



## **PARKS & RECREATION COMMISSION AGENDA**

**Regular Meeting  
Wednesday, May 27, 2015 at 6:30 PM  
Arrillaga Family Recreation Center  
700 Alma Street, Menlo Park, CA 94025**

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### **CALL TO ORDER**

**ROLL CALL** – Cebrian, Cox (Chair), Harris, Lane, Palefsky (Vice-Chair), Stanwood, Tafoya

### **A. PUBLIC COMMENT (Limited to 30 minutes)**

Under “Public Comment,” the public may address the advisory body on any subject not listed on the agenda within the jurisdiction of the Commission. Each speaker may address the Commission 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 Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information. The public may address the Commission regarding items listed on the agenda during the consideration of each item.

### **B. REGULAR BUSINESS**

- B1.** Accept Commission minutes for the meeting of April 22, 2015 ([attachment](#))
- B2.** Selection of new Commission Chairperson and Vice-Chairperson
- B3.** Review and Approve Staff Recommendation for Placement and Installation of Two Benches at Bedwell-Bayfront Park ([attachment](#))
- B4.** Review and Consider Staff Recommendation to Prohibit the Usage of Drones at Bedwell-Bayfront Park ([attachment](#))

### **C. REPORTS AND ANNOUNCEMENTS**

- C1.** Community Services Department Budget Overview for FY 2015-16 ([attachment](#))

### **D. INFORMATION ITEMS**

- D1.** Flood Park Background Information and Status Report ([attachment](#))

**D2. Community Service Department Director's update and announcements**  
**([attachment](#))**

**E. ADJOURNMENT**

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At every Regular Meeting of the Commission, in addition to the Public Comment period where the public shall have the right to address the Commission on any matters of public interest not listed on the agenda, members of the public have the right to directly address the Commission on any item listed on the agenda at a time designated by the Chair, either before or during the Commission's consideration of the item.

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## **PARKS & RECREATION COMMISSION** **DRAFT MINUTES**

**Regular Meeting**  
**Wednesday, April 22, 2015 at 6:30 PM**  
**Arrillaga Family Recreation Center**  
**700 Alma Street, Menlo Park, CA 94025**

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The meeting was called to order by Vice-Chair Palefsky at 6:35 P.M.

### **ROLL CALL**

Present – Cebrian, Palefsky (Vice-Chair), Stanwood, Tafoya  
Staff- Derek Schweigart, Community Services Manager  
Absent – Cox (Chair), Harris

### **A. PUBLIC COMMENT (Limited to 30 minutes)**

No Public Comments

### **B. REGULAR BUSINESS**

**B1.** Accept Commission minutes for the meeting of March 25, 2015 ([attachment](#))

**ACTION:** Motion/Second (Cebrian/Stamwood) to approve the minutes of March 25, 2015. Motion passed unanimously, with all present members in favor.

**B2.** Presentation on Passport to Parks Program

Elaine Lo and David Han from San Mateo County gave the Commission a presentation regarding the Passport to Parks Program. Following discussion, no action was taken.

**(Items B3 and B4 on the agenda were taken out of order. Item B3 was moved to item B4.)**

**B3.** Review and provide feedback on the programs at the Menlo-Atherton Performing Arts Center (PAC) and Menlo Park Grant for the Arts ([attachment](#))

Matt Milde, Recreation Coordinator, gave the Commission a review and provided feedback on the programs at the Menlo-Atherton Performing Arts Center (PAC) and Menlo Park Grant for the Arts. Following discussion; no action was taken.

**B4.** Review and provide feedback on Community Services Operational Review Recommendations ([attachment](#))

Cherise Brandell, Community Services Director, and Derek Schweigart, Community Services Manager, gave the Commission a Review and provided feedback on Community Services Operational Review Recommendations. Following discussion; no action was taken.

**C. REPORTS AND ANNOUNCEMENTS**

**C1.** Bedwell-Bayfront Park Commission Sub-Committee report

**Public Comment**

Jim Lewis addressed the Commission to inform them that a Spanish brochure has been created for Bedwell-Bayfront Park. He also mentioned that volunteers will be going to the park to paint and to work on several projects.

Commissioner Palefsky gave the Commission a report on Bedwell-Bayfront Park. Following discussion, no action was taken.

**C2.** City Council Feedback on Commission Quarterly Report (Palefsky)

Commissioner Palefsky gave the Commission the City Council Feedback on the Commission Quarterly Report. Following discussion, no action was taken.

**D. INFORMATION ITEMS**

**D1.** Community Service Department Director's update and announcements ([attachment](#))

Derek Schweigart gave the Commission the Director's update of the Community Services Department. Following discussion, no action was taken.

**E. ADJOURNMENT** at 8:35 p.m.

Prepared by Linda Munguia, Secretary.





# PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 27, 2015

Staff Report #: xx-xxx

## REGULAR BUSINESS:

Review and approve staff recommendation for placement and installation of two benches at Bedwell-Bayfront Park.

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## RECOMMENDATION

Staff recommends the Parks and Recreation Commission approve the location of two new benches at Bedwell-Bayfront Park.

## BACKGROUND

The Department of Public Works has received multiple requests for the installation of benches along the Perimeter Trail at Bedwell-Bayfront Park.

## ANALYSIS

The two areas selected for the new benches are along the Perimeter Trail. Currently there are no benches along this 2.3 mile loop. The Perimeter Trail is a flat, popular route for walkers and runners. In addition to those using the trail for exercise, the trail provides for wildlife viewing in the surrounding tidal marsh and salt ponds. These intertidal habitats are home to a wide variety of marine wildlife.

Two new benches along this trail will provide a resting spot for multiple forms of recreation (Attachment A). Effort has been made to place the benches evenly along the trail, while providing vantage points unique to Bedwell-Bayfront Park (Attachment B).

## IMPACT ON CITY RESOURCES

The total cost for the purchase and installation of two benches at Bedwell-Bayfront Park is \$3,670.

## **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. Map of Proposed Bench Locations
- B. Photographs of the Bench Points of View

Report prepared by:

*Brian Henry*

*Public Works Superintendent*



Bench 1

Bedwell Bayfront Park

Bench 2



View from Bench # 1



View from Bench # 2





# PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 27, 2015

Staff Report #: xx-xxx

## REGULAR BUSINESS:

**Review and consider the usage of drones at Bedwell-Bayfront Park with a recommendation to City Council to prohibit such use**

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## RECOMMENDATION

Staff recommends the Parks and Recreation Commission to support a ban on drones at Bedwell Bayfront Park and recommend the ban to the City Council.

## BACKGROUND

One of the roles and responsibilities of the Parks and Recreation Commission is to promote safety in all facilities and programs. In March, 2015 a safety concern was brought to the Department of Public Works.

On March 11, 2015 The Department of Public Works was contacted by the San Carlos Airport Association (SCAA). The SCAA representative stated that pilots were concerned about the increase in recreational drone activity at Bedwell-Bayfront Park and reported a “near miss” between a drone and full-scale aircraft.

An article published in PC World described Bedwell-Bayfront Park as “a popular weekend location for Silicon Valley drone enthusiasts despite its proximity to both Palo Alto and San Carlos airports” (Attachment A). Bedwell-Bayfront Park is located between the San Carlos Airport (SQL) and the Palo Alto Airport (PAO) (Attachment B). The location is near the landing path for SQL and the take-off path for PAO, the critical phases of flight for pilots. A YouTube search on May 18, 2015 revealed multiple videos of drones flying much higher than recommended, including one drone flying above 3,400 feet (Attachment C).

On April 23, 2015 Menlo Park staff met with staff from the FAA and the Palo Alto airport. The use of remote controlled devices including planes and quadcopters is banned at the City of Palo Alto’s Baylands Nature Preserve near PAO. FAA staff stated that stricter regulations were being developed to ban drones within 5 nautical miles of an airport, but it was unclear when the new regulation would be instated. Current guidelines require recreational drone users to notify the FAA prior to flying within 5 nautical miles of an airport. The FAA staff have never received notification from drone users at Bedwell-Bayfront Park and echoed safety concerns with recreational drone use at the Park.

## **ANALYSIS**

Recreational drones flown at Bedwell-Bayfront Park are “aircraft” and subject to regulation by the FAA (Attachment D). They are categorized as “Model Aircraft” because they are:

- (1) Capable of sustained flight in the atmosphere;
- (2) Flown within visual line of sight of the person operating the aircraft; and
- (3) Flown for hobby or recreational purposes.

The FAA strongly encourages individuals flying for hobby to follow the safety guidelines below.

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Don't fly near people or stadiums
- Don't fly an aircraft that weighs more than 55 lbs
- Don't be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

Currently, these safety measures are guidelines.

In April 2015, The Menlo Park Police Department began to regularly check drone activity at the Park. Officers on the assignment did not witness any users violating the FAA guidelines. When users were approached, they all seemed aware of the rules and nearby airports.

The FAA safety guidelines are recommendations. The 5 mile regulation under development by the FAA would eliminate drones within the majority of Menlo Park city limits, but it is not clear when the new regulations will be established (Attachment E). In order to address this pressing safety issue, staff recommends the proactive ban of drones at Bedwell-Bayfront Park. The ban will not impact flying kites at the Park. The ban will apply to unpiloted, remote controlled, aerial vehicles.

## **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. PC World Article
- B. Aviation Map of the Area
- C. Screenshot of YouTube Search
- D. Law Enforcement Guidance for Suspected Unauthorized UAS Operations
- E. Map of FFA Five Mile Zones

Report prepared by:

*Brian Henry*

*Public Works Superintendent*



[Home \(/\)](#) / [Legal \(/Category/Legal/\)](#)

# Facebook's impressive aerial photo highlights confusion over drone regulations

[Martyn Williams \(/author/Martyn-Williams/\)](#)

IDG News Service

Apr 24, 2015 1:40 PM

When Facebook expanded into a new campus in late March, the company released a stunning aerial photo of the site captured from a drone. In taking the picture, Facebook almost certainly broke two FAA regulations governing drone use.

The social network isn't alone in its carelessness. Drone use has taken off quickly among both businesses and individuals, and many people—even sophisticated technology companies—apparently are not fully aware of the rules.

The Facebook image was captured by a DJI drone at what appears to be several hundred feet above a corner of its new campus in Menlo Park, California. The building sits about 2 miles from Palo Alto Airport—easily within the 5-mile zone in which drone operators must obtain permission from an airport before conducting a flight.

Palo Alto Airport's air traffic control tower said it received no such request or notification of the flight.

Even if it had, current FAA regulations also prohibit any commercial use of drones unless a company has obtained a waiver, and Facebook isn't among the handful of companies that have.

Asked about the image, Facebook said “the photos were taken for non-commercial use on our property.” But the FAA is clear that only flights conducted for “purely hobby” purposes are permitted without a waiver. Whether the flight is over public or private land is irrelevant.

“There's a lot of confusion over the rules,” said Patrick Egan, who runs [sUAS News](http://www.suasnews.com/) (<http://www.suasnews.com/>), a website specializing in drone news.

There's confusion around the use of drones to shoot video as well. The FAA recently said it won't go after people who post drone flights on YouTube and collect advertising money from the site. Some had worried that would constitute commercial use.



But conversely, flights conducted by businesses aren't non-commercial just because no money changes hands.

A lawyer specializing in drone rules said she advises clients to be extremely conservative about how they conduct flights while the FAA is considering new, longer-term rules.

Perhaps as a result of the confusion, the list of illicit drone flights is getting longer by the week.

In December, fans attending a San Francisco Giants NFL game [flew a drone over Levi's Stadium](http://www.nbcbayarea.com/news/local/Drone-Operators-Get-Warning-After-Flying-Unmanned-Aircraft-Over-Levis-Stadium-286619331.html) (<http://www.nbcbayarea.com/news/local/Drone-Operators-Get-Warning-After-Flying-Unmanned-Aircraft-Over-Levis-Stadium-286619331.html>) in nearby Santa Clara. The airspace above most major sporting events is off limits to drones.

In January, a drunk federal worker [flew and crashed a drone](http://www.nytimes.com/2015/01/28/us/white-house-drone.html?_r=0) ([http://www.nytimes.com/2015/01/28/us/white-house-drone.html?\\_r=0](http://www.nytimes.com/2015/01/28/us/white-house-drone.html?_r=0)) into the White House lawn. The entire airspace of Washington, D.C., is federally restricted.

In March, a drone was [spotted flying at about 1,500 feet above a TV news helicopter](http://www.kirotv.com/news/news/faa-investigating-drone-flying-near-news-helicopter/nkYk7/) (<http://www.kirotv.com/news/news/faa-investigating-drone-flying-near-news-helicopter/nkYk7/>) in Seattle, and well above the allowed 400 feet maximum altitude.

For every flight that is noticed, it's likely that many take place that don't attract attention.

Indeed, Bedwell Bayfront Park near Facebook's campus is a popular weekend location for Silicon Valley drone enthusiasts despite its proximity to both Palo Alto and San Carlos airports. Some YouTube videos show drones flying from the park to over 3,000 feet—much higher than permitted and close to the altitude of jets on approach paths to nearby San Francisco International Airport.

The FAA has [proposed a new set of regulations](https://www.faa.gov/uas/nprm/) (<https://www.faa.gov/uas/nprm/>) that would allow companies to fly drones, but they are not expected to be enacted until late 2016 or early 2017. A public comment period on the proposal [ends on Friday](http://www.pcworld.com/article/2914892/friday-is-your-last-chance-to-comment-on-the-faas-drone-regulations.html) (<http://www.pcworld.com/article/2914892/friday-is-your-last-chance-to-comment-on-the-faas-drone-regulations.html>).

Related: [Government \(/Category/Government/\)](#) [Business \(/Category/Business/\)](#)  
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**Martyn Williams** Senior U.S. Correspondent

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Martyn Williams covers mobile telecoms, security, Silicon Valley, and general technology breaking news for the IDG News Service, and is based in San Francisco.

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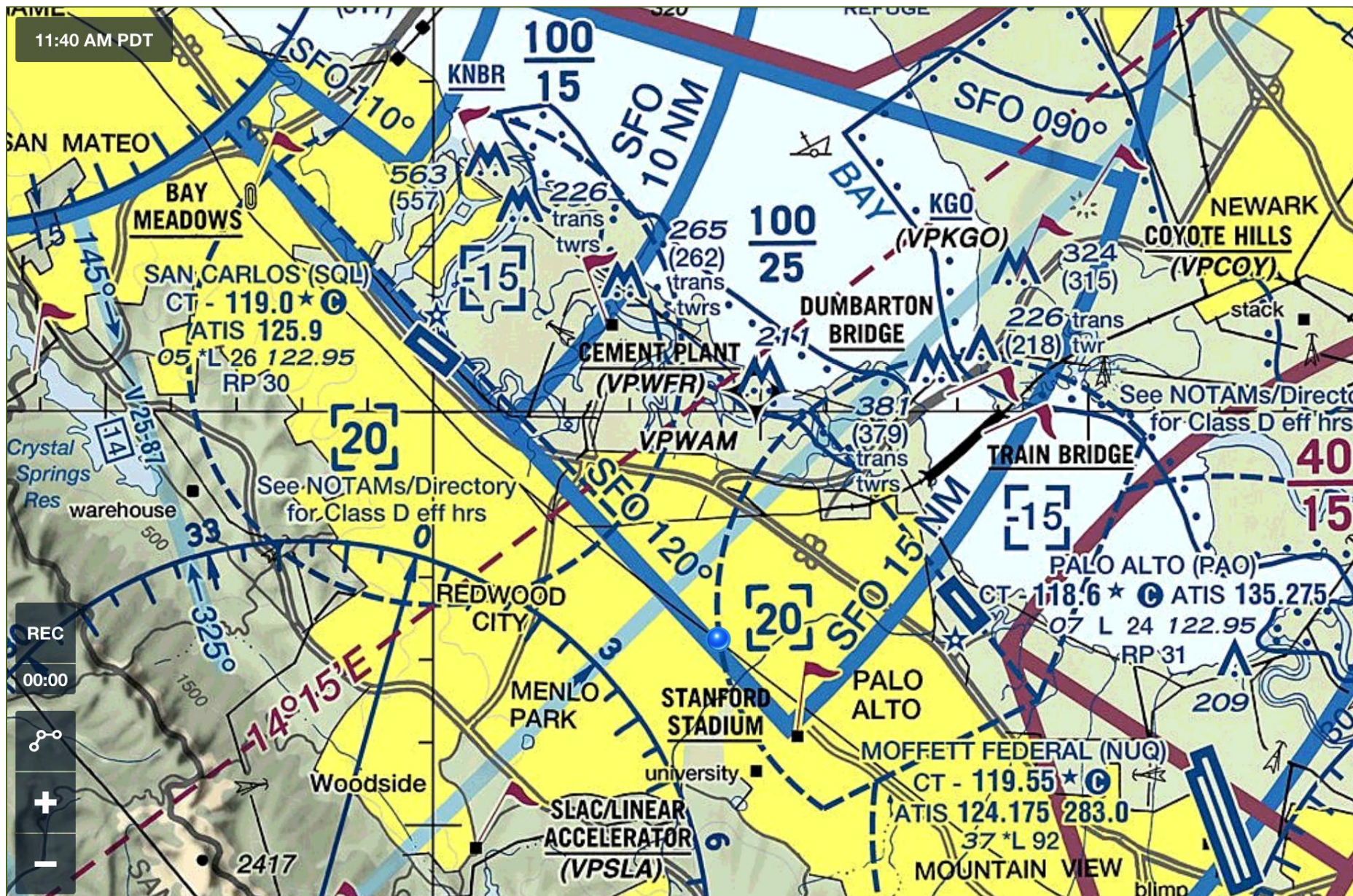
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11:40 AM PDT







All

Channels

Playlists

## RESULTS



9:35

FPV 3,432ft Above Bedwell  
BayFront Park - Not Anot...

