TOTAL ESTIMATE 05/13/15



**Parallel: Enhanced Design**

Parklet Location	Refuge, 1143 Crane St, Menlo Park, CA 94025			
Parklet Square Foot Area				Square Ft 310
Parklet Cost Per Square Foot	\$	196.02		
<b>Parklet Itemized Cost Estimate</b>				
<b>Concrete Slab Deck w/ Curb and Curb Drainage System</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Traffic Control - 1 Day	\$ 1,000.00	1	\$ 1,000.00	May be Provided by City PW
Site Preparation/Cleaning	\$ 1,000.00	1	\$ 1,000.00	Power Wash, Etc.
Barrier/Bonding Layer	\$ 750.00	1	\$ 750.00	VBL Material
Concrete - Fiber Reinforced	\$ 750.00	6	\$ 4,500.00	Concrete Material & Delivery Only
Steel Drainage Channel/Grates/ End Panels Fabrication	\$ 3,000.00	1	\$ 3,000.00	Specialty Steel Fabrication
Assembly/Formwork/Placement/Finish	\$ 12,000.00	1	\$ 12,000.00	Labor and Consumable Materials
			\$ 22,250	
<b>Wooden Planters</b>				
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Cedar/Redwood Clad Woodframe Planters - Modular Size to Fit 18W x 36Hx(36L,48L, 54L)	\$ 2,560.00	13	\$ 33,280.00	Carpentry Crew Labor and Materials
Delivery/Placement	\$ 2,000.00	1	\$ 2,000.00	
			\$ 35,280	
<b>Plantings</b>				
	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Planting Medium Delivered	\$ 100.00	12	\$ 1,155.56	50% Base Rock/50% Planter Medium
Planting Medium Delivered	\$ 20.00	104	\$ 2,080.00	Drought Tolerant Perennial Mix
			\$ 3,236	
			\$ 60,766	TOTAL ESTIMATE 05/13/15

**Angled: Enhanced Design**

Parklet Location	Left Bank 635 Santa Cruz Ave, Menlo Park, CA 94025			
Parklet Square Foot Area	Square Ft 505			
Parklet Cost Per Square Foot	\$	157.81		
<b>Parklet Itemized Cost Estimate</b>				
<b>Concrete Slab Deck and Curb Drainage System</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Traffic Control - 1 Day	\$ 1,000.00	1	\$ 1,000.00	May be Provided by City PW
Site Preparation/Cleaning	\$ 1,000.00	1	\$ 1,000.00	Power Wash, Etc.
Barrier/Bonding Layer	\$ 750.00	1	\$ 750.00	VBL Material
Concrete - Fiber Reinforced	\$ 750.00	9	\$ 6,750.00	Concrete Material & Delivery Only
Steel Drainage Channel/Grates/ End Panels Fabrication	\$ 6,000.00	1	\$ 6,000.00	Specialty Steel Fabrication
Assembly/Formwork/Placement/Finish	\$ 18,000.00	1	\$ 18,000.00	Labor and Consumable Materials
			\$ 33,500	
<b>Wooden Planters</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Cedar/Redwood Clad Woodframe Planters - Modular Size to Fit 18W x 36Hx(36L, 48L, 54L)	\$ 2,560.00	16	\$ 40,960.00	Carpentry Crew Labor and Materials
Delivery/Placement	\$ 2,000.00	1	\$ 2,000.00	
			\$ 42,960	
<b>Plantings</b>	<b>Unit Cost</b>	<b>Units</b>	<b>Total</b>	<b>Notes</b>
Planting Medium Delivered	\$ 100.00	12	\$ 1,155.56	50% Base Rock/50% Planter Medium
Planting Medium Delivered	\$ 20.00	104	\$ 2,080.00	Drought Tolerant Perennial Mix
			\$ 3,236	
			\$ 79,696	TOTAL ESTIMATE 05/13/15



## PUBLIC WORKS DEPARTMENT

Council Meeting Date: June 2, 2015

Staff Report #: 15-094

**REGULAR BUSINESS:**                    **Authorize the City to Assume the Role of Project Sponsor for the US 101/Willow Road Interchange Project**

### RECOMMENDATION

Staff recommends the Council approve the City assuming the role as Project Sponsor for the US 101/Willow Road Interchange Project, including taking the lead role to secure adequate construction funds for the project.

### POLICY ISSUES

The US 101/Willow Road Interchange Project is consistent with the City's General Plan policies that support safe and efficient transportation.

### BACKGROUND

On November 2, 2004, the voters of San Mateo County approved the continuation of the collection and distribution by the San Mateo County Transportation Authority (TA) of the Measure A half cent transaction and use tax for the additional 25 years to implement the 2004 Transportation Expenditure Plan, beginning January 1, 2009 (new Measure A).

On May 24, 2012, the TA issued a call for projects for the Highway Program and in response to the call for projects, the City of Menlo Park (City) requested the TA provide \$500,000 in Measure A funds to engage a consultant team to support the City's review of the environmental review and design documents for the US 101/Willow Road Interchange Project. This project met the intent of the 2004 Transportation Expenditure Plan and TA's 2009-2013 Strategic Plan and on October 4, 2012, TA programmed and allocated up to \$500,000 from the new Measure A Supplemental Roadway Highway Program Category the project.

On May 7, 2013, Caltrans staff presented a series of design alternatives to the City Council. The staff report is included in Attachment A. Council voted in support of a preferred design alternative. On November 25, 2013, Caltrans certified the environmental review documents and identified the preferred design alternative for this project, consistent with the Council's recommendations.

Since that time, Caltrans has been preparing the detailed design documents for the project, currently near 95% complete. City staff has been involved in reviewing engineering documents and design details that interface with or may affect City streets, utilities, or right-of-way. A consultant team led by Swinerton Engineers was brought on board in late 2014 to assist the City with this effort. Final design documents are anticipated to be completed in late 2015. The project would be ready for construction starting in early 2016. The San Mateo County Transportation Authority (SMCTA) through Measure A has provided the main source of funding for the environmental and design phases of this project, supporting the design work underway by Caltrans, as well as funding for consulting support to assist the City with design review.

## **ANALYSIS**

The SMCTA has informed City staff that, for the project to be completed, the City of Menlo Park would need to assume the role of Project Sponsor. If the City does not assume this role, the project would not be completed. The SMCTA funding agreements include the Project Sponsor's responsibilities as listed below:

1. Sponsor Oversight of Work Plan
2. Obtaining Required Approvals
3. Contract & Project Management
4. Funding Commitment

The information on sponsorship responsibilities is evolving as of publication of the staff report. The City will continue to work with SMCTA, the City/County Association of Governments of San Mateo County (C/CAG) and Caltrans to better define the responsibilities for each stakeholder in advance of the June 2, 2015 Council meeting. It is anticipated that Caltrans would manage the construction phase. Of most significance at this point for the City of Menlo Park is item 4, Funding Commitment, including the need to secure funding to complete the construction phase of the project.