Jim Russell

1 year ago · 992 views



1:08

Aerial Footage of Bedwell  
Bayfront Park - Menlo Park, CA

Peter Dinh

1 week ago · 62 views



5:00

Flying at Marsh Rd Bedwell  
Bayfront Park # 2

mike Ponce de Leon

5 months ago · 60 views



1:46

Bedwell Bayfront Park Menlo  
Park

Brandon Vaccaro

3 months ago · 16 views



19:22

FPV Over Bedwell Bayfront  
Park

Jim Russell

1 year ago · 100 views



Radian FPV At Bedwell Bayfront





## **LAW ENFORCEMENT GUIDANCE FOR SUSPECTED UNAUTHORIZED UAS OPERATIONS**

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### **Issue**

There is evidence of a considerable increase in the unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS) by individuals and organizations, including companies. The FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The agency recognizes though that State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,<sup>1</sup> and, as appropriate,<sup>2</sup> pursue enforcement actions to stop unauthorized or unsafe UAS operations. The information provided below is intended to support the partnership between the FAA and LEAs in addressing these activities.

### **Discussion**

The general public, a wide variety of organizations, including private sector (e.g., commercial companies), non-governmental (e.g., volunteer organizations), and governmental entities (e.g., local agencies) continue to demonstrate significant interest in UAS. The benefits offered by this type of aircraft are substantial and the FAA is committed to integrating UAS into the National Airspace System (NAS). This introduction, however, must address important safety and security considerations. The increasing number of cases of unauthorized use of UAS is a serious concern for the FAA and, in terms of safety and security challenges, many of its interagency partners.

This document is intended to assist LEAs in understanding the legal framework that serves as the basis for FAA legal enforcement action against UAS operators for unauthorized and/or unsafe UAS operations (Section 1) and to provide guidance regarding the role of LEAs in deterring, detecting, and investigating unauthorized and/or unsafe UAS operations (Section 2).

## **SECTION 1.**

### **Basic Legal Mandates**

The FAA's safety mandate under 49 U.S.C. § 40103 requires it to regulate aircraft operations conducted in the NAS,<sup>3</sup> which include UAS operations, to protect persons and property on the

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<sup>1</sup> At least in terms of initial contact with the suspected offender.

<sup>2</sup> Applying any laws falling within the enforcement authority of the LEA in question.

<sup>3</sup> The NAS is "the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas . . . . Included are system components shared jointly with the military." See FAA Pilot/Controller Glossary (Apr. 3, 2014), available at [http://www.faa.gov/air\\_traffic/publications/media/pgc\\_4-03-14.pdf](http://www.faa.gov/air_traffic/publications/media/pgc_4-03-14.pdf).

ground, and to prevent collisions between aircraft and other aircraft or objects. In addition, 49 U.S.C. § 44701(a) requires the agency to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.<sup>4</sup>

### A UAS is an Aircraft that Must Comply with Safety Requirements

A UAS is an “aircraft” as defined in the FAA’s authorizing statutes and is therefore subject to regulation by the FAA. 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate or fly in the air.” The FAA’s regulations (14 C.F.R. § 1.1) similarly define an “aircraft” as “a device that is used or intended to be used for flight in the air.” Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of “aircraft.” The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 C.F.R. § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.

### Model Aircraft Operations

An important distinction to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012, Public Law 112-95, (the Act) that pertain to “Model Aircraft” operations, which are conducted solely for hobby or recreational purposes. While flying model aircraft for hobby or recreational purposes does not require FAA approval, all model aircraft operators must operate safely and in accordance with the law. The FAA provides guidance and information to individual UAS operators about how they can operate safely under current regulations and laws. Guidance may be found at: [http://www.faa.gov/uas/publications/model\\_aircraft\\_operators/](http://www.faa.gov/uas/publications/model_aircraft_operators/)

Section 336(c) of the Act defines “Model Aircraft” as an unmanned aircraft that is –

- (1) Capable of sustained flight in the atmosphere;
- (2) Flown within visual line of sight of the person operating the aircraft; and
- (3) Flown for hobby or recreational purposes.

Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirements of section 336(a). Section 336(a) requires that—

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<sup>4</sup> FAA action on these security concerns support and are informed by the national defense, homeland security, and law enforcement statutory responsibilities and authorities of our interagency partners.

- (1) The aircraft is flown strictly for hobby or recreational use;
- (2) The aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- (3) The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- (4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
- (5) When flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

#### Model Aircraft that Operate in a Careless or Reckless Manner

Section 336(b) of the Act, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft when the operations endanger the safety of the NAS, even if they are operating in accordance with section 336(a) and 336(c). So, for example, a Model Aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

#### UAS Operations that are not Model Aircraft Operations

Operations of UAS that are not Model Aircraft operations as defined in section 336(c) of the Act and conducted in accordance with section 336(a) of the Act may only be operated with specific authorization from the FAA. The FAA currently authorizes non-hobby or recreational UAS operations through one of three avenues:

- (1) The issuance of a Certificate of Waiver or Authorization, generally to a governmental entity operating a public aircraft;
- (2) The issuance of an airworthiness certificate in conjunction with the issuance of a Certificate of Waiver or Authorization; or
- (3) The issuance of an exemption under part 11 of title 14, Code of Federal Regulations that relies on section 333 (Special Rules for Certain Unmanned Aircraft Systems) of the Act for relief from the airworthiness certificate requirement, also in conjunction with the issuance of a Certificate of Waiver or Authorization.

It is important to understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with an

authorized aircraft (certificated or exempted), with a valid registration number (“N-number”), with a certificated pilot, and with specific FAA authorization (Certificate of Waiver or Authorization).

Regardless of the type of UAS operation, the FAA’s statutes and the Federal Aviation Regulations prohibit any conduct that endangers individuals and property on the surface, other aircraft, or otherwise endangers the safe operation of other aircraft in the NAS. In addition, States and local governments are enacting their own laws regarding the operation of UAS, which may mean that UAS operations may also violate state and local laws specific to UAS operations, as well as broadly applicable laws such as assault, criminal trespass, or injury to persons or property.

### UAS Compliance with Airspace Security Requirements

As an aircraft, UAS operations (including those involving Model Aircraft) must be conducted in accordance with the airspace-centric security requirements prescribed by the FAA’s regulations and various implementation tools used by the FAA, specifically including airspace with special flight rules and Notices to Airmen (NOTAM) that define Temporary Flight Restrictions (TFR). It is important that UAS operators and LEAs be familiar with the airspace restrictions respectively relevant to their operations and their enforcement area of responsibility.

Flight restrictions are used to protect, but are not limited to, special security events, sensitive operations (e.g., select law enforcement activity, space flight operations, etc.), and Presidential movement. The most up-to-date list of TFRs is available at <http://tfr.faa.gov/tfr2/list.html>.

See Attachment A for reference resources.<sup>5</sup>

## **SECTION 2.**

### **The Role of Law Enforcement**

The FAA promotes voluntary compliance by educating individual UAS operators about how they can operate safely under current regulations and laws. The FAA also has a number of enforcement tools available including warning notices, letters of correction, and civil penalties. The FAA may take enforcement action against anyone who conducts an unauthorized UAS operation or operates a UAS in a way that endangers the safety of the national airspace system. This authority is designed to protect users of the airspace as well as people and property on the ground.

However, as noted above, State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,<sup>6</sup> and, as appropriate,<sup>7</sup> pursue

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<sup>5</sup> Attachment A also includes a NOTAM concerning avoidance (including no loitering) over power plants, dams, refineries, industrial complexes, and military facilities. Although not a restriction, this TFR urges aircraft operators to avoid these locations.

<sup>6</sup> At least in terms of initial contact with the suspected offender.

<sup>7</sup> Applying any laws falling within the enforcement authority of the LEA in question.

enforcement actions to stop unauthorized UAS operations. Although the FAA retains the responsibility for enforcing FAA's regulations, FAA aviation safety inspectors, who are the agency's principal field elements responsible for following up on these unauthorized and/or unsafe activities, will often be unable to immediately travel to the location of an incident.

While the FAA must exercise caution not to mix criminal law enforcement with the FAA's administrative safety enforcement function, the public interest is best served by coordination and fostering mutual understanding and cooperation between governmental entities with law enforcement responsibilities. Although there are Federal criminal statutes that may be implicated by some UAS operations (see 49 U.S.C. § 44711), most violations of the FAA's regulations may be addressed through administrative enforcement measures. As with any other civil or criminal adjudication, successful enforcement will depend on development of a complete and accurate factual report contemporaneous with the event.

Although certainly not an exhaustive list, law enforcement officials, first responders and others can provide invaluable assistance to the FAA by taking the actions outlined below:

- (1) **Witness Identification and Interviews.** Local law enforcement is in the best position to identify potential witnesses and conduct initial interviews, documenting what they observed while the event is still fresh in their minds. In addition, local law enforcement is in an optimum position to secure all information necessary for our safety inspectors to contact these witnesses in any subsequent FAA investigation. Administrative proceedings often involve very technical issues; therefore, we expect our own safety inspectors will need to re-interview most witnesses. We are mindful that in many jurisdictions, state law may prohibit the transmission of witness statements to third parties, including the FAA. In those circumstances it is extremely important that the FAA be able to locate and conduct independent interviews of these individuals.
- (2) **Identification of Operators.** Law enforcement is in the best position to contact the suspected operators of the aircraft, and any participants or support personnel accompanying the operators. Our challenges in locating violators are marked in that very few of these systems are registered in any federal database and rarely will they have identifiable markings such as used for conventional manned aircraft. Likewise, information on few of the UAS operators will be archived in a pilot data base. Many operators advertise openly on the internet. However, in our enforcement proceedings, we bear the burden of proof, and showing who actually is operating the unmanned aircraft is critical. Therefore, evidentiary thresholds must be met even when using data or video acquired via the internet. Likewise, the purpose for the operation (such as in support of a commercial venture, to further some business interest, or to secure compensation for their services) may become an important element in determining what regulations, if any, may have been violated by the operation. Identification and interview of suspected operators early on will help immeasurably to advance enforcement efforts.
- (3) **Viewing and Recording the Location of the Event.** Pictures taken in close proximity to the event are often helpful in describing light and weather conditions, any damage or injuries, and the number and density of people on the surface,



particularly at public events or in densely populated areas. During any witness interviews, use of fixed landmarks that may be depicted on maps, diagrams or photographs immeasurably help in fixing the position of the aircraft, and such landmarks also should be used as a way to describe lateral distances and altitude above the ground, structures or people (e.g. below the third floor of Building X, below the top of the oak tree located Y, anything that gives reference points for lay witnesses).

- (4) **Identifying Sensitive Locations, Events, or Activities.** The FAA maintains a variety of security-driven airspace restrictions around the country to help protect sensitive locations, events, and activities through Temporary Flight Restrictions (TFR), Prohibited Areas, and other mechanisms such as the Washington, DC Flight Restricted Zone (DC FRZ). UAS operations, including Model Aircraft flights, are generally prohibited within these defined volumes of airspace. LEAs should become familiar with the steady-state airspace restrictions active within their area of responsibility, along with as-needed TFRs, which could be instituted to help protect sensitive events (e.g., major gatherings of elected officials) and activities (e.g., Presidential movements). If there is any question as to whether a TFR has been established in a given location, contact the nearest air traffic facility or flight service station for further information or visit <http://tfr.faa.gov/tfr2/list.html> for a graphic representation of TFRs locatable by state and effective dates.
- (5) **Notification.** Immediate notification of an incident, accident or other suspected violation to one of the FAA Regional Operation Centers (ROC) located around the country is valuable to the timely initiation of the FAA's investigation. These centers are manned 24 hours a day, 7 days a week with personnel who are trained in how to contact appropriate duty personnel during non-business hours when there has been an incident, accident or other matter that requires timely response by FAA employees. A list of these centers and telephone numbers is included as Attachment B to this letter.
- (6) **Evidence Collection.** Identifying and preserving any public or private security systems that may provide photographic or other visual evidence of UAS operations, including video or still picture security systems can provide essential evidence to the FAA. Many times these systems do not permanently store information but erase it as the system recycles at a given interval. Local law enforcement is in the best position to inquire and make initial requests to identify and preserve this form of evidence or obtain legal process for securing this evidence in the context of an investigation of a possible violation of state criminal law. In addition, some UAS may be marked with identification numbers ("N-numbers") signifying FAA registration. The presence or lack of these identification numbers may be significant in an FAA investigation. For example, an operator may state that he or she is conducting an approved commercial activity, which usually requires registered aircraft. However, the absence of registration markings on the UAS may indicate that the aircraft is not registered, meaning the operation may not be authorized. Note that identification numbers may not be conspicuous from a distance because of the size and non-traditional configuration of some UAS. The registered owners

of UAS bearing identification numbers can be found by searching for the N-number on the FAA's website: [www.faa.gov](http://www.faa.gov).

Virtually all of the items listed above are already in the tool box for law enforcement officers. Other investigative methods also may prove useful, such as consensual examination of the UAS, equipment trailers and the like. However, other law enforcement processes, such as arrest and detention or non-consensual searches almost always fall outside of the allowable methods to pursue administrative enforcement actions by the FAA unless they are truly a by-product of a state criminal investigation. We do not mean to discourage use of these methods and procedures where there is an independent basis for them under state or local law. We simply wish to emphasize that work products intended for FAA use generally should involve conventional administrative measures such as witness interviews, "stop and talk" sessions with suspected violators, consensual examination of vehicles and equipment, and other methods that do not involve court orders or the potential use of force by law enforcement personnel.

It is extremely difficult to provide a "one size fits all" guide to cooperative investigation of unauthorized UAS operations considering the myriad jurisdictions and the associated statutory and constitutional restraints and requirements. State and local officials are always urged to use their governmental unit's legal resources and their own management chain to develop acceptable protocols for dealing with these instances. In some situations, there may be legal bars to the sharing of some information or the use of databases designed for conventional law enforcement. However, with appropriate data collection during first responses and early reporting to the FAA, Federal, State and local agencies will be in the best position to both collect and share information that may be of interest to each jurisdiction. FAA aviation safety inspectors are adept at coordination with our own legal resources to ensure unauthorized operators are properly accountable for the potential risk they create to both people and property. In addition, we have specially trained inspectors within the FAA UAS Integration office who can provide expertise in this area.

If you have any questions or your agency would like to pursue advance planning on how to address these situations, please feel free to contact your local FAA Law Enforcement Assistance Special Agent or the FAA's Law Enforcement Assistance Program Office at (202) 267-4641 or (202) 267-9411.

## Attachment A.

**Excerpts****Presidential  
Movements**

FDC 4/7607 ZBW RI..AIRSPACE PROVIDENCE, RHODE ISLAND..TEMPORARY FLIGHT RESTRICTIONS. OCTOBER 16, 2014 LOCAL. THIS NOTAM REPLACES NOTAM 4/7600 DUE TO SCHEDULE CHANGE. PURSUANT TO 49 USC 40103(B) THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM:

A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; OR

B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; OR

C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE AN IMMINENT SECURITY THREAT.

...

C. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THIS TFR: FLIGHT TRAINING, PRACTICE INSTRUMENT APPROACHES, AEROBATIC FLIGHT, GLIDER OPERATIONS, SEAPLANE OPERATIONS, PARACHUTE OPERATIONS, ULTRALIGHT, HANG GLIDING, BALLOON OPERATIONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, SIGHTSEEING OPERATIONS, MAINTENANCE TEST FLIGHTS, MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, UNMANNED AIRCRAFT SYSTEMS (UAS), AND UTILITY AND PIPELINE SURVEY OPERATIONS.

**DC FRZ**

FDC 0/8326 ZDC PART 1 OF 10 FLIGHT RESTRICTIONS, WASHINGTON, DC, EFFECTIVE 1012010401 UTC UNTIL FURTHER NOTICE. THIS NOTICE WILL REPLACE NOTAM 0/9477 DUE TO A CHANGE IN RESTRICTIONS. THIS NOTAM AND A NOTAM FOR THE LEESBURG MANEUVERING AREA SUPPLEMENT SUBPART V, 14 CFR PART 93 FOR THE WASHINGTON, D.C. SPECIAL FLIGHT RULES AREA (DC SFRA). PURSUANT TO 49 USC 40103(B), THE FAA HAS ESTABLISHED THE DC SFRA AREA AS 'NATIONAL DEFENSE AIRSPACE. ANY PERSON WHO DOES NOT COMPLY WITH THE REQUIREMENTS APPLICABLE TO THE DC SFRA MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM: A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE AN IMMINENT SECURITY THREAT.

...

A. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THE DC FRZ: FLIGHT TRAINING, AEROBATIC FLIGHT, PRACTICE INSTRUMENT APPROACHES, GLIDER OPERATIONS, PARACHUTE OPERATIONS, ULTRA LIGHT, HANG GLIDING, BALLOON OPERATIONS, TETHERED BALLOONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, MAINTENANCE TEST FLIGHTS, **MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, FLOAT PLANE OPERATIONS, UNMANNED AIRCRAFT SYSTEMS (UAS)** AND AIRCRAFT/HELICOPTERS OPERATING FROM A SHIP OR PRIVATE/CORPORATE YACHT. B. IT IS HIGHLY RECOMMENDED THAT A PILOT CONTINUOUSLY MONITOR VHF FREQUENCY 121.5 OR UHF FREQUENCY 243.0 FOR EMERGENCY INSTRUCTIONS WHEN OPERATING AN AIRCRAFT IN THE DC FRZ, EITHER IN AN AIRCRAFT THAT IS SUITABLY EQUIPPED, OR BY USE OF PORTABLE EQUIPMENT.

**Avoidance of Power  
Plans Etc. (Applied to all  
Aircraft, including UAS)**

FDC 4/0811 SPECIAL NOTICE. THIS IS A RESTATEMENT OF A PREVIOUSLY ISSUED ADVISORY NOTICE. IN THE INTEREST OF NATIONAL SECURITY AND TO THE EXTENT PRACTICABLE, PILOTS ARE STRONGLY ADVISED TO AVOID THE AIRSPACE ABOVE, OR IN PROXIMITY TO SUCH SITES AS POWER PLANTS (NUCLEAR, HYDRO-ELECTRIC, OR COAL), DAMS, REFINERIES, INDUSTRIAL COMPLEXES, MILITARY FACILITIES AND OTHER SIMILAR FACILITIES. PILOTS SHOULD NOT CIRCLE AS TO LOITER IN THE VICINITY OVER THESE TYPES OF FACILITIES.

**Select Sporting Events** FDC 4/3621 FDC SPECIAL SECURITY NOTICE. SPORTING EVENTS. THIS NOTAM REPLACES FDC NOTAM 9/5151 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, COMMENCING ONE HOUR BEFORE THE SCHEDULED TIME OF THE EVENT UNTIL ONE HOUR AFTER THE END OF THE EVENT. ALL AIRCRAFT OPERATIONS; INCLUDING PARACHUTE JUMPING, **UNMANNED AIRCRAFT AND REMOTE CONTROLLED AIRCRAFT**, ARE PROHIBITED WITHIN A 3 NMR UP TO AND INCLUDING 3000 F AGL OF ANY STADIUM HAVING A SEATING CAPACITY OF 30,000 OR MORE PEOPLE WHERE EITHER A REGULAR OR POST SEASON MAJOR LEAGUE BASEBALL, NATIONAL FOOTBALL LEAGUE, OR NCAA DIVISION ONE FOOTBALL GAME IS OCCURRING. THIS NOTAM ALSO APPLIES TO NASCAR SPRINT CUP, INDY CAR, AND CHAMP SERIES RACES EXCLUDING QUALIFYING AND PRE-RACE EVENTS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY EVENT, STADIUM OR VENUE AND BROADCAST COVERAGE FOR THE BROADCAST RIGHTS HOLDER ARE AUTHORIZED WITH AN APPROVED AIRSPACE WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. THE RESTRICTIONS DESCRIBED ABOVE DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 9/5151 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT [HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0](http://www.tsa.gov/stakeholders/airspace-waivers-0) OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT [HTTPS://WAIVERS.FAA.GOV](https://waivers.faa.gov)

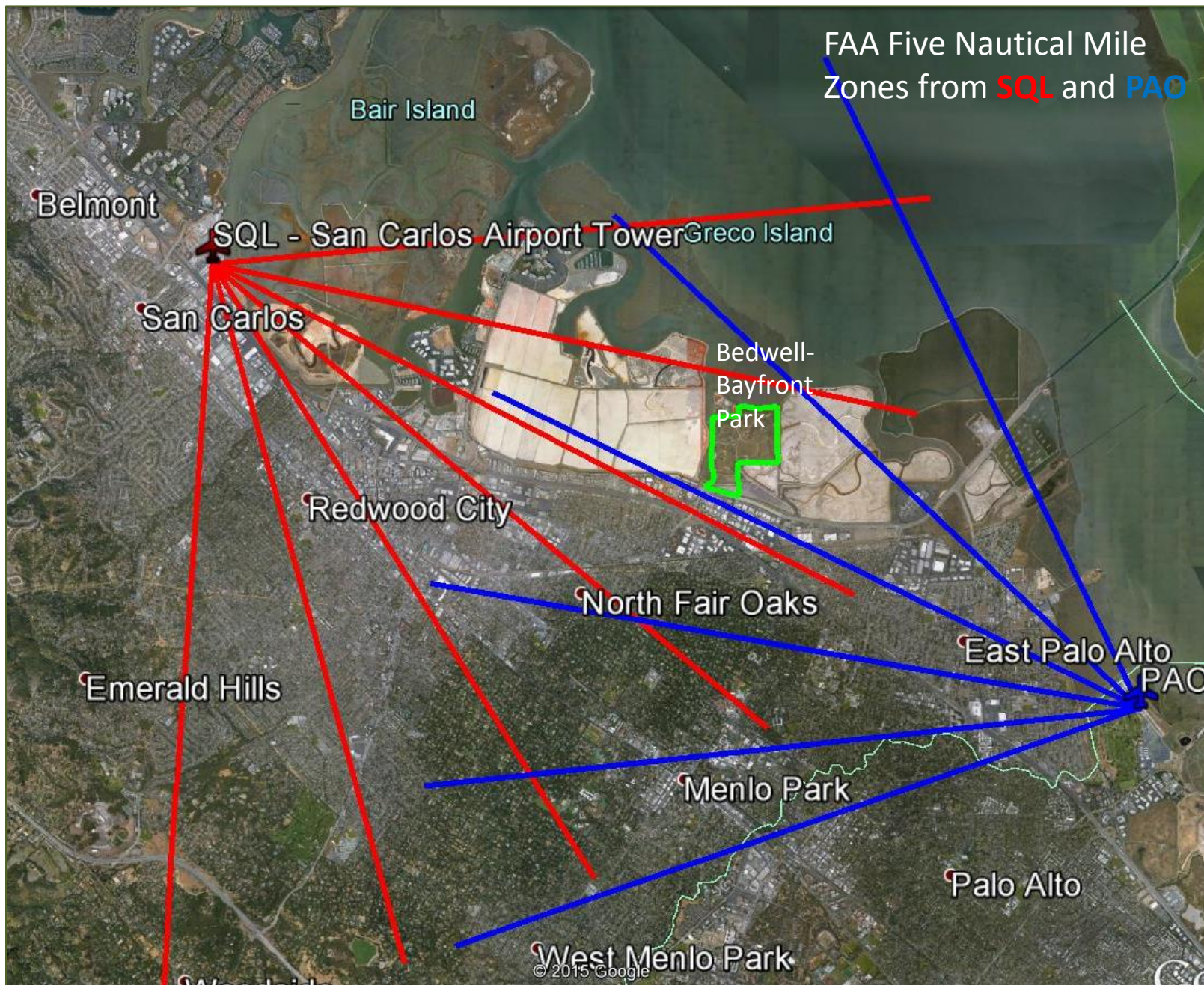
**Disney Theme Parks**

FDC 4/XXXX ZZZ SECURITY SPECIAL NOTICE DISNEY WORLD THEME PARK ORLANDO FL THIS NOTAM REPLACES NOTAM 9/4985 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. AN PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, **ALL AIRCRAFT FLIGHT OPERATIONS TO INCLUDE UNMANNED AND REMOTE CONTROLLED AIRCRAFT ARE PROHIBITED** WITHIN A 3 NMR OF 282445N/0813420W OR THE ORL238014.8 UP TO AND INCLUDING 3000 FT AGL. THE RESTRICTIONS DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, AND DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY DISNEY WORLD EVENT AND VENUE ARE AUTHORIZED WITH AN APPROVED WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 4/4985 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT [HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0](http://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0) OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT [HTTPS://WAIVERS.FAA.GOV](https://waivers.faa.gov)

## Attachment B.

Facility	States	Office	EMail
<b>Western ROC</b>	AK, AZ, CA, CO, HI, ID, MT, NV, OR, UT, WA and WY	425-227-1999	<a href="mailto:9-ANM-ROC@faa.gov">9-ANM-ROC@faa.gov</a>
<b>Central ROC</b>	AR, IA, IL, IN, KS, LA, MI, MN, MO, ND, NE, NM, OH, OK, SD, TX and WI	817-222-5006	<a href="mailto:9-asw-operation-center@faa.gov">9-asw-operation-center@faa.gov</a>
<b>Southern ROC</b>	AL, FL, GA, KY, MS, NC, PR, SC, TN and VI	404-305-5180	<a href="mailto:9-ASO-ROC@faa.gov">9-ASO-ROC@faa.gov</a>
<b>Eastern ROC</b>	DC, DE, MD, NJ, NY, PA, VA and WV	718-553-3100	<a href="mailto:7-AEA-ROC@faa.gov">7-AEA-ROC@faa.gov</a>
<b>New England ROC</b>	CT, MA, ME, NH, RI and VT	404-305-5156	<a href="mailto:7-ANE-OPSCTR@faa.gov">7-ANE-OPSCTR@faa.gov</a>
<b>Washington WOC</b>		202-267-3333	<a href="mailto:9-awa-ash-woc@faa.gov">9-awa-ash-woc@faa.gov</a>









## Community Services Department **MEMORANDUM**

Date: May 27, 2015

To: Parks and Recreation Commission

From: Derek Schweigart, Community Services Manager

Re: CSD Budget Overview for FY 15-16

The attached Community Services Department Budget Summary which includes only 310 – Social Services and 311 – Recreation Services Divisions, outlines for the Commission the major revenue sources and expenditure categories and their approved budget amounts for the 2015-16 Fiscal Year which begins July 1, 2015.

Highlights that can be seen from the attached summary include:

The proposed budget for FY 2015-16 remains fairly steady from the current fiscal year with only a slight overall increase of \$34,009 or less than 1% in overall expenditures, and even smaller increase in overall revenues of \$16,034.

### Revenues

- The main sources of revenue in the Inter-Governmental Revenue category come from grant funds received by the State and Federal Government primarily for the Belle Haven Child Care Center (BHCCDC) and until recently for the Senior Center Congregate Nutrition Meal Program. The increase of \$145,092 from the adopted budget to the adjusted budget for 2014-15 is primarily the result of restoration funding received by the State for the BHCCDC increasing the per child reimbursement as well as funding for additional students that helped the program achieve full capacity of 96 children. There is a slight decrease for FY 2015-16 but our estimate is conservative since it is difficult to determine what the State will do year to year.
- There's a slight decrease in revenue in the Charges for Services category (.14%) even though there were a number of fee increases in the Master Fee Schedule for FY 2015-16 approved by the City Council this year. The decrease is, in part, due to changes in our business model with one of our major contract instructors (Kuk Sool) who moved from a contract instructor to a facility renter as well as declining participation for the MCC and BHAS after school programs.

- One category of revenue that we are projecting significantly higher for FY 2015-16 is donations. The department will be embarking on an aggressive sponsorship and marketing campaign to take advantage of a previously untapped revenue opportunities particularly with community-wide special events and senior services which are both highly subsidized by the general fund but have a high community benefit.

#### Expenses

- Salaries and wages are projected to be slightly higher next fiscal year (3.78%) in anticipation of salary increases as a result of contract negotiations with both SEIU and ASFME whose contracts are to expire at the end of the current fiscal year. This is also reflective of the City Council approved increase of 1.25 FTEs to the department in support of the BHCDC's staffing needs resulting from full-time operation of Classroom 4.
- Fringe Benefits are up (4.54%) or \$71,944 as a result of increases to health insurance costs.
- Operating expenses increased slightly, which reflect IT Services being charged back to all departments, as well as increases to utilities, printing, advertising and credit card fees. Printing and advertising are a reflection of the City's new branding campaign and improved marketing standards, while the continued increase to credit card fees is a reflection of increased program participation and registrations. We anticipate potential cost savings in future years to a number of our facilities due to the installation of solar panels at the Arrillaga Gymnasium, the Gymnastics Center and Onetta Harris Center currently underway.
- The Services category which is primarily made up by Contracted Services is projected significantly lower (-21.86%) or a decrease of \$216,433. Contributing factors include a decrease of \$105,000 budgeted to pay contract class instructors such as Kuk Sool due to business model changes and a reduction of approximately \$80,000 paid to consultants in support of the Belle Haven Visioning Process and Action Plan.
- The increase to Special Projects Expenditures reflects the cost of replacing two youth vans used for transportation for the After School programs which are now in operation. The City is planning to purchase two additional vans with the start of the new fiscal year.

#### Overall

- Overall cost recovery for the department remains at approximately 76%, which accounts for those programs that are 100% funded by participant and user fees and those that are highly subsidized by the general fund. 13 out of 14 Community Services Programs meet the Council specified cost recovery levels.

#### **Attachments:**

Attachment A – 2015-16 CSD Budget Summary Proposal

<b>Fund:</b>	<b>100</b>							
<b>Program</b>	<b>Community Services</b>							
<b>Project:</b>	<b>All Projects</b>							
<b>Account</b>	<b>Description</b>	<b>YTD 2012-2013</b>	<b>YTD 2013-2014</b>	<b>Adopted 2014-2015</b>	<b>Budget 2014-2015</b>	<b>Estimate 2014-2015</b>	<b>Proposed 2015-2016</b>	<b>% Change in Budget</b>
130	Inter Governmental Revenue	685,326	786,060	625,468	770,560	594,851	766,541	-0.52%
170	Charges for Services	4,759,799	5,061,188	5,140,208	5,140,208	4,383,132	5,133,174	-0.14%
180	Donations Total	22,391	24,079	22,000	22,000	26,776	51,250	132.95%
300	Other Financing Sources	700	700	700	2,163	700	-	-100.00%
<b>TOTAL REVENUES</b>		<b>5,468,215</b>	<b>5,872,027</b>	<b>5,788,376</b>	<b>5,934,931</b>	<b>5,005,459</b>	<b>5,950,965</b>	<b>0.27%</b>
510	Salaries and Wages	3,595,216	3,729,714	3,887,507	3,898,974	2,735,523	4,046,376	3.78%
520	Fringe Benefits	1,432,459	1,480,369	1,578,887	1,583,806	1,093,757	1,655,750	4.54%
530	Operating Expense	553,092	631,764	672,594	672,593	472,300	698,444	3.84%
540	Utilities	311,622	365,062	339,735	339,735	236,082	352,690	3.81%
550	Services	983,248	1,035,332	988,750	990,213	587,343	773,780	-21.86%
560	Fixed Assets & Capital Outlay	153,122	99,827	98,700	98,700	39,518	83,800	-15.10%
570	Travel	7,323	15,773	15,475	15,475	4,840	14,150	-8.56%
580	Repairs & Maintenance	46,481	56,194	70,085	70,085	39,439	65,600	-6.40%
590	Special Projects Expenditures	21,878	66,349	156,500	156,500	114,250	169,500	8.31%
<b>TOTAL EXPENDITURES</b>		<b>7,104,442</b>	<b>7,480,385</b>	<b>7,808,232</b>	<b>7,826,081</b>	<b>5,323,052</b>	<b>7,860,090</b>	<b>0.43%</b>
<b>Net Revenue Over (Under) Expenditures</b>		<b>(1,636,227)</b>	<b>(1,608,357)</b>	<b>(2,019,856)</b>	<b>(1,891,150)</b>	<b>(317,593)</b>	<b>(1,909,125)</b>	<b>0.95%</b>



## Community Services Department **MEMORANDUM**

Date: May 27, 2015

To: Parks and Recreation Commission

From: Derek Schweigart, Community Services Manager

Re: Requested Background Information on San Mateo County's Flood Park and Status Update

On January 28, 2015, the Parks and Recreation Commission received a presentation from Marlene Finley, San Mateo County Parks Director who provided a brief history of the park and the County's desire to invest and redesign the existing park. This would include a community engagement process which would involve a number of community workshops where residents and other stakeholders can provide their input on the design and future uses of the park. The current park master plan provides flexibility for park facilities and activities and will serve as the foundation for the work that would be done by a landscape architect who will develop alternative site designs for park facilities, landscaping and uses for the park. The Commission was supportive of maximizing the park usage for residents and user groups and exploring potential joint-use of the park with the County following their master plan and community engagement activities. A summary of the update and information on the first of many community workshops is included as Attachment A.

During the Commission Quarterly Report presentation to the City Council on April 7, 2015, City Council members expressed a desire for the Commission to revisit the topic of Flood Park at one of their future meetings to discuss the possibility of the City acquiring the park. After the Commission met in April, they agreed to place the topic on their May agenda in order to review background information on the subject of acquisition since this was previously explored in 2011 to 2012 by the City. During that time, City staff conducted extensive research and a cost-benefit analysis of the City acquiring and maintaining the park. Shortly after, although the County was initially eager for the City to take on the park they later withdrew their offer after they determined surrendering the park was too drastic a move.

The following attachments include previous City staff reports and supporting documentation on the history of the Flood Park acquisition as well as current updates from the County.

Attachments

- A. Letter from San Mateo County on Flood Park Status Update and Community Meeting
- B. City Council Staff Report on Flood Park Draft Agreement with County and Attachments 01 24 12
- C. Parks and Recreation Commission Feedback on Flood Park Staff Report and Attachments 11 16 11
- D. City Council Staff Report to Authorize City Manager to Negotiate with San Mateo County on Flood Park and Attachments 06 14 11

**COUNTY OF SAN MATEO**  
**PARKS DEPARTMENT**

455 County Center, 4th Floor  
Redwood City, CA 94063-1646  
650-363-4020  
[www.SMCoParks.org](http://www.SMCoParks.org)

Date: January 21, 2015

To: City of Menlo Park Parks and Recreation Commission  
From: Marlene Finley, San Mateo County Parks Director  
Topic: Update on Flood Park

Flood Park is a San Mateo County Park located on Bay Road within the City of Menlo Park. This 21.6 acre location was purchased for \$400 per acre from the Flood family in the 1930s. Construction of the park facilities occurred as part of the Work Progress Administration. An 180,000 gallon unheated swimming pool was removed in the 1970s.

Facilities within the park include baseball and softball fields that are currently not in use, four tennis courts, four volleyball courts, three horseshoe pits, a multi-courted petanque area, a large playground structure, water play feature, shade pavilions, picnic tables and barbecues. Two adobe structures are located on the property: a ranger residence and an office used by both the San Mateo County Parks and Recreation Foundation and our County Parks Department. The park has a heritage oak tree and several bay trees.

Our Department has acquired used turf from the College of San Mateo to replace and improve the baseball field, and hired a consultant to design and install the turf. As the field is located over the San Francisco Public Utility Commission's (SFPUC) Hetch Hetchy waterline, we are awaiting SFPUC permission to grade the field and install the turf, which we expect very soon.

The 1979 Flood Park Master Plan ([www.SMCoParks.org](http://www.SMCoParks.org) under *About Us, Park Planning, Master Plan*) provides flexibility for park facilities and activities, and we have many community groups that are interested, excited and invested in this park. Ideas for the future include mini-tennis courts, an active field sports complex, farmers market, community gardens, and more. Because of the variety of ideas and level of community interest, we are in the process of hiring a landscape architect to help with conceptual designs and layout.

As County Parks completes the selection process for the landscape architect, we will begin scheduling community outreach meetings. Using the Flood Park Master Plan as the foundation, we will work with the landscape architect to develop alternative site designs for park facilities, landscaping and uses. We invite you to participate in the public process for enhancing Flood Park and look forward to seeing you at these workshops! More information will follow in the near future on the dates.

Attached is a map of Flood County Park.