The initial project construction cost estimate was approximately \$48M, prepared at the time the environmental documents were certified in 2013. Due to escalation in construction costs since that time, the project cost has increased to approximately \$65M. Current available funding for this project is approximately \$17M from the State Transportation Improvement Program, or STIP. However, the STIP funds are currently programmed for fiscal year (FY) 2016-2017 and would need to be advanced to FY2015-2016 to be used for this project. The remaining balance of approximately \$48M still needs to be secured.

## **IMPACT ON CITY RESOURCES**

Accepting sponsorship of this project will impact staff capacity, particularly in the Public Works Department, and delay other capital project design and construction schedules due to grant deadlines in June 2015.

Staff is working to assess the available potential funding sources for this project, if the City were to assume sponsorship. Potential options include:

- Pursuing grant funds from federal, state, or regional sources
- Committing local funds
- Bonding against local revenues

Staff is currently working to determine the feasibility of all potential options for funding for this project. Grant funding options will be fully explored to minimize any local commitments if the project is to proceed. A potential list of grant funding sources is outlined as follows:

- San Mateo County Measure A Highway Program
- U.S. Department of Transportation's (DOT) Transportation Investment Generating Economic Recovery (TIGER) Competitive Program
- State or Regional Active Transportation Program

However, each of the grant programs identified is extremely competitive, thus awards are uncertain. Funding deadlines are approaching in June 2015. If unsuccessful in grant awards, the City would be responsible for securing other funds or the project could not be completed. At the time of this report, it is uncertain if the City could bond for a construction project on a facility owned by another agency (Caltrans, in this case).

Financial implications of accepting the role of project sponsorship are still being determined, but could impact City funds particularly if grant applications are not successful. Staff is working to evaluate funding options in advance of the June 2, 2015 Council meeting and will provide as much additional information as possible during the staff presentation.

## **ENVIRONMENTAL REVIEW**

Environmental clearance for the project was obtained by Caltrans on November 25, 2013.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. May 7, 2013 Staff Report – Provide Direction on the US 101/Willow Road Interchange Project Alternatives

Report prepared by:  
*Nicole H. Nagaya, P.E.*  
*Transportation Manager*



## PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 7, 2013  
Staff Report #: 13-075

Agenda Item #: F-1

**REGULAR BUSINESS:**                    **Provide Direction On The State Route 101/Willow Road Interchange Project Alternatives**

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### RECOMMENDATION

Staff recommends that the City Council receive the SR 101/Willow Interchange Project Alternative Report and provide direction to staff to include the Project Preferred Alternative 1B Modified Partial Cloverleaf (Attachment B) as the selected interchange design concept to be evaluated in the Environmental Analysis for this project.

### BACKGROUND

The original SR 101/Willow Interchange was constructed in 1955. Willow Road is classified as a major arterial east of the SR 101/Willow Road interchange and a minor arterial west of the SR 101/Willow Road interchange. Approximately 30,000 vehicles per day travel on Willow Road between Middlefield Road and Bayfront Expressway. The existing interchange configuration in Figure 1 shows a “Four Quadrant Cloverleaf (Attachment A).”

Funding for the design and construction of the SR 101/Willow Road Interchange Project (The Project) is proposed to be funded by C/CAG’s Regional Improvements Program (RIP) and by Measure A funds, and was originally approved in the original Measure A Expenditure Plan in 1988 and extended in 2004 by voters of San Mateo County. A project study report was completed in 1989 and a Project Study Report-Project Development Report was completed in 2005. The project proposes to reconstruct the existing SR 101/Willow Road (SR 114) interchange to a partial cloverleaf or diamond interchange.

The Project is being led by Caltrans in partnership with San Mateo County Transportation Authority, C/CAG, East Palo Alto and Menlo Park. The Project is currently in the conceptual stages of design and environmental analysis. Traffic modeling and traffic operational analysis were completed in 2012 for the conceptual stages under two horizon year scenarios -2020 “Opening Year” and 2040 “Design Year.” The traffic operational analysis evaluated six alternative configurations for the interchange. The configurations were designed to minimize the overall traffic impacts to both the local streets and the freeway as well as improve all modes of transportation (vehicular, bicycle and pedestrian). The following Project Alternatives were evaluated:

1. Alternative 1A – Partial Cloverleaf
2. Alternative 1B – Condensed Partial Cloverleaf
3. Alternative 2 – Partial Cloverleaf with Auxiliary Lane
4. Alternative 3 – Partial Cloverleaf with Collector Distributor Road
5. Alternative 4A – Compact Diamond
6. Alternative 4B – Condensed Compact Diamond
7. Alternative 5 – Existing Four-Quadrant Cloverleaf (No Build)

The results of the analysis for the alternatives are shown in Table 1. Some of the alternatives could involve right-of-way impacts to adjacent property owners, while some of the alternatives minimize these impacts. The project impacts will be evaluated as part of the environmental analysis.

**Table 1: Comparison of Project Alternatives**

	Alternative 1A		Alternative 1B		Alternative 2		Alternative 3		Alternative 4A		Alternative 4B	
Construction Capital Cost(\$)	\$ 43.0 M		\$ 41.9 M		\$ 43.6 M		\$ 44.2 M		\$ 39.0 M		\$ 37.5 M	
Right of Way Capital Cost(\$)	\$ 11.8 M		\$ 0.6 M		\$ 4.8 M		\$ 7.2 M		\$ 4.5 M		\$ 0.7 M	
Geometry	Partial Cloverleaf		Condensed Partial cloverleaf		Partial Cloverleaf w/ Aux Lane		Partial Cloverleaf w/Collector Rd		Compact Diamond		Condensed Compact Diamond	
Right of Way												
Number of Parcels Affected	25		11		20		26		21		11	
Full Take Impacts (SQFT)	93,870		0		24,167		48,000		24,264		0	
Partial Take Impacts (SQFT)	35,142		3,013		21,014		33,291		19,325		4,293	
Traffic Operation												
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM
Overall Network VH Delay (Veh-hr)	15,629	16,681	15,552	16,836	15,464	17,481	16,510	21,529	16,503	16,500	16,754	16,003
N/B New Intersections LOS	D	C	E	C	D	C	E	C	E	D	E	D
S/B New Intersection LOS	C	C	C	C	C	C	D	C	F	D	F	D
Environmental Impacts	Great Surface Streets realignment & access modifications Possible Environmental Justice		Low No access modifications		Medium, some realignment & access modifications		Medium, some realignment & access modifications		Great Surface Streets realignment & access modifications Possible Environmental Justice		Low No access modifications	

On June 12, 2012, the City Council adopted Resolution 8062 in support of SR 101/Willow Road Interchange Project and secured funding in the amount of \$500,000 to assist the City during the environmental phase of the Project. Staff is currently in the process of hiring a consultant for this support. Staff will be completing a funding agreement with San Mateo County Transportation Authority for use of these funds.

The project alternatives were initially presented to the City Council at its regular meeting on October 9, 2012. At this meeting, Council gave direction to ensure all modes of travel are considered and incorporating evaluations of the feasibility of having a median bicycle lane on Willow Road though the interchange, similar to SR 101/3<sup>rd</sup> Avenue

interchange in San Mateo, and to evaluate the option of a separate bicycle/pedestrian bridge facility.

## **ANALYSIS**

The “Project Need” is to address short weaving segments between loop ramps along SR 101 and Willow Road and to address all modes of transportation. These weaving conflicts cause safety concerns, reduce speed, cause back-ups, and create upstream queuing on 101. Additionally, there are deficient bicycle and pedestrian facilities at this interchange. The “Project Purpose” is to address the operational deficiencies of the interchange by eliminating the traffic weaves and to provide adequate storage on the off-ramps, improve operation of the interchange and as a result this will also improve the different modes of transportation and provide adequate bicycle and pedestrian facilities at the new interchange.

A scoping meeting and several community meetings have been held in both East Palo Alto and Menlo Park as follows:

- October 9, 2012 - City Council Presentation
- October 17, 2012 - Menlo Park Public Scoping Meeting
- October 24, 2012 - East Palo Alto Public Scoping Meeting
- November 29, 2012 - Presentation to Menlo Park Chamber-Transportation Committee
- March 6, 2013 - Joint East Palo Alto/Menlo Park Community Update Meeting
- March 11, 2013 & April 8, 2013 - Menlo Park Bicycle Commission
- March 13, 2013 - Transportation Commission

Comments and key points brought up during the public meetings included the following:

- Provide bicycle and pedestrian facilities
- Design for all 3 modes (Bicycle, Pedestrians, and Vehicles) of transportation
- Use alternatives 1B or 4B with the least residential housing impacts
- Use alternative 4B “Condensed Compact Diamond,” with signalized intersection for bicycle & pedestrian safety
- Use separate bicycle/pedestrian bridge next to the interchange (1 comment)
- Use alternatives 1A or 1B “Partial Cloverleaf”
- Do not use Alternative 1A (too much right-of-way impact)
- Separate Bicycle/pedestrian Bridge Facility
- Median Bicycle lane similar to SR 101/3<sup>rd</sup> Avenue Interchange in San Mateo

After receiving comments, the Caltrans project team evaluated three new possible options. The options evaluated included the following:

1. Alternative 1B Modified “Condensed Partial Cloverleaf”: This proposed new alternative is a variation between “Alternative 1B” and “Alternative 4B”, which are



shown for reference in Attachments C and D . This alternative is also consistent and in line with the need and purpose of the project by addressing the following:

- a. Improves overall operational benefits that are superior to all other Project Alternatives studied.
  - b. Minimizes overall right-of-way impacts from all other Project Alternatives.
  - c. Minimizes environmental impacts compared to from all other Project Alternatives.
  - d. Provides an improvement for the new signalized intersections in comparison to Project Alternative 4B which requires left turns for on-ramps at the signalized intersection that will increase delays on Willow Road.
  - e. Provides both Class I (off street bike path), and Class II (on street bike lanes) Bicycle/Pedestrian facilities on each side of the overcrossing design.
  - f. Provides a new configuration with squared Right Turns at Intersection crossing to reduce the bicycle/vehicle speed differential at these movements to improve safety.
2. Separate Bicycle/Pedestrian Bridge Facilities: This facility was evaluated, and is not being recommended at this time. Project Alternative 1B Modified, provides similar facilities and it accommodates this function within the project, without a significant increase in cost. A separate bicycle/pedestrian bridge would only be located on one side of the interchange, thus making it a longer travel distance for one direction or the other. Additionally, this option would create additional right-of-way impacts, privacy concerns, and is outside the project limit.
3. Median Bicycle Lane similar to 101/3<sup>rd</sup> Avenue Interchange in San Mateo: This option was studied, and is not a feasible option. The proposed recommended Alternative 1B Modified is a condensed partial cloverleaf in comparison with the 101/3<sup>rd</sup> Avenue Interchange which is a full cloverleaf interchange, which doesn't include any signalized intersections. This option would create a bicycle only intersection in the middle of the road at each off-ramp, which is non-standard and would create some safety concerns. It would also require additional right-of-way, and expansion the project limits to the intersections at Bay Road to the south, and Newbridge Street to the north, which is not within the project limits or scope.

The information above and the inclusion of the Alternative 1B modified as the main design concept were included in the presentations at a joint East Palo Alto/Menlo Park community meeting on March 6, 2013 and at the Transportation Commission, and Bicycle Commission meetings. The following is a summary of the meetings:

- The joint East Palo Alto/Menlo Park community outreach meeting was attended by about 30 participants from both East Palo Alto and Menlo Park. The meeting was an open house, and was accompanied by a project presentation, and questions and answer session. There was no opposition to the project, and appeared to be well received.

- The Transportation Commission generally supported the project and had no comments.
- The Bicycle Commission, recommended approval of a Project Alternative 1B Modified, “Condense Partial Cloverleaf” as shown in Figure 2 in Attachment A. This option was recommended in combination with a lane geometric configuration and a cross section that provides a Class I, and Class II bicycle lanes separated by medians, and a 10 feet sidewalk. This alternative is also shown in Figure 3 in Attachment A.

After the community outreach process was completed, an independent analysis of the project was performed by a team of engineers from Caltrans who have not been involved in the design of this project. The team included representatives from East Palo Alto, Menlo Park, and San Mateo County Transportation Authority. The value analysis was completed over several days from February 4<sup>th</sup> through 7<sup>th</sup> of 2013. The team assessed the elements of cost, performance, construction time, and risk as they relate to project value. Key performance attributes assessed included mainline operations, pedestrian/cyclist, operations, local operations, maintainability, construction impacts, and environmental impacts. Project Alternative 1B Modified was used as the baseline for the comparison. The value analysis team concluded that this proposed Project Alternative 1B Modified provides the best value.

This project’s environmental phase is fully funded, and the project team has a very aggressive project schedule. The overall anticipated schedule for this project is as follow:

- Environmental Analysis (PA&ED): Late 2013
- Complete Design (PS&E): Mid 2015
- Advertise, Open Bid & Award: Late 2015
- Start Construction: Early 2016
- Project Completion: Early 2018

## **IMPACT ON CITY RESOURCES**

This project is a regional project that will be added to the Menlo Park Capital Improvement Plan, and additional resources will be required to support this project. Staff is currently in the process of hiring a consultant team to support this project.

## **POLICY ISSUES**

The project is consistent with the City of Menlo Park General Plan, Sections II-A-12 and II-D.