Re:imagine



County of San Mateo

**Menlo Park  
Recreation Center  
700 Alma St,  
Menlo Park, 94025**

**Wednesday, May 20  
6:30—9 p.m.**

**San Mateo County Parks wants to hear from you!**

- How do you want to use your park?
- What activities and facilities should be at Flood Park?
- What style or character should the park reflect?

**Share your ideas with us**

**Child care and translation services will be offered  
at the meeting.**

**[www.SMCoParks.org](http://www.SMCoParks.org)**



**(650) 363-4020**





## COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: January 24, 2012

Staff Report #: 12 – 010

Agenda Item #: F-4

**REGULAR BUSINESS:** Approve a framework for a draft agreement to be used as a starting point in negotiations with San Mateo County to ensure continued operation of Flood Park for FY 2012 – 13 for \$150,000.

---

### RECOMMENDATION

Staff recommends that the City Council approve a framework for a draft agreement to be used as a starting point in negotiations with San Mateo County to ensure continued operation of Flood Park for FY 2012 – 13 in the amount of \$150,000.

### BACKGROUND

As a part of San Mateo County's efforts to reduce their budget deficit, County staff had proposed in February 2011 that Flood Park remain closed following the completion of San Francisco Public Utilities Commission (SFPUC) water main replacement work in the Park in November 2011. The County later agreed to reopen the park for the remainder of the fiscal year, through June 2012 and a grand "re-opening" of the park took place on November 12. Currently, the County is exploring options for the long-term sustainability of the park, including the possibility of transferring it to the City of Menlo Park.

In late April 2011, staff from Public Works and Community Services visited the park and undertook a complete assessment of the facilities which revealed a long list of outstanding deferred maintenance needs at the park. Subsequent information gathering from the County also revealed additional costs to operate the park, such as trash removal, picnic reservations and other administrative overhead costs that were not included in the original cost figures supplied by the County.

On November 16, 2011, the Parks and Recreation Commission met to review the Flood Park condition assessment and cost data and approved the following motions:

1. Recommend the Council continue to pursue acceptance of Flood Park from San Mateo County.
2. Council strongly consider funding options including a joint operating agreement with the County, public / private partnerships, sale or lease of a portion of the

park for a use acceptable to the community/City, and further evaluation of all possible funding alternatives.

3. Council and staff take a long term view of the future potential of Flood Park and keep in mind that full development may not occur for 10 – 15 years.

On December 13<sup>th</sup>, City staff presented the Council with a complete facilities assessment report, capital and operational cost analysis (Attachment A), and the Parks and Recreation Commission's recommendations as a Study Session item. The operational cost analysis showed the City's costs to operate the park would be higher than the estimate provided by the County given the City's higher maintenance standards and County costs for items such as administrative overhead, garbage collection and more, that were not included in the County cost figures.

## **ANALYSIS**

General direction from Council at the December 13 Study Session indicated support for continuing discussions with the County about transfer of the park on a more extended time frame allowing the City to pursue longer term revenue sources. Sources could include increasing the Transient Occupancy Taxes (TOT) as a possible ballot measure in November 2012 or other potential revenue increases. Several Council Members appeared to support an arrangement that would allow the City to make a contribution to the County to keep the park open for a year or more which would provide the additional time needed for longer term options to be developed.

Staff have drafted an agreement (Attachment B) as a starting point for discussions with the County that would allow more time to consider permanent transfer of the park to the City. The draft agreement includes the following provisions:

- The term of the agreement shall be for one year with optional annual renewals.
- The City would pay the County \$150,000 from the City's General Fund Reserves for the exclusive right to schedule and collect fees for use of the baseball field (estimated to be about \$10,000 annually).
- All revenue other than that generated by reservations for the baseball field will be maintained by the County.
- The City will use the lease period to explore public / private partnerships for up to 25 percent of the land area of the park.
- The County will continue to maintain the park to the level it was maintained prior to the SFPUC closure.
- If, at the end of the agreement period, the City should determine it has the financial ability to assume ownership of the park, transfer of the park to the City will occur with no restrictions on park land uses other than those delineated in the agreement.
- Liability for all park activities will remain the responsibility of the County.

### Timeline for exploring funding options

Staff estimates that the following timeline may be needed to accommodate Council's direction to pursue alternative funding sources including long term leases or other partnerships:

Task	July 12	Aug 12	Sept	Oct	Nov	Dec	Jan 13	Feb 13	Mar 13	Apr 13	May 13	June 13
Agreement												
City schedules fields												
RFP for lease or other options												
Lease partners selected												
Final agreement negotiated												
Council acts on TOT inc.												
Possible TOT vote												
Possible TOT inc.												
TOT revenue available												

A complete community engagement process to determine how the park might provide for additional community recreation needs in the future could take up to a year to complete and would be scheduled at some future date once the park has been transferred to the City and funding became available for the process.

## **IMPACT ON CITY RESOURCES**

Since the December 13 Council meeting where continued pursuit of ownership of Flood Park was approved, the California Supreme Court upheld the constitutionality of the “Dissolution Act” passed with the State’s 2011-12 budget. The result of this decision is that all redevelopment agencies (RDAs) in the State, including Menlo Park’s, will be dissolved as of February 1, 2012.

The implications for the City’s budget are catastrophic: The budgets in place for Redevelopment Activities (over \$2.5 million) including Housing, Narcotics Enforcement Team, Code Enforcement and a \$305,000 transfer to the General Fund for overhead expenses, will be unfunded after February 1<sup>st</sup> and for subsequent fiscal years. The City will need to determine which redevelopment-funded activities will be continued, and how they will be funded. Since the City Council may wish to continue many of the services previously provided by the RDA, even more financial stress will be applied to the City’s General Fund. The City’s ability to assume the increased costs for an additional 21 acre park may be further hindered by this significant increase in the demand for General Fund dollars.

Given the park’s current condition and long list of deferred maintenance requirements, as well as the City’s higher standards for quality of park facilities, acceptance of Flood Park will have a major impact on City resources in terms of both parks maintenance staff and operational costs. Simply operating the park in its current configuration is estimated to cost at least \$210,000 annually (County’s current costs after revenues are received). Given the expressed community interest regarding potential park uses and additional amenities, plus the outcome of any community engagement process to determine other priorities for the park, capital improvement funds that could reach millions of dollars and additional permanent program staff would be required. If no new revenue source for these additional expenses is identified, Council would need to determine which other services or programs to eliminate in order to accommodate these increased up front and ongoing costs.

The County’s estimated annual cost for their operation of the park is \$210,000. Revenue from the City of \$150,000 would still leave a deficit of \$60,000 for park operations. It is hoped that community fund-raising through groups such as the Friends of Flood Park would allow the County to operate the park without incurring a deficit.

## **COUNCIL DIRECTION NEEDED**

Should Council determine that it is still prudent to pursue long term transfer of ownership of Flood Park to the City, staff is requesting Council feedback on the terms of the draft agreement that would serve to open negotiations with the County, including:

- Length of agreement (one year with annual renewal)
- Payment amount (\$150,000 from General Fund reserves is recommended)
- County to continue to provide maintenance at historic levels
- Future funding options to be explored include:
  - Lease / partnership for up to 25% of park land

- Increase in the TOT

Note that the County has not agreed to these terms and they serve only as a starting point for negotiations. Ideally, Council will identify any deal points (as listed above or to be added during Council discussions) that are of such significance that the Council would choose not to continue to pursue transfer of the park if those particular conditions are not met.

### **POLICY ISSUES**

The recommendation to enter into an agreement with the County does not represent any change to existing City policy.

### **ENVIRONMENTAL REVIEW**

Continued negotiations for transfer of ownership of the park do not require review under the California Environmental Quality Act.

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Cherise Brandell,  
Community Services Director

**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 – Flood Park Revenues and Expenses
- B – Draft Flood Park Agreement



**Flood Park Cost Estimates**

<b>Annual Operating Items</b>	<b>San Mateo County</b>	<b>City of Menlo Park</b>	<b>City of Menlo Park Estimate</b>	<b>Notes</b>
Landscape maintenance	Included	Included	\$260,000	County uses rangers and city costs include higher level of service (similar to other City parks) from contractor
Sports field maintenance	Not included	Included	-	Higher level of service not provided by County, included in landscape costs (above) such as regular reseeding, aeration, major field renovations, etc.
Garbage service	Not included	Included	\$135,000	Not included in costs provided by County which operates its own system. Cost from Recology to provide this service could be less based on ongoing discussions
Facilities maintenance	Not included	Included	\$35,000	Not included in costs provided by County. Rangers perform some minor maintenance. City to hire or contract .5 FTE
Tree service	Not included	Included	\$3,000/year and \$40,000 /5 years	County performs tree service as needed/emergencies only
Programming/ rentals staffing	Not included	Included	\$75,000	Not included in costs provided by County. City to hire 1 FTE new position
Utilities	Included	Included	\$17,000	County's cost based upon 09/10. City's costs increased to 2012 estimates
Janitorial	Included	Included	(included in Landscape Maintenance)	County uses rangers and City costs include contract janitorial service in landscape costs
Ranger service	Included	Included	\$195,000	Estimate based on contract at Bedwell Bayfront Park
TOTAL EXPENSES	\$374,201		\$760,000	Difference due to increased level of service and indirect overhead costs not included in the County 09/10 costs.
TOTAL REVENUE	\$164,417		\$165,000	City estimated the same revenue as County as few changes are proposed for first year of operations
NET GAIN (LOSS)	\$209,784		\$595,000	City's estimate total funding impact

**NOTE:** Costs and revenues outlined above are based on an assumption that a major renovation of the park would occur within the next five years. Without this major renovation the estimates of operating and capital cost would be insufficient to sustain the park to City standards. This renovation would also support an increase in user fee based revenue. Current revenues are \$28,037 for facility and building rentals; \$64,759 for reservations; and \$72,711 for parking.

**AGREEMENT TO ENSURE CONTINUED OPERATION OF FLOOD PARK BY  
SAN MATEO COUNTY**

**D R A F T**

This Agreement is made and executed as of July 1, 2012, by and between the City of Menlo Park, a municipal corporation ("City"), and San Mateo County ("County") and collectively referred to herein as "Parties". The goal of this agreement is to allow the County to maintain Flood Park while the City pursues the opportunity to increase City General Fund Revenues through an increase in the Transient Occupancy Tax or other sources which would allow for a complete transfer of Park ownership to the City at some future date.

**WHEREAS**, the County is the owner of Flood Park ("Park") and responsible for all maintenance and capital costs, and the City and County wish to enter into an agreement for the Park on the terms and conditions set forth below.

**NOW, THEREFORE**, the Parties agree as follows:

1. FLOOD PARK. Flood Park sits on roughly 21-acres on Bay Road between Willow and Marsh Roads and is home to sports fields, tennis courts, volleyball courts, horseshoe pits, picnic areas, a playground, and various park structures.
2. TERM. The term of this agreement shall be for a period of one (1) year ("Term") commencing on July 1, 2012 ("Commencement Date") and ending one (1) year from the Commencement Date, unless automatically extended for an additional one year as hereinafter provided.
3. FINANCIAL CONTRIBUTION. In consideration for City's use of the Park as granted by this agreement, County continues sole financial responsibility for the operation and maintenance of the Park and shall operate and maintain the Park at no cost to the City. City will remit a contribution in the amount of \$150,000 from the City's General Fund Reserves to the County for the exclusive right to schedule and collect fees for the Baseball field for the term of this agreement. Scheduling of the field will be done in accordance with City policy. County also agrees that no parking fees shall be charged for users of baseball field whose vehicles display an agreed upon parking pass to be issued by City.
4. SCHEDULED USE: Flood Park baseball fields shall be available to the City during regular park operating hours for community recreation programs. Scheduling of the facilities shall be the responsibility of the Community Services Department of the City of Menlo Park in accordance with the City's Field Use Policy and approved User Group process. The

facilities shall be available for unorganized recreation activities, on an unscheduled basis, during times when not in use by the City.

5. REVENUE. All revenue other than that generated by reservations for the baseball field will be maintained by the County. This revenue is currently understood to be fees charged for parking, picnic reservations, and leases for other park property. The City fees for rental of the baseball field shall conform to the Council approved User Fee and Cost Recovery Policy and shall be included in the City's Master Fee Schedule. The City will also use the agreement period to explore public / private partnerships for up to 25 percent of the land area of the park.

6. COUNTY PARK POLICIES. City users of Flood Park will continue to follow County Park rules, including no dogs or alcohol allowed.

7. PARK MAINTENANCE. The County will maintain the park to the level it was maintained prior to the SFPUC closure.

8. CITY OWNERSHIP. If, at the end of the agreement period, the City should determine it has the financial ability to assume ownership of the park, transfer of the park to the City will occur with no restrictions on park land uses.

9. NOTICE. All notices under this agreement shall be in writing and, unless otherwise provided herein, shall be deemed validly given if sent by certified mail, return receipt requested, or via recognized overnight courier service, addressed as follows (or to any other mailing address which the party to be notified may designate to the other party by such notice). All notices properly given as provided for in this section shall be deemed to be given on the date when sent. Should City or Provider have a change of address, the other party shall immediately be notified as provided in this section of such change.

**County**

County of San Mateo  
Attn: County Manager  
555 County Center  
Redwood City, CA 94063  
(650)

**City**

City of Menlo Park  
Attn: City Manager  
701 Laurel Street  
Menlo Park, CA 94025  
(650) 330-6610

10. COMPLETE AGREEMENT. This agreement contains the entire agreement between the Parties with respect to the matters set forth herein, and supersedes all prior or contemporaneous agreements (whether oral or written) between the Parties with respect to the matters set forth herein.

11. AMENDMENT. This agreement may be amended only by a written instrument executed by the Parties.

12. AUTHORITY. The individuals executing this agreement on behalf of the Parties represent and warrant that they have the legal power, right and actual authority to bind the Parties to the terms and conditions of this agreement.

13. NO WAIVER. Waiver by either party of a breach of any covenant of this agreement will not be construed to be a continuing waiver of any subsequent breach. No waiver by either party of a provision of this agreement will be considered to have been made unless expressed in writing and signed by all parties.

**IN WITNESS WHEREOF**, the Parties have executed this agreement by their officers therein duly authorized as of the date and year first written above.

**CITY OF MENLO PARK**

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

**ATTEST:**

\_\_\_\_\_  
City Clerk

**County of San Mateo.**

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



## COMMUNITY SERVICES DEPARTMENT

November 16, 2011

TO: Parks and Recreation Commission

FROM: Cherise Brandell, Community Services Director  
Katrina Whiteaker, Recreation Services Manager

RE: Feedback on Potential Acceptance of Flood Park

---

### RECOMMENDATION

Staff is recommending the Parks and Recreation Commission provide feedback on whether the City of Menlo Park should accept Flood Park from San Mateo County and explore the possible options for its sustainable operation.

### BACKGROUND

Flood Park sits on roughly 21-acres on Bay Road between Willow and Marsh Roads and is home to sports fields, tennis courts, volleyball courts, horseshoe pits, picnic areas, a playground, and various park structures. A complete history of Flood Park appears in Attachment A. In February 2011, San Mateo County indicated they may close Flood Park due to the financial constraints of the County budget. Initially, County staff proposed Flood Park remain closed following the completion of San Francisco Public Utilities Commission (SFPUC) water main replacement work originally anticipated in late September or early October. However, the County later agreed to reopen the park for the remainder of the fiscal year, through June 2012. A grand "re-opening" of the park was scheduled for November 12 at noon. Currently, the County is exploring other options for the long-term sustainability of the park, including the possibility of transferring it to the City of Menlo Park.

In April 2011, staff from the Menlo Park Public Works and Community Services Departments visited the park with County staff and began gathering information to create a complete assessment of the facilities, including everything from buildings and major features such as the tennis courts and baseball field to individual picnic areas and play features. In June, the City Council authorized the City Manager to begin negotiations with San Mateo County. Subsequently, at the September Parks and Recreation Commission meeting, staff provided a joint City Council and Park & Recreation Commission site tour.

Currently, Flood Park has been minimally maintained over the past years and even less maintained during the construction period. Thus, based on these tours and facility assessments, significant maintenance will be needed to bring the park up to City of Menlo Park standards, increase both utilization and intensity of



use, and deal with foreseeable, long-term maintenance issues. For more details on the condition of Flood Park, see Attachment A.

## **ANALYSIS**

The potential acceptance of Flood Park from San Mateo County raises these key policy considerations:

- 1) Is the Menlo Park community well served by the City assuming operational and financial responsibility for Flood Park if the County chooses to discontinue park services (close) Flood Park.
- 2) If so, is the maintenance of Flood Park of such community significance (for example, is there a compelling need for additional field space) that supports elimination of other existing services or adding new revenue streams?
- 3) Are there co-ownership options that enable continuation of park use that would reduce the financial impact to both the City and the County?

## **COMMUNITY NEEDS**

A recent field study and current park utilization data does not conclusively show a shortage of field space or need for more open space in Menlo Park, although a comprehensive community master planning process for Flood Park could review additional unmet needs.

In a 2006 report on sports fields, a severe shortage was identified in the Menlo Park community and several alternatives were presented. Since this report, there have been several developments to help address this shortage, including the addition of Kelly Park, with artificial turf and lights, and the soon-to-be finished artificial turf field at Hillview School. While “peak” season usage is close to capacity, the current field inventory is meeting the current demand for field space. The addition of Hillview field in 2012-2013 will provide more field space at peak times with reduced annual maintenance costs. Additionally, there are a few fields that are not yet being utilized to their full capacity – Belle Haven School, Oak Knoll, and Nealon Park.

Similarly, the need for additional passive open space is difficult to quantify. According to the Menlo Park General Plan, the California State standard for open space is 3 acres for every 1000 residents. Menlo Park’s General Plan sets an even stricter requirement of 5 acres for every 1000 residents. Currently, the City’s total park acreage is 232 acres. With a population of approximately 30,000 residents, the requirement would be 150 acres of total park space giving Menlo Park park space well above the specified standard. Adequacy of open space can

also be evaluated based on the proximity to residents and the overall distribution of open space ensuring residents are being equally served. Staff has not analyzed the impacts of adding Flood Park on any proximity measures. When other park uses such as tennis courts, picnic areas, playgrounds, off-lease dog areas are considered, it appears that current Menlo Park facilities are being used by residents within adequate levels, making the need for additional park resources questionable within data we currently have available.