## **ENVIRONMENTAL REVIEW**

The US 101/Willow Road Interchange Project CEQA environmental review will be completed by Caltrans.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. Existing US 101/Willow Road Interchange
- B. US 101/Willow Road Alternative 1B Modified
- C. US 101/Willow Road Alternative 1B
- D. US 101/Willow Road Alternative 4B

Report prepared by:  
Fernando G. Bravo,  
Engineering Services Manager

Report prepared by:  
Charles W. Taylor,  
Public Works Director

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## **PUBLIC WORKS DEPARTMENT**

**Council Meeting Date: June 2, 2015**

**Staff Report #: 15-091**

**INFORMATIONAL ITEM:           Installation of Buffered Bike Lanes and Removal of Parking on Santa Cruz Ave as Approved by City Council**

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### **RECOMMENDATION**

This is an informational item that does not require Council action at this time.

### **POLICY ISSUES**

There is no policy issue as this is an informational item only.

### **BACKGROUND**

On March 10, 2015, the City Council approved a motion (Attachment A) to install sidewalks along Santa Cruz Avenue between Olive Street and Johnson Street (Attachment B) with certain conditions.

### **ANALYSIS**

At the March 24, 2015 Council meeting, in response to a public comment, Council asked staff if the bike lanes could be installed while the right-of-way survey and design work is being completed. Starting the week of June 8<sup>th</sup>, the City's striping and signing contractor will be implementing the first phase of the approved concept plan by removing parking and installing the 2-foot buffer for the existing bike lane.

### **IMPACT ON CITY RESOURCES**

This project has been identified in the City's Capital Improvement Plan since 2007-2008, and is programmed for design and construction in FY2015-2016.

### **ENVIRONMENTAL REVIEW**

An environmental review is not necessary, at this stage of the project, under the California Environmental Quality Act Guidelines. Staff would return to the City Council for environmental clearance of the project as part of completing the design of the chosen alternative.

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. Minutes from the March 10, 2015, City Council Meeting
- B. Approved Concept Plan

Report prepared by:

*Richard Angulo*

*Traffic Technician II*

*Nicole H. Nagaya, P.E.*

*Transportation Manager*



**CITY COUNCIL  
SPECIAL AND REGULAR MEETING MINUTES  
Tuesday, March 10, 2015  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025**

**4:00 P.M. CLOSED SESSION (1st floor Council Conference Room, Administration Building)**

Closed Session Item #1 was cancelled and will be rescheduled for a future date.

**CL1.** Closed Session pursuant to Government Code Section §54957:  
Public Employee Performance Evaluation - City Manager

Attendees: City Manager Alex McIntyre, Jan Perkins

Closed Session Item #2 was rescheduled to 5:30 p.m. Mayor Carlton called the Closed Session to order at 5:40 p.m. Councilmember Keith arrived at 5:45 p.m. Councilmember Mueller was not present.

**CL2.** Closed Session pursuant to Government Code Section §54957.6 to conference with labor negotiators regarding labor negotiations with SEIU, AFSCME, Unrepresented Management

Attendees: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure

**6:00 P.M. SPECIAL BUSINESS**

Mayor Carlton introduced Mayor Donal Lyons of Galway City, Ireland and recognized him with a proclamation and exchanging of gifts. Chief Executive Brendan McGrath was also present. A video highlighting the recently formed friendship between the Two Menlos was presented and a cake and coffee reception followed. ([Attachment](#))

**6:30 P.M. STUDY SESSION**

**SS1.** Update on the Menlo Gateway Project at 100-190 Independence Drive and 101-155 Constitution Drive including an overview of the new hotel and the project review process ([Staff Report #15-045](#)) ([Applicant's Presentation](#))

Assistant Community Development Manager Justin Murphy introduced the item.

The following spoke on behalf of the applicant team:

David Bohannon

Michael Moskowitz on behalf of Ensemble

Julius Robinson on behalf of Marriott and the Autograph Collection

Jack Highwart on behalf of hotel architect Cunningham

Jeff Heller on behalf of office architect Heller Manus

Public Comment:

- Eileen McLaughlin spoke regarding bird safe design
- Adina Levin spoke regarding community and connectivity benefits

There was Council consensus to direct staff to pursue Option 2. J. Murphy stated that an updated timeline will be brought back to Council at its March 24<sup>th</sup> meeting.

### **7:00 P.M. REGULAR SESSION**

Mayor Carlton called the meeting to order at 7:57 p.m. Councilmember Mueller was absent due to a family illness.

Staff present: City Manager Alex McIntyre, Assistant City Manager Starla Jerome-Robinson, City Attorney Bill McClure and City Clerk Pamela Aguilar

Mayor Carlton led the pledge of allegiance.

### **REPORT FROM CLOSED SESSION**

There was no reportable action from the closed session held earlier this evening.

### **ANNOUNCEMENTS**

The deadline for applications to the Planning Commissions has been extended to March 31st.

### **A. PRESENTATIONS AND PROCLAMATIONS**

#### **A1.** Proclamation: Red Cross Month ([Attachment](#))

Tricia Clement accepted the proclamation.

#### **A2.** Proclamation recognizing Menlo School on its 100-year anniversary ([Attachment](#))

Julie Douglas and Amy Sanford, Centennial Committee Co-Chairs, accepted the proclamation.

#### **A3.** Presentation to delegation from Galway, Ireland

This item took place at 6:00pm

### **B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS - None**

### **C. PUBLIC COMMENT #1**

- Joe Straton spoke regarding airplane noise
- Kim Rubin spoke regarding train safety ([Presentation](#))
- Wynn Grcich spoke regarding fluoride ([Handout](#))

### **D. CONSENT CALENDAR**

Councilmember Keith pulled Item D-1 for further discussion.

#### **D1.** Adopt amended salary schedule for fiscal year 2014-15 ([Staff Report #15-043](#))

Councilmember Keith stated that this amended Salary Schedule includes a correction of a typographical error to the pay rate for the City Manager classification and the addition of the new classification of Police Corporal.

#### **D2.** Approval of \$2,070,000 transfer from unassigned fund balance to Strategic Pension Funding Reserve ([Staff Report #15-025](#))

#### **D3.** Approve minutes for the Council meeting of February 24, 2015 ([Attachment](#))

**ACTION:** Motion and second (Keith/Ohtaki) to approve Items D2 and D3 on the Consent Calendar passes 4-0-1 (Mueller absent)



**ACTION:** Motion and second (Keith/Cline) to approve Item D-1 passes 4-0-1 (Mueller absent)

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

- F1.** Approve the preferred alternative for the Santa Cruz Avenue Sidewalk Project between Olive Street and Johnson Street ([Staff Report #15-044](#))([Presentation](#))

At 8:20 p.m., Assistant City Manager Starla Jerome-Robinson recused herself due to a conflict of interest that her residence is located within 500 feet of the project area.

Director of Public Works Jesse Quirion gave a presentation.

Public Comment:

- Arnold Wilson spoke regarding safety issues and supports sidewalks on both sides of the street
- Bill Frimel spoke regarding safety issues and the need for parking and bike lanes
- Ingo Lange complimented staff on its outreach efforts and supports the preferred alternative, but suggested it be implemented on a block-by-block
- Whitney McKiernan stated that the Bike Commission recommends Alternate 3 and reflects the input from the community; she expressed that human safety takes priority over landscaping
- Adina Levin supports sidewalks on both sides and buffered bike lanes, but that safety takes priority; she also spoke regarding the turn lane at Johnson and undergrounding
- Michael Doran asked Council to postpone taking action until Councilmember Mueller can participate and spoke regarding property rights and stated that landscaping in the right-of-way enhances the character of the community, but that he supports sidewalks and bike lanes
- Greg Klingsporn urged Council to take action with consideration for users of the sidewalks and bike lanes, and stated that the preferred alternative considers all aspects
- Cindy Welton spoke regarding safety and taking action that encourages walking and biking
- Mickie Winkler stated that five foot sidewalks are not wide enough to support pedestrians and strollers, and that sidewalks should be at least seven feet wide
- Greg Baker supports the preferred alternative
- Horace Nash spoke ([Handout](#)) slowing down traffic, updating existing sidewalks, and landscaping
- Sally Cole supports the preferred alternative with the exception of not using all the right-of-way and eliminating the middle turn lane at Olive
- Dail Koehler expressed concern regarding the elimination of street parking
- Jeff Kleck supports the preferred alternative
- George Otte complimented staff's efforts and supports the preferred alternative and would like to maintain or add parking
- Greg Druehl prefers six foot sidewalks and stated that parents of children attending Hillview School are stakeholders in this issue
- Bill Kirsch complimented the efforts of staff and Council and suggested eliminating the center turn lane in order to slow down traffic
- Pat Finlay supports the preferred alternative but asked to consider the cost to those who would have to modify their landscaping
- Sarah Kernasovsky supports the preferred alternative and asked that the sidewalk between Arbor and downtown be repaired
- Sasha Agamin expressed concern regarding the safety of bicyclists

- Maggie Betsock supports sidewalks and spoke regarding trees
- Russ Petersen supports sidewalks on both sides, removing the center turn lane, adding parking pockets and slowing down traffic
- Eleanor Rac supports sidewalks and bike lanes for the safety of the community
- Lisa McPherson supports sidewalks and maintaining the center turn lane
- Vasile Oros supports maintaining the center turn lane
- Fred Berghout stated that the sidewalk project must proceed, recommends six foot sidewalks and safety should be a priority
- Michelle Otte supports sidewalks at either five or six feet but not wider and maintaining the center turn lane and encourages measures to slow down traffic
- Brett Degner spoke regarding safety issues for bicyclists and possibly breaking up the center turn lane

J. Quirion read the statement of Councilmember Mueller supporting the preferred alternative. ([Letter](#))

**ACTION:** Motion and second (Ohtaki/Cline) to approve the preferred alternative for the Santa Cruz Avenue Sidewalk Project between Olive Street and Johnson Street passes 4-0-1 (Mueller absent) with the following revisions/directions:

Designed with six foot wide sidewalks so long as they do not impact heritage trees, large hedges or fences or other permanent improvements, and where there is an impact the design would decrease to five feet or not less than four feet around a heritage tree if necessary; explore leaving parking on the south side between Fremont Park and Fremont Street or potentially Arbor and if the existing sidewalk can be improved that it be made ADA compliant; explore future undergrounding with PG&E on the south side and that this be done at the same time; prioritizing human safety, i.e. favor bike buffer over sidewalk width around heritage trees but that heritage trees take priority over the bike buffer so long as a four foot sidewalk is maintained.

J. Quirion stated to Council that staff will proceed with the design of six foot sidewalks taking into consideration the impacts that have been identified. If there are areas that need further consideration by Council, they will be brought back in a future study session.

**F2.** Accept the 2014-15 Mid-Year Financial Summary and appropriate \$85,000 in revenue from the Redevelopment Property Tax Trust Fund for expenditures related to the dissolution of the former Community Development Agency ([Staff Report #15-034](#)) ([Presentation](#))

Finance Director Drew Corbett gave a brief presentation.

**ACTION:** Motion and second (Ohtaki/Keith) to accept the 2014-15 Mid-Year Financial Summary and appropriate \$85,000 in revenue from the Redevelopment Property Tax Trust Fund for expenditures related to the dissolution of the former Community Development Agency passes 4-0-1 (Mueller absent)

**G. CITY MANAGER'S REPORT – None**

**H. WRITTEN COMMUNICATION – None**

**I. INFORMATIONAL ITEMS - None**

**J. COUNCILMEMBER REPORTS - None**

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**K. PUBLIC COMMENT #2**

There was no public comment.

**L. ADJOURNMENT** at 12:14pm



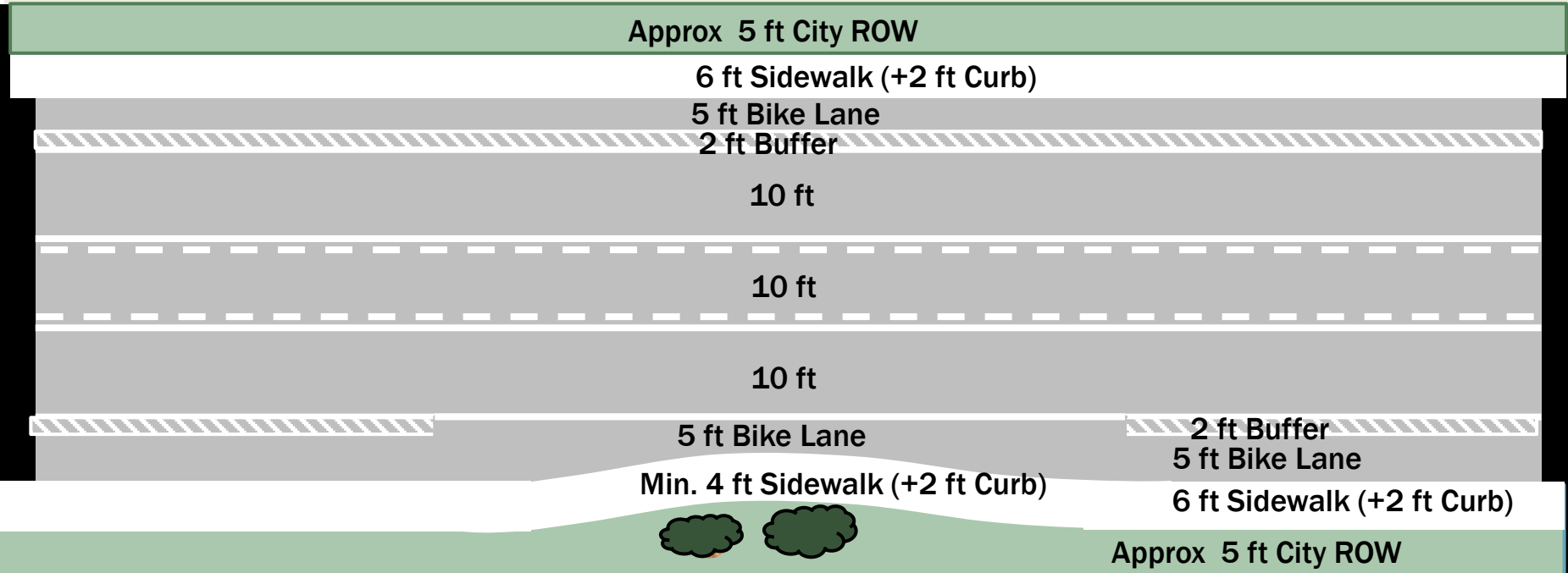
Pamela Aguilar  
City Clerk

These minutes were approved at the Council meeting of March 24, 2015.