However, various groups in the Menlo Park community have expressed their interests in the acquisition of Flood Park. Many community members see the continued need for additional open space for sports fields, neighborhood park space for active or passive recreation, and other potential unmet needs within the community. By accepting Flood Park, Menlo Park would maintain access to this open space and increase opportunities for additional recreation experiences without a large capital investment for the purchase of the property. Long term needs for park space for both passive and active recreation are somewhat unpredictable, and the "surplus" offered by the acceptance of Flood Park would clearly position the community to accommodate all future needs.

However, maintaining an additional park of this size and increasing programming at this facility comes with added expenses during an already challenging economic time for the City. In fact, the City of Menlo Park will likely be expected to maintain the park at a level accommodating higher intensity of uses than what is currently being offered by the County and more in alignment with other City parks. The current balanced budget will not be able to absorb these fairly high expenses without decreasing expenses elsewhere or adding new revenues, requiring the City Council and community to evaluate various tradeoffs and/or solutions to help meet the desire to accept Flood Park while maintaining long-term financial sustainability.

In order to better understand the potential financial choices the community would need to consider, staff has collected financial data from San Mateo County on their current operating costs and revenues, completed a detailed facility assessment of the current park conditions, and acquired additional information on estimated costs for potential contractors, construction, and other long-term park maintenance concerns at Flood Park.

### ANNUAL OPERATING COSTS

The estimated annual budget to operate Flood Park in its existing condition or with limited improvements by the City is shown in the table below. During the City's financial analysis of park operations, we discovered several items were not accounted for in the County reports because they were difficult to separate out from other County budgets or overhead costs. Therefore, the total amount of expenses cited by the County does not reflect the total cost to operate the park.

The table below compares the County-provided cost versus the total estimated costs for the City of Menlo Park to operate the park.

<b>Annual Operating Items</b>	<b>San Mateo County</b>	<b>City of Menlo Park</b>	<b>City of Menlo Park Estimate</b>	<b>Notes</b>
Landscape maintenance	Included	Included	\$260,000	County uses rangers and city costs include higher level of service
Sports field maintenance	Not included	Included	-	Higher level of service not provided by County, included in landscape costs (above)
Garbage service	Not included	Included	up to \$135,000	Not included in costs provided by County. <b>Unconfirmed estimate</b> from Recology to provide this service
Facilities maintenance	Not included	Included	\$35,000	Not included in costs provided by County. Rangers perform some minor maintenance. City to hire .5 FTE new position
Tree service	Not included	Included	\$3,000/year and \$40,000 /5 years	County performs tree service as needed/emergencies only
Programming/ Scheduling rentals	Not included	Included	\$75,000	Not included in costs provided by County. City to hire 1 FTE new position
Utilities	Included	Included	\$17,000	County's cost based upon 09/10. City's costs increased to 2012 estimates
Janitorial	Included	Included	(included in Landscape Maintenance)	County uses rangers and City costs include contract janitorial service in landscape costs
Ranger service	Included	Included	\$195,000	Estimate based on contract at Bedwell Bayfront Park
TOTAL EXPENSES	\$374,201		\$760,000	Difference due to increased level of service and indirect overhead costs not included in the County 09/10 costs.
TOTAL REVENUE	\$164,417		\$165,000	City estimated the same revenue as County as few changes are proposed for first year of operations
NET GAIN (LOSS)	\$209,784		\$595,000	City's estimate total funding impact

**NOTE:** Costs and revenues outlined above are based on an assumption that a major renovation of the park would occur within the next five years. Without this major renovation the estimates of operating and capital cost would be insufficient to sustain the park to City standards. This renovation would also support an increase in user fee based revenue. . Current revenues are \$28,037 for facility and building rentals; \$64,759 for reservations; and \$72,711 for parking.

## CAPITAL INVESTMENT COSTS

In addition to the annual costs to operate Flood Park, there would be significant initial and on-going capital improvement costs to consider when evaluating the acceptance of Flood Park. These estimated costs include:

<b>Capital Projects</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Park Maintenance	\$606,000	\$95,000	\$60,000	\$85,000	\$60,000
Community-based Master Plan process	\$175,000				
Major park improvements or renovation			\$12-19 Million		

The park maintenance projects in the initial start up costs in Year One above include short-term improvements to the tennis courts, baseball field, picnic areas, playground and park furniture. All major improvements to these areas would likely need to be evaluated during the community outreach process for the overall park design and could have higher costs than those outlined in this evaluation. In addition, the City has identified the need to have a structural analysis of the historic Adobe buildings on the property, update park signage, upgrade or replace the trash enclosures, and other general upgrades to the park. Finally, the parking lot at the park has no drainage system and requires a complete upgrade – a \$2 million dollar project.

The annual operating costs and initial capital investment costs both assume there will be a major renovation of the park within the next 5 years. If this renovation or major improvements do not take place, the annual operating costs will likely increase and there will be additional on-going capital improvement costs as issues arise. Based on this assumption, another initial capital cost would be the community outreach and master plan process for the park design which will likely take 12-18 months and cost approximately \$175,000 – largely for contracted landscape architecture and design services.

Lastly, a major renovation or re-design of Flood Park is estimated to cost between \$12-19 million depending upon the types of improvements defined in the community outreach process and the Council-approved level of implementation of those improvements. These estimates were provided by Callendar Associates, a landscape architect firm and were based on the total acres at Flood Park and the costs of past bids and type of uses at other parks Callendar has recently worked on. Overall, the capital investment in Flood Park in the next five years could be estimated to be \$13-20 million.

## FLOOD PARK OPTIONS

Based on this analysis, staff has developed the following general categories of options for the future of Flood Park:

- 1) San Mateo County continuing to operate Flood Park may result in the following:
  - a. Services continue at their current level
  - b. Potential future closure of the park
  - c. Potential joint effort between City and County to operate park
- 2) City of Menlo Park accepting Flood Park requires evaluating the following alternatives to financial sustainability:
  - a. Options to offset added annual operating expenses include these or combinations of these alternatives -
    - Decrease expenses by eliminating other existing city programs
    - Increase revenue
    - Use reserves
    - Sell or lease a portion of the park
  - b. Options to fund initial and long-term capital improvements include these or combinations of these alternatives -
    - Use Redevelopment Agency (RDA) funds (future of the RDA in question). Requires a reprioritization of the RDA 5 Year Plan
    - Use funds from Capital Improvement Projects or CIP Reserve (resulting in a reprioritization of the current CIP)
    - Use funds from the City's Reserves
    - Partial funding from future Measure T and/ or future Rec-in-Lieu funds

For more details on all of the above alternatives, please see Attachment B.



## **COMMISSION FEEDBACK**

Staff is recommending the Parks and Recreation Commission provide feedback on whether, and under what terms, the City of Menlo Park should accept Flood Park from San Mateo County and explore the possible options for its sustainable operation.

Staff requests the Parks and Recreation Commission consider the following questions:

- 1) How will Flood Park meet the current or future needs of Menlo Park?
- 2) Are these community needs significant and sufficient to seek out the necessary options to achieve financial sustainability in order to operate the park? If yes, why?
- 3) Based on the potential funding options (for both ongoing operations costs and start-up capital costs) should the City of Menlo Park continue to explore the transfer of Flood Park from San Mateo County? If so, why?
- 4) Is there any additional feedback the Commission would like to provide on the Flood Park project and process?

Staff will then incorporate the Commission's input and preferences into the materials being developed for the Council's review on December 13. For details on the timeline for the project, see Attachment C.



**Draft 10.14.2011**

## **Flood Park Field Review**



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*The history of the Park has been provided by the San Mateo County Parks and Recreation Foundation.*

## **PROJECT OVERVIEW**

The goal of this facilities assessment is to provide sufficient information to the Menlo Park City Council to determine if Flood Park, a San Mateo County owned park, should be taken over by the City of Menlo Park. In February 2011, San Mateo County indicated that they may close Flood Park due to financial constraints of the County budget.

This study evaluates the existing condition of the infrastructure at Flood Park, and the costs to bring the Park to City standards, estimates operating costs and outlines site issues to be considered if the Park is transferred to the City.

Flood Park is located at 215 Bay Road in the City of Menlo Park within the area formerly inhabited by the Costanoan Indians, hunting, fishing and gathering culture. No evidence of early Native American habitation exists within the park, but Indian shell mounds have been found within a radius of three miles. With the arrival of early European explorers and settlers, the local population and land came under the influence of the California Mission system. The area became part of the Spanish Rancho de Las Pulgas. As the years progressed after the Mexican/American war, portions were sold off and developed.

In about 1863, James Clair Flood, the son of an Irish immigrant, became a wealthy man by cashing in on the Comstock Lode. He purchased a 600-acre tract known as the Carroll property and built his opulent residence, Linden Towers, at the site of the park.

In the early 1930's, a special tax was levied in the County to provide for parks and park facilities. Funds became available and the current 21-acre parcel of the Flood estate that was being sold off for subdivisions was purchased. About 1936, the Work Progress Administration, in an effort to provide work for those without jobs in the Great Depression, constructed a park office building, a swimming pool, the maintenance area, the caretaker's residence, two restrooms and the picnic sites in the park.

In the 1940's and 1950's Flood Park became among the most popular relaxation and recreation spots in south San Mateo County for swimming and picnicking. Additionally, company picnics at Flood Park were in demand. The swimming pool is believed to have been the first public swimming pool in the country. There were as many as 60,000 admissions each summer for the Flood Park pool. The swimming pool was removed in the 1970's when it could not be repaired due to funding cutbacks.

In the early 1950's, parking, a baseball field, a softball field, and tennis courts were added. Flood Park's baseball diamond got almost constant use by Menlo-Atherton High School teams. Semi-pro and college teams played there on the weekends. Organized recreation halted abruptly in 1978 after funding cutbacks forced the County to operate the park as a more passive facility.

Extensive renovations were made to the park in the late 1980's with the addition of handicapped accessible restrooms, picnic shelters and playground facilities. Other updates were made to the park in the mid 90's but little work has been done in the last decade. Today, Flood Park is primarily used for family and group picnics (both casual use and pre-arranged rentals) which also utilize the sports fields at the park.

## **EXECUTIVE SUMMARY**

As a part of San Mateo County's efforts to reduce their budget deficit, County staff proposed in February, 2011 that Flood Park remain closed following the completion of San Francisco Public Utilities Commission (SFPUC) water main replacement work in the park, anticipated in October 2011. Following the urging of Menlo Park residents, the Menlo Park City Manager and Deputy City Manager met with County staff in March 2011 to discuss options under which the City would take over jurisdiction of the park.

In late April, staff from Public Works and Community Services visited the park with County Parks staff and undertook a complete assessment of the facilities, including everything from buildings and major features such as the tennis courts and baseball field to individual picnic areas and play features. This review (provided in detail in this report) revealed a long list of outstanding deferred maintenance needs as the park was not maintained to City of Menlo Park standards prior to being closed (and basically abandoned) during the SFPUC project.

Costs outlined below are based on an assumption that a major renovation of the park would occur within the next five years. Without this major renovation the estimates of operating and capital cost would be insufficient to sustain the park to City standards.

Operating and capital cost estimates:

### **Operating Costs**

Annual Cost of Ranger Service	\$193,000
Landscape Maintenance	\$262,000
Facilities Maintenance	\$ 35,000
Tree Maintenance	\$ 3,000 annually \$40,000/ 5yr
Program/ Scheduling	\$ 75,000
Utility Costs	\$ 17,000

Total Operating Costs	\$585,000
Total Operating Cost including 1 <sup>st</sup> Year Tree Trimming	\$625,000

The assumptions and details for calculating operating costs appear on page 32.

The County's actual operating cost for 2009-10 was \$374,201. These costs are their direct costs which includes three full time rangers and three seasonal staff. The costs did not include supervision, facilities maintenance, garbage service collection, tree service and program/picnic scheduling (estimated at a 1.5 full time equivalent). The County also has a sheriff work program of 3-5 workers 3 times a week that helps maintain the park.



The table below compares the cost of what the County provided as their operating cost versus what City staff has estimated the cost to operate the park based upon the existing uses and City standards.

Service	County	City	City Cost	Comments
Landscape Maintenance	X	X	\$262,000	County uses rangers and City cost includes higher level of service(1)
Sports Field Maintenance		X	(2)	Higher level of service not provided by County, included in City landscape cost
Garbage Service		X	(3)	Not included in costs provided by County. City landscape cost includes garbage service.
Facilities Maintenance		X	\$35,000	Not included in costs provided by County. Rangers perform some minor maintenance. City hire .5 FTE new position
Tree service		X	\$3,000/year \$40,000/5yrs	County performs tree service as needed/emergency
Programming / Scheduling and rentals		X	\$75,000	Not included in costs provided by County. City hire 1 FTE new position
Utilities	X	X	\$17,000	County's cost based upon 2009/10 and City's cost increased to 2012 estimated costs.
Janitorial	X	X	Included in landscape cost	County uses rangers and City cost includes contract janitorial service in landscape cost.
Rangers	X	X	\$192,850	
<b>Total costs</b>	<b>\$374,201</b>	<b>625,000</b>		

- (1) Higher level of service in City costs include edging, fertilizing, weed abatement, irrigation management and aerating.
- (2) Unable to estimate cost of this service. Cost is annual renovation of sports fields for eight weeks which includes aerating, fertilizing, seeding, top dressing, sod replacement and increased annual overseeding, and fertilizing.
- (3) County has their own garbage compactor truck which picks up garbage and takes it to Ox Mountain.

The County also provided their 2009-10 actual revenues and it was \$164,417. The major fees are \$28,037 for facility and building rentals, \$64,759 for reservations and \$72,711 for parking.

## Capital Costs

The capital costs have been determined assuming a community engagement park master planning process would occur, following transfer of the park to the City, resulting in renovation of the park within the next five years based upon that plan.

Staff asked a landscape architect who is familiar with Flood Park what it would cost to completely renovate Flood Park so the Council has an idea of the capital cost needed to implement a master plan for the park. The landscape architect used past bids and type of uses to come up with a range of \$12M to \$19M. The cost does not include any building renovation. See Appendix B for details.

The capital costs, below, are those needed to bring the park closer to City standards (see Appendix A for details of capital costs). One item not included in the total is the parking lot,, which needs to be rebuilt due to deterioration exacerbated by the lack of a drainage system. Estimated cost of a complete reconstruction of the parking lot, including addition of proper drainage is \$2 million. SFPUC staff report that they plan to repave the whole parking lot over the existing asphalt. This will significantly improve the parking lot until a complete renovation can be done.

See Appendix A for detailed breakdown of these capital costs:

Year 1 - \$781,000  
Year 2 - \$120,000  
Year 3 - \$85,000,  
Year 4 - \$110,000  
Year 5 - \$12M-18M  
Year 6 - \$60,000

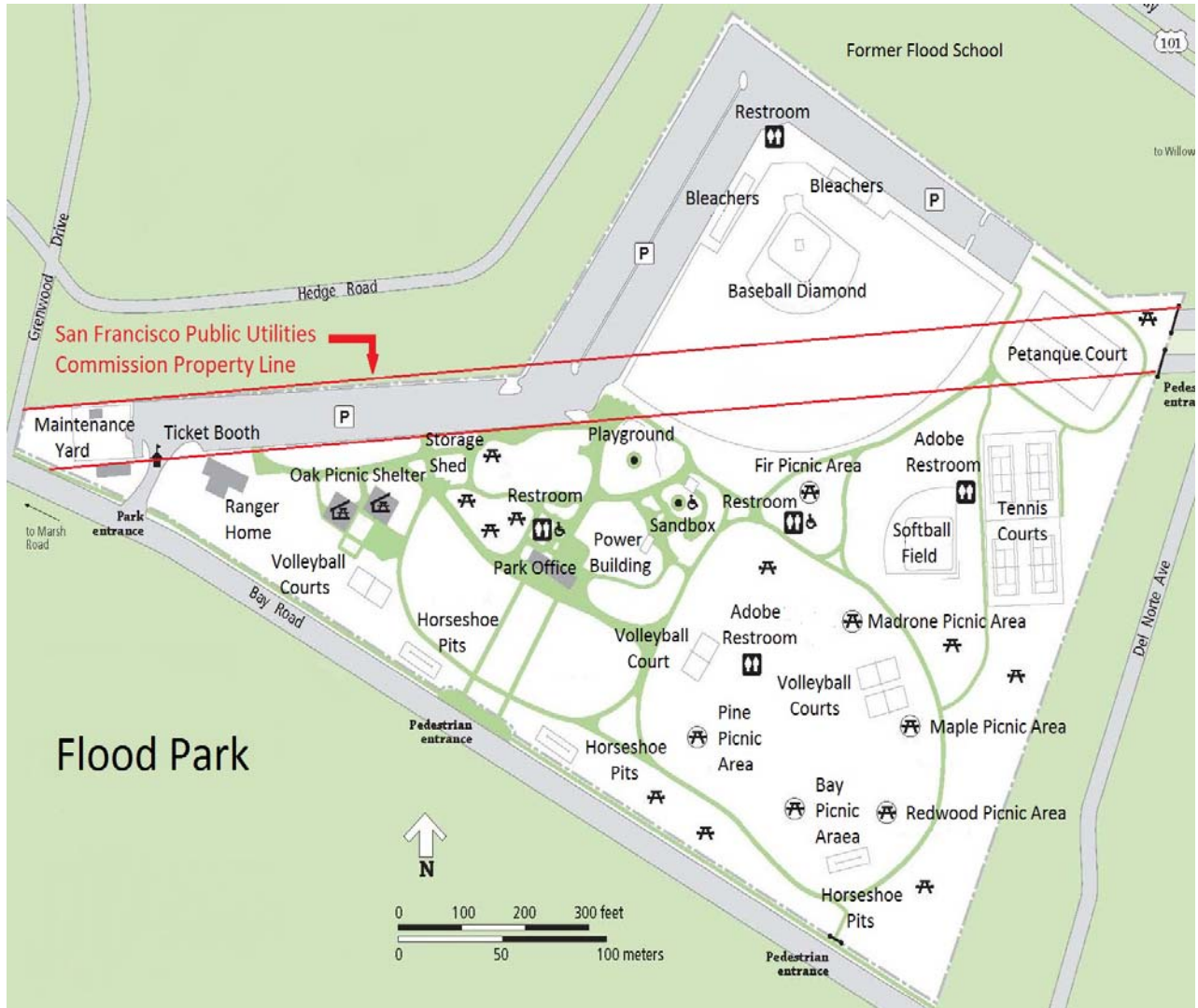
## Going Forward

Given the park's current condition and long list of deferred maintenance requirements, as well as the City's higher standards for quality of park facilities, acceptance of Flood Park will have a major impact on City resources in terms of both parks maintenance staff, operational costs and capital expenditures. The park is located in the Redevelopment Agency. The Agency is unable to fund ongoing operating expenses. Capital funds from the Agency could be used depending on the outcome of the State of California's proposed plan to eliminate Redevelopment Agencies. Council would need to determine other services or programs to eliminate in order to accommodate these significant increased up front and ongoing costs or approve a new funding source. This will need to be decided as part of the 2012-13 budget process if the City determines the timeline to take over the park July 2012. In addition, the source of capital funds for the major renovation of the park will need to be identified and prioritized.