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# APPROVED PLAN

## ■ Example Section with and without Heritage Trees or Improvements



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## POLICE DEPARTMENT

Council Meeting Date: June 2, 2015

Staff Report #: 15-088

**INFORMATIONAL ITEM:**            **Update on Menlo Park Policy #450-Use of Audio/Video Recorders**

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### RECOMMENDATION

No action is necessary as this is an informational item.

### POLICY ISSUES

This information item involves Menlo Park Police Policy #450 - Use of Audio/Video Recorders, which has been adopted with changes indicated below, after a review and discussion with the Police Chief's Advisory Group.

### BACKGROUND

For almost a decade, the Menlo Park Police Department has issued and required officers to use digital audio recorders, recording all contacts with citizens. These audio files were uploaded to a secure internal server and used as evidence in criminal cases, civil cases, use of force reviews, personnel complaints and State and Federal law suits. In 2011, City Council approved the purchase of 40 body worn cameras through COPS grant funding. These cameras were beta tested and then issued to all patrol officers. In 2015, Council approved the purchase of upgraded body cameras to replace the existing units along with allowing for extra units to be used as back up cameras in case units required maintenance.

The Department created Menlo Park Police Policy #450-Use of Audio Recorders in 2005 when digital recorders were first introduced to the department. This policy was created using the Lexipol system which suggests best practices based on existing laws, rules and regulations. In 2011, Policy #450 was modified to include the body camera video recorders, revised and renamed "Use of Audio/Video Recorders". The revisions to the policy were again based on Lexipol recommendations and best practices.

On January 27, 2015, this issue came before the City Council and several modifications were requested to the draft policy, which have been made. It was also requested that the proposed changes to Policy 450 be reviewed and discussed by the Menlo Park Police Chief's Advisory Group prior to implementation.

## ANALYSIS

On March 31, 2015, members of the Police Department Staff met and presented an overview of the Body Worn camera program along with the draft Policy 450 on the Use of Audio/Video Recorders by the police department. The group was made aware and discussed the modifications recommended by the police department, along with changes requested by City Council. A report of the findings by the Chief's Advisory Group is attached.

Based on the input from City Council and the Chief's Advisory Group, several changes and modifications have been made to the attached Policy 450 prior to adoption. Those modifications are as follows:

- Section 450.4 (Member Responsibility) - add the following paragraph:
  - "Members shall document the existence of a recording in any report or official record of the contact, including the instance where the recorder malfunctioned or was not turned on for any portion of the contact. The member shall include the reason for not activating the recorder."
  
- Section 450.5 - add the following paragraph:
  - "Members shall activate their recording devices while responding to any in-progress or serious or high priority calls for service to preclude arriving on scene and being unable to activate the unit."
  - "Members will have the discretion to keep recording devices off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity in their neighborhood. When determining whether to record interviews with witnesses and members of the community who wish to share information, members should always consider both the evidentiary value of the recording and the subject's comfort with speaking on camera. To better capture evidence, it is recommended that members record statements made by witnesses and people sharing information. However, if a person will not talk unless the recording device is turned off, members may decide that obtaining information is more important than recording."
  
- Add Section 450.5.3 to read:
  - "Cessation of Recording-Once activated, the portable recorder should remain on continuously until the member's direct participation in the incident is complete. Recordings may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, or when speaking to other members outside of the presence of involved parties to the incident. Officers shall reactivate the recording device upon reinitiating contact or a new contact with any citizen."

The above modifications are based on best practices found in Lexipol, the U.S. Department of Justice Community Oriented Policing Services (COPS) Office report



*Implementing a Body-Worn Camera Program*, and the ACLU report *Police Body-Mounted Cameras: With Right Policies in Place, a Win For All*, along with recommendations from the City Council and the Chief's Advisory Group.

The Chief's Advisory Board also discussed the issue of retention of recordings. At this time, recordings are maintained for a minimum 2.5 years, unless they are marked as evidence in which case they are maintained indefinitely. It was explained to the Group that this retention period is recommended by the Police Department and City Attorney due to the following issues:

- CA Government Code section 34090.6 dictates a one year minimum retention of Body Worn Camera recordings.
- The statute of limitations on Federal Title 42 USC 1983 lawsuits are two years and due to filing deadlines, the City may not be served until after two years from the incident.
- The statute of limitations on California state lawsuits is one year.
- There is no statute of limitations on Personnel Complaints involving officer misconduct; although a police department is required by law to complete any internal affairs investigation and serve discipline on an officer a year from the date of the filing of a complaint.

It was the consensus of the Advisory Group that the policy remains unchanged with a recommendation of a 2.5 year retention period for recordings.

## **IMPACT ON CITY RESOURCES**

None

## **ENVIRONMENTAL REVIEW**

Not Applicable

## **PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

- A. Menlo Park Police Policy #450 – Use of Audio/Video Recorders
- B. Menlo Park Police Citizens Advisory Group Report on Body Cameras

Report prepared by:  
*Dave Bertini*  
*Police Commander*

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## Use of Audio/Video Recorders

### 450.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes (see the Investigation and Prosecution policy).

### 450.2 POLICY

The Menlo Park Police Department shall provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

### 450.3 MEMBER PRIVACY EXPECTATION

All recordings made by members acting in their official capacity shall remain the property of the Department regardless of whether those recordings were made with department-issued or personally owned recorders. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

### 450.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable video recorder, issued by the Department, and that the recorder is in good working order. Uniformed members shall wear the recorders in such a way as to have easy access to the function buttons and in a manner that renders the recorder secure.

Any member assigned to a non-uniformed position shall carry an approved portable recorder. The recorder shall be carried in a way that renders the recorder secure with the ability to record any contact with a citizen.

At the beginning of each shift, the member shall test the recorder to assure it is working properly.

Members shall document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or was not turned on for any portion of the contact. The member shall include the reason for not activating the recorder.

### 450.5 ACTIVATION OF THE AUDIO/VIDEO RECORDER

Members shall activate the recorder during all on duty contacts with citizens other than a contact with another member, without their knowledge.

Members shall activate their recording devices prior to arriving to any in-progress or serious or high priority calls for service to preclude arriving on scene and being unable to activate the unit.

# Menlo Park Police Department

## Policy Manual

### *Use of Audio/Video Recorders*

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Members will have discretion to keep recording devices off during conversations with crime witnesses and members of the community who wish to report or discuss criminal activity. When determining whether to record interviews with witnesses and members of the community who wish to share information, members should always consider both the evidentiary value of the recording and the subject's comfort with speaking on camera. To better capture evidence, it is recommended that members record statements made by witnesses and people sharing information. However, if a person will not talk unless the recording device is turned off, members may decide that obtaining information is more important than recording.

At no time is a member expected to place his/her safety in jeopardy in order to activate a recorder or change the recording media. However, the recorder should be activated in all situations as soon as practical.

#### **450.5.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER**

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order or unless lawfully authorized by the Chief of Police or the authorized designee.

#### **450.5.2 SURREPTITIOUS USE OF AUDIO/VIDEO RECORDER DURING INVESTIGATIONS OF PERSONNEL COMPLAINTS**

Members are prohibited from surreptitiously recording any conversation in which a person is making a personnel complaint or allegation of such. In these situations, the member taking the complaint shall advise the complainant that the conversation is being recorded. If the complainant refuses to be recorded, the member shall discontinue recording, and will indicate this fact in the documentation created regarding the complaint or allegation. It is recommended that a witness member be utilized in cases which a complainant refuses to be recorded.

#### **450.5.3 CESSATION OF RECORDING**

Once activated, the portable audio/video recorder should remain on continuously until the member's direct participation in the incident is complete. Recordings may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident, or when speaking to other members outside the presence of involved parties to the incident. Officers shall reactivate the recording device upon reinitiating contact or a new contact with any citizen.

#### **450.6 PROHIBITED USE OF PORTABLE RECORDERS**

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned

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## Policy Manual

### *Use of Audio/Video Recorders*

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recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

#### **450.7 RETENTION OF RECORDINGS**

Members shall upload all digital recorded files in accordance with current procedures for storing digital files, at the end of their shift and anytime the storage capacity is nearing its limit.

Any time a member uploads a digital file that will or may be used as evidence in a criminal or non-criminal case, the member shall mark the file with all pertinent information required by the department's digital recording software, and will cause that file to be marked as "evidence" in the system.

#### **450.8 RETENTION OF RECORDS**

Citizen contact recordings shall be retained for a minimum of (2.5) years. All recordings which are classified as evidence will be retained for a period of time determined by applicable laws and the City of Menlo Park's retention guidelines.

#### **450.9 RELEASE OF RECORDINGS**

All recordings shall be reviewed by the Custodian of Records prior to public release (see the Records Release and Security Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure by law or order of the court.

#### **450.10 REVIEW OF RECORDED MEDIA FILES**

When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report. Members shall not retain personal copies of recordings.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

- (a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.
- (b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

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### *Use of Audio/Video Recorders*

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- (c) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

**Body Cameras - MPPD Citizens Advisory Committee Report****2015/05/07**

The Citizens Advisory Committee (Committee) to the Menlo Park Police Department is comprised of residents of Menlo Park who have been invited by Chief Robert Jonsen to provide feedback to the Police Department about a range of issues concerning public safety, police department practices and proposals, and to bring issues of interest in the community to the attention of the Chief.

Over the course of its 18 months of existence, the Committee has reviewed the use of several surveillance technologies employed by the MPPD, such as license plate readers, fixed cameras, and both audio and video recorders worn by police officers among other issues.

*Policy 450, Use of Audio/Video Recorders* was reviewed by the Committee in January of 2015. Later that month, several members of the Menlo Park City Council expressed concerns about Policy 450, and asked Chief Jonsen to revisit Policy 450 with the Citizens Advisory Committee.

The Committee met on Tuesday, March 31, 2015. The sole topic of discussion was proposed revisions to *MPPD Policy 450, Use of Audio/Visual Recorders* (dated 2015/02/18). The proposed revisions were presented to the committee by Chief Robert Jonsen and Commander David Bertini.

The use of body cameras by law enforcement occurs within a rapidly changing legal and ethical landscape that includes such things as:

- a push from the highest levels of government to increase the use of body cameras by all U.S. police officers, due in part to the concern of alleged police brutality and the use of deadly force targeting minorities by white police officers,
- the illicit publication in social media of videos recorded by police officers,
- the increasing use of video recorders by the public of police activities and arrests,
- increased revelations of alleged government overreach in surveilling American citizens,
- the theft or illegal disclosures of private information thought to be secure in public and private computer networks,
- an evolving and highly nuanced set of opinions and guidelines regarding the use of body cameras from such as Lexipol, the Justice Department's Community Oriented Policing (COPS) office, the American Civil Liberties Union, and the Electronic Frontier Foundation,
- widely differing practices and policies between police jurisdictions and state laws across the country,
- concern regarding the widespread sharing of surveillance recordings between local, state, and federal agencies,

- new innovations within the camera technology from increased battery life and video quality to the introduction of new software features,
- the need for training officers in the use of this equipment in the field, the processing of the information it gathers, the supervision of the performance of the officers in using the equipment, and the updating of police procedures to reflect changes in law, policies and best practices.

*On the whole, the Committee agrees with the recommended changes to Policy 450 presented to us.*

During the Committee’s discussion about the proposed changes to Policy 450 we focused on several questions:

1. When should the recorder be turned on?
2. Under what circumstances should the recorder be turned off?
3. What recordings should be retained?
4. How long should recordings be retained?
5. How can policies and procedures remain current in such a rapidly changing environment?
6. How will the MPPD be able to keep up with the pace of technological innovation, data storage needs, network security, and backup/redundancy requirements?

*It is important to note that some of the suggestions discussed within the Committee may more properly be addressed in the area of MPPD Procedures rather than Policy 450 itself.*

**1. When should the recorder be turned on?**

The Committee agrees with the proposed language in 450.5, that the device be activated “prior to arriving at any in-progress or serious or high priority calls for service.”

To turn cameras on and leave them on during the entire shift of the police officers presents logistical challenges and also presents significant privacy concerns for the officers as employees of the MPPD. The Committee sees no compelling reason to require cameras to always be on. However, cameras should remain on until such time as the officer is no longer involved with the “involved parties” in the incident.

As a best practice, the Committee recommends that the officer provide a voice narration or verbal note upon activating the recorder.

**2. When should the recorder be turned off?**

Policy 450.3 states that the recorder can be turned off during “significant periods of inactivity such as report writing or other breaks from direct participation in the incident, or when



speaking to other members [police officers] outside the presence of involved parties to the incident.” This seems reasonable to us.

As a best practice, we recommend that the officer provide a voice narration or verbal note upon turning off the recorder, noting why the recorder is being turned off.

There was discussion about when an officer can choose to turn off a recorder at the request of an individual who may wish to not be recorded and/or will refuse to speak with an officer if the recorder is not turned off.

Even though a person speaking with a police officer may not have an expectation of privacy, in some instances such a person may express concerns for their personal welfare or safety if they provide information to the police. The use of a body camera may heighten that concern and lead someone to “clam up.” We hope that such circumstances would be uncommon, and that officers should be provided with the discretion to turn off the recorder if, in their judgment, valuable information might otherwise not be forthcoming.