SFPUC and the county currently plan to open a portion of the park in late October and complete the parking lot in December, although SFPUC is not sure if they will be completely out of Flood Park by December.

## FLOOD PARK

Flood Park is dominated by a number of heritage oaks and California laurels located along Bay Road and the southern portion of the park. The park is quite flat, with large areas of lawn. Currently the park opens at 8 a.m. Closing time changes seasonally. The County does not allow pets in the park while the City policy would. A number of paved trails wind through Flood Park. Vehicle entry fees of \$6 per vehicle are charged at the ticket booth located at the entrance to the park. During non-peak periods, a self-pay station is used to collect parking fees.



Flood Park has a baseball field, softball field, tennis courts, horseshoe pits, volleyball courts and open lawn areas. The baseball field is available by reservation only for either practice or league play. The other sports areas are available on a first-come-first-serve basis. A large playground area is located in the center of the park. 27 drop-in family picnic sites are located in the park as well as seven group picnic areas (Oak, Pine, Bay, Redwood, Maple, Madrone, and Fir) that are available by reservation.

## **METHODOLOGY**

This report does not address building replacement, renovations or remodeling that may be required due to future programmatic changes or obsolescence.

This report covers work to be performed during the next six years from 2012-2018. Presently no allowance has been made for inflation or discounting of future expenses.

The information in this report was generated from several sources; discussions with County staff, review of plans provided by the County and field survey/physical inspection. In addition, in 2007 the County performed a facility condition assessment report for buildings which identified current and projected maintenance needs. Costs were generated from historic data for individual components. City staff also held meetings with contractors who provided rough cost estimates based upon their field review and staff description of the potential scope of work.

The site observations were limited to a visual inspection during a walk-through of the main areas of the site and those buildings for which staff had access. No testing was done of the material. The scope of the site visit was limited to identifying primary areas of concern. City staff did not test the systems such as the electrical, water, sanitary sewer or irrigation to verify their condition.

The estimated costs are based on all work being competitively bid to qualified contractors. All work is to be performed during normal working hours, with the area of work being under the control of the contractor. For major work, the costs are based on the area being vacated during construction. For minor work, the site/ buildings will continue in operation at all times, with the contractor providing all necessary safety management.

The budgets include an allowance of 25% of construction cost to cover owner related costs, such as design, management, testing and contingency for additional issues which may be discovered during the design phase. The cost also assumes that the City will undertake a major renovation of the park and new infrastructure and park furniture will be installed in accordance with City standards at some future date (within five years of acceptance).

## **EXISTING CONDITIONS**

### **Buildings**

#### *Park Office*



The Flood Park office building is an adobe building that was originally built in the 1930's. It is located in the middle of the park just east of the Oak picnic area. This building was originally built as the entrance to the swimming pool and contained a breezeway in the middle. In the 1960's/1970's the breezeway was filled in with wood. Other building modifications were made prior to the 1988 renovation: the roof was replaced in the 1990's, Asbestos was removed in the mid-1990s, and a remodel of the interior was undertaken in 2004. The County assessment report recommend the shake roof be replaced in 2013.





The building is not reinforced. Since the building does not meet current building codes, it is not open to the public. Although the building is not registered as a historical building, based upon discussions with County staff, it has historical significance.



The exterior of the building is in poor condition. County staff continuously patches and paints the exterior of the building to protect the adobe from the elements. Adobe buildings, in general, require a high degree of maintenance if they are to be protected. Due to its historic significance, remodeling the building or upgrading the building is very expensive. The interior of the building is in good condition.

### *Ticket Booth*



At Entrance to Park

Rangers use this building to collect money at the entrance. It was built in 1960's. It is a portable building installed on skids. The building is made of wood and has a wood shake roof. The building is in fair condition. The roof needs to be replaced based upon County report.



## *Ranger House*

The Ranger's House (or Caretakers Cottage) was originally built in the 1930's and is considered the most unique of the adobe buildings in the park due to the design of the windows.



Right Side of Entrance to Park

The house has a perimeter adobe fence although some sections have been removed and replaced with wood. The building was re-roofed in 1989-1990 and in the mid-1990s all of the utilities were replaced (water, gas, and electrical). During this time the flooring was replaced and asbestos was removed. The County assessment report recommends the roof over the garage be replaced in 2015.

## *Maintenance Storage*



The adobe storage building shown above was built in the 1930's and has limited use as it has similar issues as the other brick adobe buildings. The building was originally a restroom, but was closed for public use and converted to a storage building due to failure of the bricks. The building has a shake roof that needs to be replaced. The building will need to be removed or remodeled in the near future.

## *Maintenance Building and Storage Sheds*



Left side at Entrance to Park

This maintenance building, located to the left as you enter the park, is believed to have been built in the 1960's. It is a wood construction building with a small office area, small bathroom and open workshop. The building is in fair condition. The County report recommends the roof be replaced in 2013.



Left side at Entrance to Park

There are storage sheds adjacent to the Maintenance Building also built in 1960's. These buildings are made of metal and are in poor condition.



## Restrooms

There are a total of five restrooms. Three are prefabricated and two are adobe.



Near Fir Picnic area



Near Park Office



Near Baseball Field

The three prefabricated restroom facilities are near the office building, baseball field, and Fir picnic area. The prefabricated restroom near the park office building was installed during the 1988 renovation. Based upon the County assessment report, this roof needs to be replaced. The other two restrooms were installed around 2003. The two centrally located restrooms (near the office building and Fir picnic area) are handicap accessible based upon codes in the 1980's. They are in good condition. The other prefabricated restroom is adjacent to the baseball field and has two unisex bathrooms.



Near Tennis Courts



Near Volleyball Courts

There are two adobe restrooms at Flood Park. One restroom is near the volleyball court and the other is near the tennis courts. The restroom near the tennis courts is an original building that was constructed in the 1930's. The restroom near the volleyball court is an adobe-style building that was built in the late 1960's. The women's portion of this structure was extended during the 1988 renovation with prefabricated material. The two brick adobe restrooms have shake roofs which are near the end of their useful life. The adobe bathrooms are not handicap accessible. The interiors are in fair condition. The exterior bricks of the restroom built in the 1930's are weathered and are gradually being degraded due to the elements. In the near future, this restroom will need to be evaluated for either major repairs or removal.

### *Electrical Building*



The brick adobe building above houses the electrical service to the park. The building has the same issues as the other adobe buildings. County staff has informed us that the electrical system is at capacity and there is no more room to increase the electrical system for the park unless a new facility is built or the building is remodeled.



## Picnic Areas

There are a variety of picnic areas located in the park. Some of the picnic areas have shade structures and require reservations while others are on a first-come-first-serve basis.

There are seven large group picnic areas located in the park. All of the areas were originally built in the 1930's with the exception of the Oak Picnic Area which was built during the 1988 renovation. The San Mateo County Park staff has required reservations for these picnic areas. A wood picnic sign designates the large group picnic areas and has a spot for indicating groups that have reserved the area.

In addition, there are 27 drop-in picnic areas. Most of the picnic areas were built in the 1930's and over the years have been reconstructed. The concrete table bases were constructed in the late 1950's-early 1960's and the railroad-iron bases were constructed in the 1940s.



The Oak Picnic Area is located near the main entrance of the park on the site of the original playground. The entire area was constructed during the 1988 renovation and has accessible water and electricity. The shade cover makes this site popular with large groups and companies.

The shade structures are supported by concrete columns and the canopy is made out of wood slats and large glu-lam (glued laminated timber) beams as their main horizontal support. The wood and glu-lam shows signs of weathering along the southwest face due to exposure to the sun and age. These wood structures need continuous painting in order to reduce the delamination and weathering. Sections of the structure are in poor condition and will need to be repaired/replaced.





Typical barbecue



Typical picnic table



Typical picnic area requiring reservation

The park furniture in the picnic areas varies in degree of age and maintenance required. Most of the picnic tables and seats are made of wood and require continued maintenance due to weathering.



## Baseball Field



The baseball field has major league dimensions with a home run fence in the 350 foot range. The baseball field presently is in poor condition due to the SFPUC water line construction across the outfield of the field with has also cut the irrigation system. Aerial photos of the field prior to construction indicate the field was in fair condition. SFPUC graded and hydroseeded ONLY their trench area in early October.



The baseball field has previously been used by high school and college players. The bleachers, dugout and backstop are in poor condition and need to be replaced. The irrigation system needs to be retrofitted to provide full coverage of the field.



## Softball Field



Originally built in the 1950's, this softball field contains a small backstop, bases, wooden bleacher, and an information sign. The softball field is not intended for any organized practice or league play due to the rough surface and lack of maintenance; it is used for picnic pickup games. The wooden bleachers need to be replaced.

## Volleyball Courts



Flood Park has four volleyball courts. The courts are asphalt and have cracks throughout the courts. The courts need to be resurfaced or rebuilt with sand.

## Play Area

### *Playground*



The playground and equipment were installed in the 1980's. The play equipment is in generally good condition. The play surface has both fibar and rubber material for falling surfaces. The rubber surface under the swings needs to be replaced due to numerous patches. Replacement of the fibar will be an ongoing maintenance cost.

### *Sand Box*



Adjacent the playground are large sand box areas. The sand boxes are made of concrete and are in good condition. Refilling the sand is an ongoing maintenance cost.



## *Shade Structure*



Two seating areas with shade structures, adjacent the playground, installed in the 1980's.

The shade structure is supported by concrete columns and the canopy is made out of wood slats and large wood beams as their main horizontal support. The wood shows signs of weathering along the southwest face due to exposure to the sun and age. The structure is in fair condition. The wood structure needs continuous painting in order to reduce the weathering.

## *Water Feature*



The water feature was built in the 1980's. It is located near the sand box area. Water was circulated across a river rock stream. County staff report that it has not been operational for years due to continual breakdown.

## Tennis Courts

The four tennis courts were built in the 1950's.



The courts have longitudinal cracks across and numerous small cracks along the perimeter. The courts need major repair. A chain-link fence surrounds all of the courts along with additional fencing that separates the courts in half. The fence has five doorways (4 exterior & 1 interior). The courts were last resurfaced in the 1970's.

## Horseshoe Pits



There are a total of six horseshoe pits in the park. The pits are in fair condition and need some general cleaning.



## Parking Lot



Completed SFPUC trench



There is no drainage system in the parking lot other than adjacent to the baseball field parking lot (above) where the County has installed a valley gutter adjacent to the parking lot. Staff has inspected the parking lot during the rainy season and determined that the parking lot requires a drainage system.



Parking lot that is not in the construction zone

The parking lot needs to be rebuilt due to major base failures and lack of drainage.



## Park Furniture

There is a variety of park furniture of different ages requiring varying degrees of maintenance.



Two primary types of drinking fountains are located throughout the park. The wood fountains are costly to maintain and should be removed. New water fountains have been installed in the park and meet handicap accessibility requirements and are in good condition.



Most of the park furniture is made of wood and requires continued maintenance due to exposure to the natural elements. In addition, a significant amount of the furniture is old. Above is a typical wood bench seen throughout the park that needs to be replaced. Wood Kiosks with shake roofs are located throughout the park providing information to users. Most of the Kiosks are in fair condition.





Wood bleachers need to be replaced



New chain link fence along Bay Road



Remnants of a brick adobe fence are also along Bay Road and should be removed.



A split rail fence is located throughout the park. The fence has new sections and is in fair condition overall. This is a costly fence to maintain.

## Trees



The park has approximately 700 trees based upon rough surveys. The trees, in general, need to be evaluated/trimmed. In addition, some of the trees may need to be removed. The trees are an important part of the park and need to be maintained at City standard (trimming every five years).



## Garbage / Recycling



Wood garbage enclosures are used to designate recycling and garbage areas. These are located throughout the park adjacent to picnic areas. Some need to be replaced. These metal garbage bins will continuously bang up against the wood, requiring continual maintenance. If these enclosures need to be replaced, new storm water regulations require roofs so that storm water does not permeate the garbage.

## Pathways / Trails



There are a number of pathways in the park connecting the various areas. The trails were configured in the 1930's and were paved as an accessibility improvement in the late 1990's-early 2000's. The pathways are constructed out of asphalt and are approximately ten-feet wide. Maintenance vehicles, including garbage trucks, use these pathways in order to maintain the park. There are sections of the pathways that are failing, but in general most of them are in fair condition.

## Utilities-Drainage/Irrigation/Water



The park has designated lawn areas with irrigation systems. Most of the irrigation systems are nearly forty years old and do not provide full coverage of the grass areas. The irrigation systems are a combination of manual and automatic and need to be upgraded. The lawn areas are in fair condition.



Water is provided to Flood Park by the Menlo Park Municipal Water District from a meter located off Iris Lane. The size of the internal water system may need to be upgraded in order to provide more pressure to the existing irrigation system.

There is minimal drainage in the park. There is an existing old corrugated metal drainage line that runs along the southerly border of the park from Bay Road to Iris lane.



## **SITE ISSUES**

### **San Francisco Public Utility Commission**



An 80 foot San Francisco Public Utility Commission (SFPUC) Right-of-Way crosses the park. The right-of-way continues from Iris Lane across the former pentanque court, across the outfield of the baseball field through the parking lot and down Bay Road. The SFPUC owns title to this portion of the park. SFPUC does not allow structures/trees within this right-of-way and any major improvements require an encroachment permit from SFPUC. Staff is concerned, based on previous experience, that should major improvements be constructed within the SFPUC right-of-way new encroachment permits would require conditions that are expensive and onerous. SFPUC has indicated that they will repair the parking lot and the outfield of the baseball field once they are finished using the site as a construction staging area, estimated to be in December 2011.

### **Gas Tank**

The County has provided us with documents showing that the site had underground gas tanks that were removed in the late 1980's. The gas tanks had leaks and the County had to perform remediation. The case was closed by the County Health Department in 1997 after the site was cleaned.

## Ranger House



The existing ranger house on the park site is leased to a County Parks Ranger. The existing agreement is on a month-to-month basis which allows the County to terminate the agreement with a 30 day notice.

## Metro PCS



The County has an agreement with Metro PCS leasing a 120 sq. ft ( 8 ft. x 15 ft.) portion of the park to house Metro PCS equipment within concrete block walls. The equipment leased area is midway along the park frontage near Bay Road. The agreement also includes the installation of a 45-foot flag pole used as an antenna and a 5-foot underground easement from the antenna to the equipment storage area and then from the equipment storage area to the southern corner of the park near Bay Road. The agreement was signed in 2008 and expires in 2013 with an option to extend for five additional years. Metro PCS is presently paying the County approximately \$2,300 per month. The rate adjusts annually by 3%.



## **Garbage/Recycling**



The garbage at Flood Park is picked up by County staff. Large garbage bins are located at most of the large picnic areas. The County has a garbage compactor truck that picks up the garbage once a week or twice per week during peak periods. Recology can provide this service at a cost. Recology will pick up recycling and green waste at no cost if it is centrally located within the park.

## **San Mateo County Parks and Recreation Foundation**



The County has an agreement with the San Mateo County Parks and Recreation Foundation to provide services to the County. The County has allowed the San Mateo County Parks and Recreation Foundation to use the park office at Flood Park. County staff has indicated that they would relocate the San Mateo County Parks and Recreation Foundation if the City of Menlo Park took over the park.

## **Charter School (Flood School)**



Adjacent the park to the north is the former Flood School. The school is owned by the Ravenswood School District. Charter schools have been using this school and there is planned a new charter school for the site. Currently the school is vacant. Access to the school is through the Suburban Park neighborhood off Sheridan Drive. There is a double gate in the fence that separates the school site from Flood Park. County staff has informed us that they previously allowed the teachers to park in the Flood Park parking lot and walk to the school site. County staff says there is no formal agreement to allow the school to use Flood Park for access.



## **OPERATING COSTS**

### **Ranger Service**

Discussions with County staff and review of their ranger work schedules show that the County has one to six rangers at Flood Park depending on the time of year. The County uses the rangers to: open and close the park; enforce policy issues at the park such as dog issues; manage reservations of picnic areas and sports field; collect parking fees; and do landscape work, restroom cleaning and miscellaneous clean up. During the summer months they have four to six rangers during the week. During the winter months they have one to two rangers at the park. In estimating the cost of ranger service, City staff used the ranger cost previously paid at Bedwell Bayfront Park which is roughly \$145,000 annually (park open year around).