As a best practice, we recommend that the police officer record the request by the person being interviewed to “turn off the camera” to preclude any question as to why the device was turned off.

### **3. What recordings should be retained?**

When recordings are uploaded to the MPPD servers, video segments [portions between the activation of *start recording* and the activation of *stop recording* on the device] can be “flagged” by officers. Ordinary conversations between officers with citizens they encounter during the course of the day about the weather or sports should not be flagged. Care must be exercised to not allow the flagging of every encounter out of an abundance of caution about possible but improbable actions.

Police officers must, of course, flag anything that might be of evidentiary value. They must also use their own judgment, subject to review by their supervisor, of any interactions which may lead to a citizen complaint.

#### 4. How long should recordings should be retained?

State Law: California Government Code §34090.6<sup>1</sup> requires that all recordings be retained for one year, after which they *may* be destroyed.

Federal Law: The statute of limitations for bringing suit under a Federal Civil Rights complaint under §1983 is two years (in California), plus notifications.<sup>2</sup>

MPPD Policy: There is no statute of limitations within the policies of the MPPD for citizen complaints.

With various legal requirements and periods for citizens bringing suits or complaints ranging from one year to infinity, few people argue in favor of infinite storage of such records. So what is a reasonable compromise between a minimum of one year (as required by state law) and infinity?

The MPPD recommends a period of 2.5 years as a means of protecting both the City and individual police officers from significant financial liabilities should either or both be successfully sued. A clear majority of the Committee agrees with this recommendation. Experts in risk management would generally agree as well.<sup>3</sup>

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<sup>1</sup> 34090.6. (a) Notwithstanding the provisions of Section 34090, the head of a department of a city or city and county, after one year, may destroy recordings of routine video monitoring, and after 100 days may destroy recordings of telephone and radio communications maintained by the department. This destruction shall be approved by the legislative body and the written consent of the agency attorney shall be obtained. In the event that the recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved.

(b) For purposes of this section, "recordings of telephone and radio communications" means the routine daily recording of telephone communications to and from a city, city and county, or department, and all radio communications relating to the operations of the departments.

(c) For purposes of this section, "routine video monitoring" means video recording by a video or electronic imaging system designed to record the regular and ongoing operations of the departments described in subdivision (a), including mobile in-car video systems, jail observation and monitoring systems, and building security recording systems.

(d) For purposes of this section, "department" includes a public safety communications center operated by the city or city and county.

<sup>2</sup> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any state or territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

<sup>3</sup> A minority of the Committee suggests that financial risk is not the only factor that should be considered in determining the length of data retention. The privacy rights of citizens, one could argue, are priceless. Sir William Blackstone famously wrote that "the law holds it better that ten guilty persons escape, than that one innocent party suffer." And while the amount of video data held by the MPPD on any individual citizen may be relatively small, the accumulated data held by other government bodies and corporations is huge. And it is the aggregate of such data that concerns many civil liberties advocates, and aggregation that can be completed surreptitiously without the knowledge or consent of the hundreds of entities that each hold a piece of it. The existence of such technology and parties willing to use it therefore argue that each piece of data be held for the absolute minimum of amount of time to mitigate against such risks.

While the statute of limitations for citizen complaints against a police officer is unlimited, the sole remedy available to citizens who make such complaints are limited to disciplinary action against an officer. Therefore, there is no financial risk to the City.

### **5. How can policies and procedures remain current in such a rapidly changing environment?**

As stated in the outset of this document, the legal landscape, public opinion, and technology related to body cameras is rapidly evolving. The Committee believes that it is imperative that Policy 450 be subjected to regular review and scrutiny by the MPPD and the citizens for the foreseeable future.

The MPPD relies upon Lexipol for information concerning the changing legal landscape and best practices in many areas including Policy 450. We encourage them to continue this practice and to recommend policy and procedural changes as warranted.

Furthermore, the citizens of Menlo Park should be made aware of the information about Policy 450 that is available on the City's website and encouraged to voice their opinion through conversations with the MPPD and their elected officials.

### **6. How will the MPPD be able to keep up with the pace of technological innovation, data storage needs, network security, and backup/redundancy requirements?**

Emerging technologies such as facial and voice recognition, background images, correlation of body camera data with other surveillance data sets, pressure to share data between jurisdictions, and cross mining practice (aka "big data") could create additional questions and dilemmas that will require deep conversation and consideration.

The MPPD will face an enormous challenge of storing all of this data, securing it internally and against outside threats, and protecting it from physical damage. Few systems can withstand an attack from determined hackers such as those that go by the name "anonymous." Criminals and government-based hacking programs are also able to penetrate most systems almost at will. Should a fire occur in the MPPD data center the results could be catastrophic. The department needs to take all practicable steps necessary in infrastructure and security systems to protect the data itself and, more importantly, the privacy and integrity of the information. The systems need to be future proofed so that evidence that is committed to a backup system in 2015 will still be readable by computers in 2040.

### **Conclusion**

This is the first time the Committee has been asked by the City Council to weigh-in on issue of such public interest. The Committee is an unelected body and does not report to the Council. We are a non-political group, and we serve at the pleasure of the Chief of Police. We appreciate the opportunity to serve the Chief in the capacity of a citizen "sounding board" and

to bring our own ideas to MPPD through our regular meetings. If the City Council concludes that there is a need for a group focused on the MPPD an official Commission should be formed. We are not advocating for this but neither are we prepared to serve in a capacity beyond that for which we were originally formed.



## OFFICE OF THE CITY MANAGER

Council Meeting Date: June 2, 2015

Staff Report #: 15-095

### **INFORMATIONAL ITEM:                    Status Update on Contract Reporting**

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#### **RECOMMENDATION**

This is an informational item and no City Council action is necessary.

#### **POLICY ISSUES**

This project to place city contracts/agreements online for public review supports the City Council's previous direction to provide for contract reporting.

#### **BACKGROUND**

At its regular meeting on January 27, 2015, the City Council directed the City Attorney to draft language related to the City Manager's purchasing authorization with options regarding the reporting of contracts. On February 24, 2015, the City Council authorized the City Manager to enter into a contract with Socrata, Inc. for development of an open data portal which would be used to provide online reporting of city contracts/agreements and make other existing city data more accessible for the public.

#### **ANALYSIS**

This project is in the final implementation stages and will soon provide on demand 24/7 access for searching and viewing of city contracts/agreements available on the city website. The City Attorney is drafting an update to the City Manager's purchasing authorization, for City Council review and approval, to include language regarding the online posting of executed city contracts/agreements.

#### **IMPACT ON CITY RESOURCES**

The fiscal impact for implementation and first year costs of the project is \$14,820. Any future costs will be presented for approval as part of the regular operating budget.

#### **ENVIRONMENTAL REVIEW**

No environmental review is necessary.

**PUBLIC NOTICE**

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

Report prepared by:

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*Assistant to the City Manager*