A \$6 parking fee is charged all year around at Flood Park. Rangers collect the fee at the ticket booth during peak periods of the year and use an iron ranger during the slow times. When the iron ranger is used, the Rangers enforce the parking fee by checking for tickets to ensure the parking fee is paid. To account for the additional ranger during peak periods to collect parking fees, staff estimated 33% of the year parking fees are collected at the ticket booth ( $\$145,000 \times .33$ ) \$47,850.  $\$145,000 + \$47,850 = \$192,850$

**Annual Cost \$193,000**

### **Landscape Maintenance**

In determining the cost of landscaping maintenance, City staff met with a contractor known for quality work. Staff met the contractor at Flood Park and described to them the scope of work expected and they have provided a range of costs including landscape maintenance, janitorial of bathrooms, the sports courts/fields, playground maintenance, trash, and deadwood and hazard control of the large trees. The contractor estimates a range of \$10,500- \$12,500 per acre (21 acres- \$220,500-\$262,500 annually).

Vandalism/Graffiti is one factor which is difficult to estimate. This condition can greatly affect the maintenance cost of a park. A cost of \$10,000 annually is included in the estimate.

Staff is using \$252,000 (the high mid-range of the contractors cost) plus \$10,000 for vandalism for a total estimated cost of \$262,000.

**Annual Cost \$262,000**

### **Facilities**

Facilities maintenance would require hiring a temporary worker to supplement existing staff to perform minor maintenance to facilities and to hire contractors to maintain the infrastructure (painting, electrical, plumbing, roofs etc), shade structures, kiosks and water faucets.

**Annual Cost \$35,000**

## **Trees**

Staff has done a rough survey of the number of trees in Flood Park and estimated 700 trees. The estimated cost to maintain these trees, based upon a street tree goal of evaluating every tree once every five years, using our existing tree contractor's cost per tree, the annual estimated cost is \$40,000 to trim all the trees in the park the first year and then every five years thereafter. In addition, staff has included a cost of \$3,000 annually to have our street tree contractor perform annual emergency work for trees that need immediate attention or as needed to remove trees blocking the pathways.

### **Annual Cost \$3,000**

Initial cost \$40,000 and at five year increments thereafter.

## **Utility Costs**

Staff has received the utility costs from the County for 2009/10 and has increased the cost to reflect utility increases over the last few years.

### **Annual Cost \$17,000**

## **Program/Scheduling**

The County has provided the City with the estimated full time equivalent (FTE) staff needed to program reservations and allocation of fields at 1.5 FTE. The County says they issued 534 picnic permits in 2009-10 at Flood Park. The City, over the last two years, issued on average 190 picnic permits per year City-wide. Flood Park alone will increase the number of permits issued by the City by over 2.5 times. Based on this information, staff has estimated it will cost \$75,000 annually, which includes hiring a new full-time Office Assistant I. It is assumed that current staff can absorb the additional workload needed to program other field facilities at the park.

### **Annual Cost \$75,000**

## **CAPITAL COSTS**

Staff has assumed that if the City takes over the park it will go through a major renovation after a community engagement process. So, staff has provided only the initial capital cost to bring the park to an acceptable condition in accordance with City standards. Also, staff have estimated the ongoing deferred maintenance cost to maintain the infrastructure and park furniture.

Staff is recommending the following Capital Improvement Project (CIP) Budget.

### **Baseball Field**

Staff is recommending that we replace the backstop, bleachers, dugouts and benches and renovate the field and irrigation system. This cost does not include replacing the outfield fence since the dimensions of the field may change based upon the community engagement process.

$\$35,000(\text{backstop}) + \$50 \times 600' \text{ fence} + 8 \times \$1,000 \text{ dugout benches} + 2 \times \$30,000 \text{ bleachers} + \$15,000$   
field renovation =  $\$148,000 \times 1.25(\text{contingency}) = \$185,000$

**Cost \$185,000**

### **Tennis Courts**

Although all four tennis courts need to be reconstructed, which would cost in the \$250,000- \$300,000 range, staff feels that we can make the courts playable for the next four to five years until the major renovation of the park occurs.

$\text{Color coat } 4 \times \$6,500 + \text{gate repair } \$5000 = \$31,000 \times 1.25(\text{contingency}) = \$38,750$

**Cost \$39,000**

### **Adobe Buildings Structural Analysis**

The adobe buildings need a detailed analysis on their structural integrity, their historical significance, and maintenance requirements, in order to make a recommendation on what to do with the buildings.

**Cost \$75,000**

## Park Signage

Modify/remove San Mateo County from signs and replace signs as needed.

**Cost \$15,000**

## Building Roof Replacement

The County facility assessment report identified numerous buildings requiring roof replacement. Most of the roofs are shake roofs. There are a total of eight buildings that the identified needing replacement now or in the near future.

Maintenance Building	2013- 1654 sqft. x \$7/sqft. =\$11,578
Storage Shed	2012 - 120 sqft. x \$7/sqft. = \$840
Ranger House Garage	2015 - 440 sqft. X\$7/sqft =\$3,080 (will be included in facilities minor budget)
Ticket Booth	2012 - 96 sqft. x \$7/sqft. = \$672
Restroom near Park Office	2012- 384 sqft. x \$7/sqft. = \$2,688
Park Office	2013- 2402 sqft. x \$7/sqft. = \$16,814
Adobe Restroom near Tennis Courts	2012- 234 sqft. x \$7/sqft. = \$1,638
Adobe Restroom near Volleyball Courts	2012- 466 sqft. x \$7/sqft. = \$3,262

2012 Cost \$840 +\$672+\$2,688+\$1,638+\$3,262=\$9,100x1.25 (contingency)

**= \$11,375 use \$11,000**

2013 Cost \$11,578+ \$16,814 = \$28,392 x 1.25 (contingency)

**= \$35,490 use \$35,000**

## Oak Shade Structure

The Oak Shade structure has some major splitting at the ends of the glu-lam beams which needs to be addressed immediately before it becomes a major cost. Staff does not know the extent of the cost to repair this and will need to hire a consultant who specializes in glu-lams who can make recommendations and develop a design for repairs.

**Cost \$40,000 (estimate)**

## **Play Area Shade Structure**

Staff had a paint contractor provide a cost to paint the whole structure and they estimate \$10,000. This structure will need to be touched up with paint along the sun-facing side every five years with a full painting every ten years. Touch up of the shade structure will be included in the facilities minor budget.  $\$10,000 \times 1.25$  (contingency) = \$12,500 use \$13,000

**Cost \$13,000**

## **Park Furniture**

This ongoing cost will address minor improvements such as repairing fences, benches, tables, barbecue pits, adding fibar and sand and repairs to play equipment, irrigation system, fields, etc.

**Annual Cost \$20,000**

## **Drinking Fountains**

The existing wood drinking fountains need to be replaced or removed. Staff has included a budget to replace five of the eleven wood fountains.  $5 \times \$2,500 = \$12,500$   $1.25 = \$15,625$  use \$16,000

**Cost \$16,000**

## **Playground**

The resilient rubber falling surface under the swing set in the playground has numerous patches due to the wear caused by children's feet continuously rubbing against the surface. This needs to be replaced with fibar.

**Cost \$12,000**

## **Parking Lot/Pathways**

This ongoing cost would be used to maintain the parking lot and pathways. The existing parking lot needs to be reconstructed even after the SFPUC completes their resurfacing of the parking lot. Staff has shown spending \$25,000 every year on patching the parking lot for the next four years until the parking lot is rebuilt as part of the master plan.

There is approximately 1.5 miles of pathways throughout the park. They are in generally good condition and are made of asphalt. There are existing areas of the pathways that are failing and need

to be deeplifted. Staff is recommending that the pathways get repaired at a cost of \$25,000 every three years and when the parking lot is rebuilt this be increased by \$50,000 for a total of \$75,000 every three years.

**Annual Cost** 2012 – 2015, \$25,000/ year Parking Lot  
2015 - \$25,000 pathways  
2018 - \$75,000 pathways and parking lot

## **Master Plan**

A consultant will be needed to assist staff in the public outreach process in developing a master plan for the park. In addition, a master plan for utilities such as grading, drainage, irrigation, water and electrical will be needed for the master plan.

**Cost \$175,000**

## **Facilities Minor**

This ongoing cost will be used on an annual basis for minor improvements that extend the useful life of systems, equipment, buildings and structures in the park. Examples include the painting of buildings, replacement of equipment (sinks, toilets, dryers, paper dispensers, partition walls etc.) plumbing /sewer blockages, water faucet repairs, etc.

**Annual Cost \$40,000**

## **Replace Garbage Enclosures/New Garbage Bins**

Two garbage enclosures need to be replaced requiring a roof over the enclosure to meet storm water requirements. In addition, the metal garbage bins and garbage cans at the park will need to be provided since these are deemed County property and not permanently fixed to the park. The two garbage enclosures are estimated to cost \$50,000. There are 17 dumpsters (2 yard) with wheels.  $17 \times \$900 = \$15,300$ , garbage recycling bins  $22 \times \$1,200 = \$26,400$ .  $\$50,000 + \$15,300 + \$26,400 = \$91,700 \times 1.25 = \$114,625$  use \$115,000

**Cost \$115,000**



## Appendix A - Details of Site Analysis






### CIP List for Flood Park

PROJECT	DESCRIPTION	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	YEAR 6
Baseball Field	Fence, bleachers, backstop, dugouts, irrigation, seed	\$185,000					
Tennis Courts	Color coat and gate repair	\$39,000					
Adobe Bldgs. Structural Analysis	Analysis integrity of bldgs and historical significance	\$75,000	TBD Bldg. (maint./remove)				
Park Sign	Remove San Mateo County from signs and replace signs	\$15,000					
Building Roofs replacement	Replace shake roof on Prefab. Bldg.	\$11,000	\$35,000				
Oak Shelter	Design consultant Paint, fix as necessary	\$40,000					
Playground Shelter	Paint	\$13,000					
Park Furniture	Defer. main. fill sand , replace park benches, tables, small bleachers, fibar replacement etc.	\$20,000	\$20,000	\$20,000	\$20,000		\$20,000
Drinking Fountains	Remove/replace wood fountains	\$16,000					
Playground	Remove Rubberized base at swings, replace with Fibar	\$12,000					
Parking Lot/Pathway	Patch pathways and parking lot	\$25,000	\$25,000	\$25,000	\$50,000		
Master Plan	Public Outreach and schematic design/ utility master plan	\$175,000	TBD( Design)				
Facilities Minor	Ongoing deferred maintenance, painting, plumbing, electrical etc.)	\$40,000	\$40,000	\$40,000	\$40,000		\$40,000
Replace Garbage enclosures	Two garbage enclosures and dumpsters	\$115,000					
Major Field Renovation	Implementation of Master Plan					\$12M-\$19M	
	<b>TOTAL</b>	<b>\$781,000</b>	<b>\$120,000</b>	<b>\$85,000</b>	<b>\$110,000</b>	<b>\$12M - \$19M</b>	<b>\$60,000</b>

Major Park Renovation by year 5-6    \$12M- \$19M

# Preliminary Improvement Cost Evaluation

## IMPROVEMENT LEGEND

AREA/USE TYPE	ACRES	UNIT COST/AC	SUBTOTAL
 PARKING AND DRIVEWAY	4.14	\$400,000 - \$525,000	\$1,656,000 - \$2,174,000
 SPORTS FIELDS	6.49	\$520,000 - \$610,000	\$3,375,000 - \$3,959,000
 TENNIS COURTS	0.70	\$480,000 - \$570,000	\$336,000 - \$399,000
 PLAY AREA	0.29	\$1,307,000 - \$1,743,000	\$380,000 - \$506,000
 PASSIVE RECREATION	16.03	\$218,000 - \$436,000	\$3,500,000 - \$7,000,000

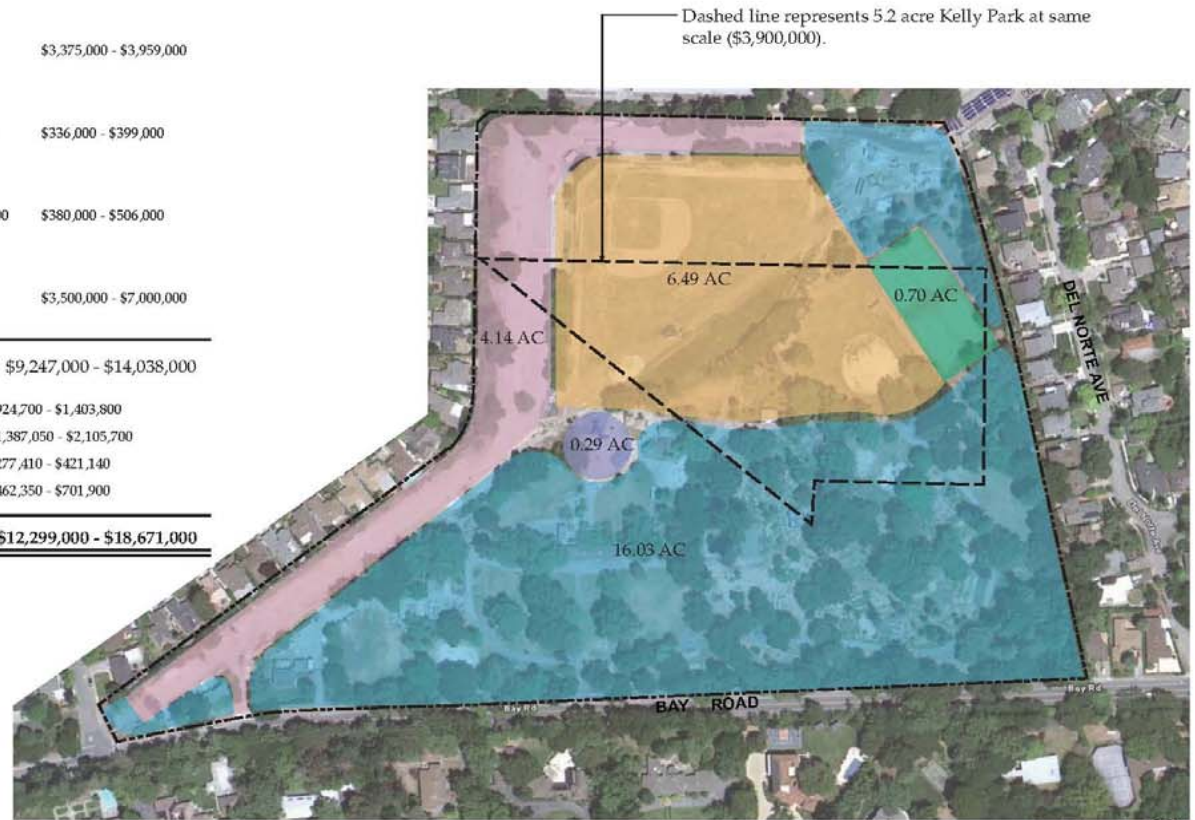
CONSTRUCTION COST SUBTOTAL \$9,247,000 - \$14,038,000

CONTINGENCIES FOR UNKNOWN	Allow 10%	\$924,700 - \$1,403,800
DESIGN SERVICES (PLANNING, DESIGN, & ENGINEERING)	Allow 15%	\$1,387,050 - \$2,105,700
CONSTRUCTION ADMINISTRATION	Allow 3%	\$277,410 - \$421,140
CEQA/PERMITTING/REGULATORY REQUIREMENTS	Allow 5%	\$462,350 - \$701,900

**TOTAL PROJECT IMPROVEMENT COST** **\$12,299,000 - \$18,671,000**

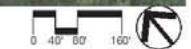
### NOTES:

1. Costs shown do not include renovations to existing structures as well as items not noted above.
2. Costs based upon bid results from similar park renovations in the past 6 years.
3. Costs exclude city staff time.



 Callander Associates

Landscape Architecture  
Park and Recreation Design  
Neighborhood Parks  
(11/14/2011/2012)



**Flood Park**

City of Menlo Park   
October 6, 2011

## ATTACHMENT B

### **Flood Park Operating Costs Funding Alternatives:**

#### 1) Eliminate other city programs

##### a. Potential long-term sustainability strategy

- b. Eliminate other city programs Significant or multiple programs would need to be eliminated to reach \$595K savings (the Senior Center, for example, costs \$416,000 annually to operate)
- c. A process to evaluate which programs would be eliminated would be needed (recently proposed eliminations have included the Senior Center, Belle Haven Library, Belle Haven CDC, Onetta Harris Community Center)
- d. Impact to residents using those programs would be significant

#### 2) Increase City's revenues by increasing the Transient Occupancy Tax (TOT)

##### a. Potential short-term or long-term sustainability strategy (viable option in January 2013)

- b. Increase of each 1% will result in approximately \$260K per year additional revenue (2% = \$520K)
- c. City of Menlo Park rate is currently 10% and most of the regional communities have their rates at 12%
- d. Requires a ballot measure approved by at least 50% of Menlo Park voters (next opportunity would be in November 2012 and would not take effect until January 2013)
- e. Decision on accepting the park will likely happen before the opportunity for voter approval of the TOT increase; therefore an alternative would be required during the interim
- f. Impact to residents is minimal but local hotels were not in support when this option was proposed in 2010. As seen in recent years, this revenue source is economically sensitive
- g. As a general revenue tax, TOT revenues cannot be designated to a specific purpose

3) Increase City's Utility User's Tax (UUT)

- a. Potential short-term or long-term sustainability strategy (viable option in October 2012)
- b. Currently at 1% for all utilities
- c. Increase of each 1% will result in approximately \$1.2M per year
- d. Approved by previous ballot measure in 2006 to be 3.5% of the charges billed to the utility user for electric, gas, and water services. The maximum tax is 2.5% of telecommunication and video services.
- e. Impacts residents' and businesses' utility bills which will vary based on usage
- f. Requires sufficient notice to utility providers

4) Decrease transfer from City's General Fund to the Capital Improvement Projects (CIP) Fund

- a. Potential short-term or long-term sustainability strategy (viable option in July 2012)
- b. In order to fund on-going infrastructure maintenance projects, the City transfers funds each year from the General Fund to the CIP Fund to maintain existing infrastructure
- c. The possible decrease could vary; up to \$2.2M each year which was the 2004-2005 estimated annual cost of maintaining the City's infrastructure in good condition
- d. The decrease may require the City to transfer greater amounts in future years, and/or use option 1 thru 3 to maintain long-term financial sustainability
- e. Impact to residents could include delays in major or on-going maintenance projects (i.e. paving streets)

5) Use City's Reserves



- a. Potential short-term sustainability strategy (viable option in July 2012)
- b. Spendable balance of approximately \$17M
- c. Using this option for funding a short-term or one-time need is preferable, not for ongoing operations such as the park
- d. Not a long-term, fiscally responsible, or sustainable option
- e. Impact to residents is minimal yet impacts the ability to use reserves for other community needs in the future

### **Flood Park Capital Costs Funding Alternatives:**

- 1) Use funds from the Redevelopment Agency (RDA)
  - a. Potential long-term sustainability strategy (unknown timeframe for viability)
  - b. Flood Park is within the RDA limits
  - c. The entire amount needed is not currently available from the RDA, even if other major projects are reprioritized
  - d. The future of RDAs is uncertain with the State's budget crisis and may not be a viable option in the near or long-term future
  - e. Impact to residents may include delaying other projects scheduled for use of RDA funding, designed to spur economic development in blighted areas
- 2) Use funds from Capital Improvement Projects (CIP) or CIP Reserve
  - a. Potential short-term or long-term sustainability strategy (viable option in July 2012)
  - b. Adequate funds are available to start major capital improvements (balance of \$5.2M)
  - c. Other CIP projects may need to be reprioritized (see CIP 5 Year Plan for list – available at [www.menlopark.org](http://www.menlopark.org)) if funds were to be used for more than initial improvements
  - d. Due to the City's limited internal capacity to complete a significant number of projects simultaneously, residents would be impacted by

the delay or cancellation of other important projects with competing community needs (this concern applies across all options)

3) Use funds from City's Reserves

- a. Potential short-term or long-term sustainability strategy (viable option in July 2012)
- b. Adequate funds could be available (spendable balance of \$17.2M)
- c. Unacceptable decrease to City's reserves if estimated park improvements were \$12 million (the low end of the Callendar estimate). Recent Council commitments to Emergency and Economic Stabilization Reserves would need to be reversed.
- d. Impact to residents is minimal yet impacts the ability to use reserves for other community needs and emergencies in the future

4) Measure T and future Rec-in-lieu funds

- a. Potential long-term sustainability strategy (viable option in YR15-YR16)
- b. Measure T – future issuances limited to \$14.3 million. Given the slow increase in assessed value since the 2009 bond issuance, no issuance capacity exists at this time. Assuming 2% growth in assessed value, a 2015 financing would provide less than \$8 million.
- c. Rec-in-Lieu only available from residential projects. No residential projects currently in planning stages.

5) Sell or lease a portion of the property

- a. Potential long-term sustainability strategy (viable option in YR13-YR14)
- b. Eliminates park space, narrowing options for future park uses
- c. May have traffic and / or neighborhood impacts
- d. May or may not generate sufficient funds for improvements

# Flood Park Project Timeline

Project Item	Task	Timeframe/Deadline	Staff Lead
Park Assessment	Park history, current state, photos, maps	May 2011-October 2011	Matt Milde, Katrina Whiteaker, Ruben Nino
	CIP/Maintenance Costs Estimates	May 2011-October 2011	Matt Milde, Katrina Whiteaker, Ruben Nino, Matt Oscamou
	Trees Assessment	May 2011-July 2011	Matt Oscamou
SM County Negotiations	Staff Report to Council for Approval to enter negotiations with County	June 2011	Glen Rojas, Kent Steffens, Cherise Brandell
	On-going negotiations meetings with both parties	July 2011-February 2012	Glen Rojas, Kent Steffens, Cherise Brandell
	Approval of contract with SM County	January - February 2012	Glen Rojas, Kent Steffens, Cherise Brandell
Business/Operational Plan	Create a high level plan to operate park at current state and include possible alternatives with costs estimates	May 2011-October 2011	Katrina Whiteaker, Matt Milde, Ruben Nino
	Staff/Contractor Plan	October 2011-December 2011	Ruben Nino, Katrina Whiteaker
	Create start up checklist	October 2011-December 2011	Public Works & CSD
Park Budget	Funding source(s) identification for Park	January 2012-June 2012	CSD, Public Works, Finance, City Manager
	MFS changes/approval	March - April 2012	Katrina Whiteaker, Todd Zeo, Karen Mihalek

	Election vote for additional funding (if needed)	November 2012	
	YR12-13 Flood Park Budget Approval	May-June 2012	CSD, Public Works, Finance, City Manager
Community Engagement Process	Engage with community and stakeholders to determine the desired level of services and facilities at Flood Park and possible funding trade-offs	March 2012-October 2012	Cherise Brandell, P&R Commission, Public Works & CSD
RFPs for Park Operations	Evaluate contracts for park maintenance	January 2012-June 2012	Public Works
Park operations (Startup only)	Operate park at current levels of service (no changes or maintenance improvements); maintain field and picnic reservations	July 1, 2012	Public Works & CSD
	Update city information and forms	July 1, 2012	CSD
Park Improvements	RFPs to bring park up to city standards and usable condition	January 2013-June 2012	Public Works
	Park Improvements Phase 1	2013 & Beyond	Public Works & CSD
	Park Improvements Phase 2	2013 & Beyond	Public Works & CSD





## COMMUNITY SERVICES DEPARTMENT

Council Meeting Date: June 14, 2011

Staff Report #: 11 - 085

Agenda Item #: D-8

### CONSENT:

**Authorize the City Manager to Enter into Negotiations with San Mateo County for the Possible Transfer of Ownership of Flood Park to the City of Menlo Park**

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### RECOMMENDATION

Staff recommends that the City Council authorize the City Manager to enter into negotiations with San Mateo County for the possible transfer of ownership of Flood Park to the City.

### BACKGROUND

#### *Flood Park History*

In 1935, San Mateo County officials purchased a 21.6-acre piece of land in Menlo Park located on Bay Road between Marsh and Ringwood Avenue (see park map, Attachment A) for an "urban recreation center." The property was an unused portion of the James C. Flood estate, whose decedents relinquished the land for \$400 an acre. Works Progress Administration (WPA) workers transformed the purchased land into what was later dedicated as Flood Park in the style of early California ranches in 1936. Since very little budget was available for the project, a modified version of a primitive adobe style was used. The caretaker's cottage, restrooms, and administrative office building were constructed during this time using this style and stand as historic structures today. The dirt excavation area that provided the brick for these buildings served as the location for the swimming pool, believed to have been the first public swimming pool in the country, with as many as 60,000 admissions each summer. Picnic grounds and a maintenance area were also constructed during this time.

In the early 1950's, parking, a baseball field, a softball field, petanque court and tennis courts were added. The swimming pool was removed in the 1970s. Park historians indicate that recreation halted abruptly in 1978 following funding cutbacks brought about by Proposition 13. Most programs that were eliminated during that time were never restored.

Currently, the most significant natural features in the park are the heritage oaks and the bay trees which shelter some wildlife, most notably squirrels and birds such as

mockingbirds, woodpeckers, scrub jays, and a variety of raptors, including red tails, and kestrels. The park is relatively flat, with only an eight-foot variation in elevation. The park has undergone heavy use over the years and a large number of exotic (nonnative) species have been planted.

Flood Park still maintains a baseball field, softball field, tennis courts, horseshoe pits, volleyball courts and open lawn areas. A large playground area is located in the center of the park. Accessible facilities and play areas at Flood were designed to accommodate wheelchairs, which can easily reach benches, swings, sandboxes, and restrooms.

### *Recent history*

As a part of San Mateo County's efforts to reduce their budget deficit, County staff had proposed in February that Flood Park remain closed following the completion of the San Francisco Public Utilities Commission (SFPUC) water main replacement. In early March, the Menlo Park City Manager and Deputy City Manager met with County staff to discuss options under which the City would take over jurisdiction of the Park. Subsequent meetings and information showed the County's annual budget for maintenance of approximately \$200,000 after considering revenues from picnic rentals and parking. Subsequent conversations with County staff have revealed that this figure does not reflect other overhead and administrative costs that are included in other County program budgets, such as janitorial, maintenance and supervision.

In late April, staff from Public Works and Community Services visited the park with County Parks staff and undertook a complete assessment of the facilities at Flood Park, including everything from buildings and major features such as the tennis courts and baseball field to individual picnic areas and play features. This review revealed a long list of outstanding deferred maintenance needs which prompted staff to seek further information and begin the process of estimating costs to bring the facilities up to City standards. This work continues. A staff team is also in the process of developing a high level operations plan for the park that would attempt to quantify the cost of programming park activities as well as the potential revenue that could be generated from the addition of such activities.

City staff have also met with representatives of a group of park neighbors, at their request, to determine what assistance they could provide the City if the City were to take over the facility. Staff have informed the residents that we would be interested in their efforts to establish a non-profit organization that could raise funds for the park to assist the City with maintenance and/or capital projects. Staff made it clear that if the residents form a non-profit organization for the park, they would not have special rights to determine what goes into the park but would be part of the outreach process one stakeholder group among many others in the community as a whole. The group has indicated they fully understand that parameter and are looking forward to being engaged.

## **ANALYSIS**

In our most recent meetings with County staff, we have informed them that the City is interested in pursuing ownership of the park but would want the County to provide some level of maintenance and capital improvement funds as part of the transfer, should the Menlo Park City Council be willing to take on ownership of the Park. The County is in the process of evaluating the amount they would be able to provide the City if we were to assume ownership while the City determines the total cost of current maintenance needs. The transfer of park ownership does present itself as a unique opportunity that requires serious consideration. In order to move forward with these negotiations and other studies, including a community engagement process around community needs that the park might fulfill, staff is looking for the Council to officially express interest in taking over the Park.

Staff is looking for formal authorization to work with the County in developing a plan for pursuing transfer of the park that can be brought to the Council for review and action at a later date (possibly July/ August). In the meantime, staff would continue to evaluate the maintenance needs at the park, as well as a supporting operations plan for park activities. Again, this item is not a request to take on the park formally since we do not have the final figures related to maintenance and capital needs, but is a request to pursue discussions officially.

A complete community engagement process to determine how the park might meet additional community recreation needs in the future could take up to a year to complete and would be scheduled at some future date when, and if, the park should be transferred to the City.

## **IMPACT ON CITY RESOURCES**

Given the park's current condition and long list of deferred maintenance requirements, as well as the City's differing standards for quality of park facilities due to types of uses, acceptance of Flood Park will have a major impact on City resources in terms of both park maintenance and operational costs. Simply operating the park in its current configuration costs the County over \$200,000 annually. Funds have not been included in the City's proposed 2011-12 budget for this purpose.

Given the expressed community interest in the park, as well as the growing list of potential park uses and possible additional amenities, capital improvement funds could reach millions of dollars and additional permanent program staff might also be required. If no new revenue source for these additional expenses is identified, it may be necessary to determine other services or programs to eliminate in order to accommodate these increased capital and operating costs.

Pursuing the potential transfer of Flood Park to the City, including negotiations, legal review, development of an operational plan, and preparing a five-year capital improvement plan, will require several hundred hours of unprogrammed staff time. Other City projects and program will experience a reduction in staff time over the next six to eight months while the Flood Park evaluation is underway.

## **POLICY ISSUES**

The recommendation does not represent any change to existing City policy.

## **ENVIRONMENTAL REVIEW**

Authorization to negotiate transfer of ownership of Flood Park does not require review under the California Environmental Quality Act.

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Cherise Brandell,  
Community Services Director

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Kent Steffens,  
Deputy City Manager

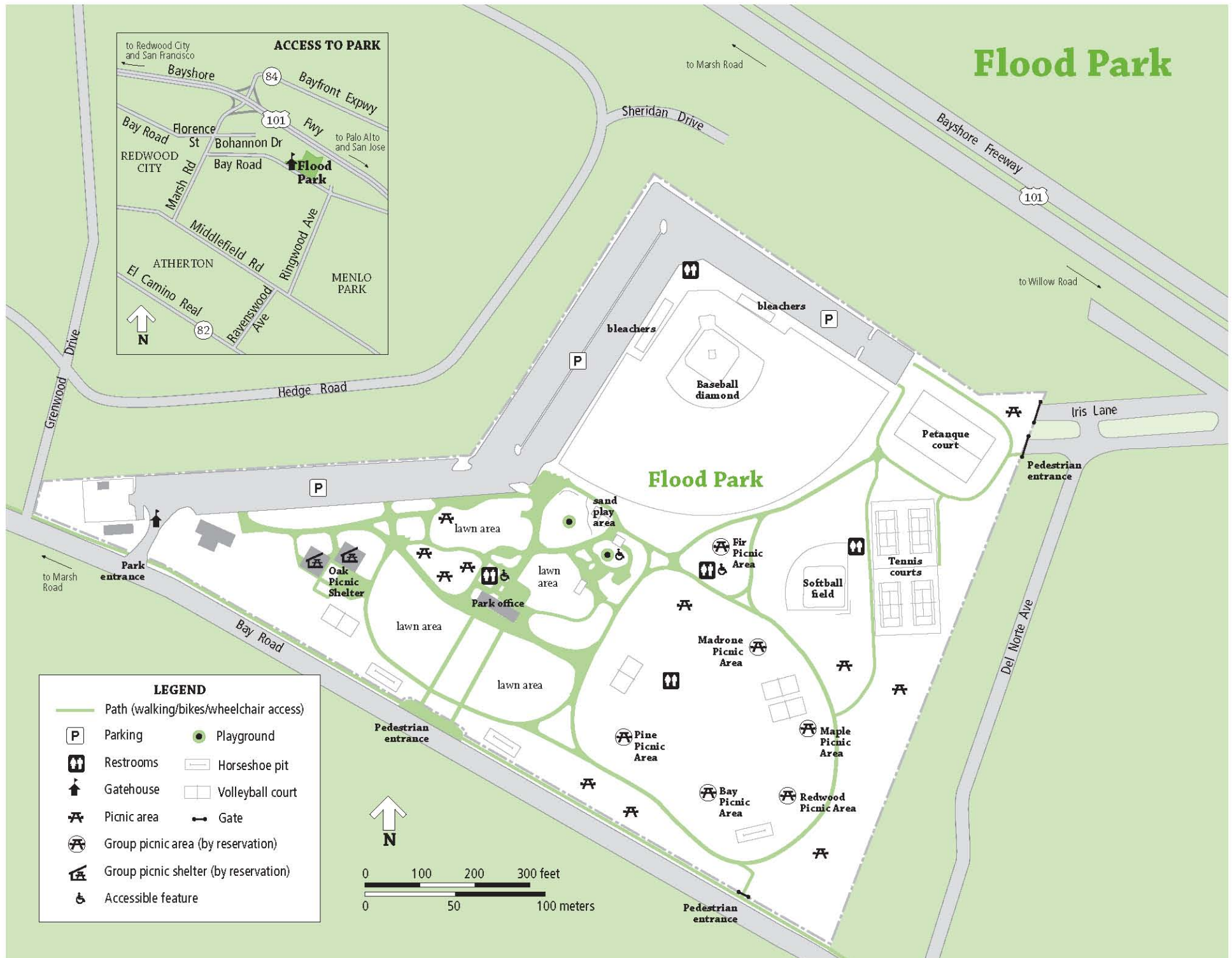
**PUBLIC NOTICE:** Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

## **ATTACHMENTS**

A – Flood Park Map and Aerial View



## Flood Park





## Community Services Department **MEMORANDUM**

Date: May 27, 2015

To: Parks and Recreation Commission

From: Derek Schweigart, Community Services Manager

Re: Director's Update and Announcements for May 2015

### **1. Community Services Organizational Review and Proposed Restructure**

The Community Services Department is currently recruiting three Recreation Supervisors as part of the approved organizational restructure which was one of the recommendations of the organizational review conducted by MRG Consultants. The recruitment closes on May 26<sup>th</sup>. We are look forward to moving forward with the reorganization to assist us in implementing many of the high priority outcomes that came from the organizational review.

### **2. Menlo Park Senior Center**

The Menlo Park Senior Center has been celebrating "Older American Month" with a series of activities and events. Some of the events include those sponsored by Mills Peninsula Senior Focus such as Healthy Heart Bingo on May 6<sup>th</sup> that attracted nearly 30 participants, as well as a Health Screening on May 11<sup>th</sup> and a Nutrition Class on May 13<sup>th</sup>. On May 14<sup>th</sup>, a group of 12 senior volunteers attended a recognition luncheon sponsored by RSVP to thank them for all of their volunteer hours and efforts. A very popular event was held on May 19<sup>th</sup>, when the Senior Center hosted Celebrate Life Luncheon and Dance that attracted over 60 senior participants. It has been a wonderful month of celebrations and honoring the seasoned members of our community.

Last month, the Senior Center honored over 40 volunteers with their "Volunteer Oscars" event which was attended by 86 people. Categories included "Best Female Volunteer in Supporting Role," "Best Male Volunteer in Culinary Arts," "Best Female Volunteer in Directing Role," and more fun categories. The MC was the daughter of one of the seniors.

### **3. Special Events**

#### 2015 Kite Day

The Community Services Department successfully hosted the 27th Annual Kite Day at Bedwell-Bayfront Park on Saturday, May 2<sup>nd</sup>. The event attracted a crowd of approximately 600 participants, surpassing last year's attendance by roughly 100. In addition to offering kites, face painting, snow cones, and lunch the City saw a couple of new attractions including bounce houses and "Mega Fish", a 46' giant kite. Volunteers from the Menlo Park Kiwanis helped BBQ hotdogs while volunteers from Menlo-Atherton Storage assisted families with kite assembly. Friends of Bedwell-Bayfront Park offered information about the park, its wildlife, trails, and events. Kite Day was held in conjunction with San Mateo County's annual Streets Alive! Parks Alive! Special thanks go to Jiewen "Karen" Deng, from San Francisco State, for working with City staff on overseeing the event as part of her internship project requirements for the Department of Recreation, Parks, and Tourism.

#### Indiana Jones Interactive Movie

An estimated 150 residents enjoyed an evening watching Raiders of the Lost Ark (1981), but with a unique twist. On May 15th the Menlo Park Community Services Department presented the Indiana Jones Interactive Movie at the Menlo-Atherton Performing Arts Center (PAC). The most common question, "What is an interactive movie?" was explained by Shannon Guggenheim of Guggenheim Entertainment prior to the show. "An interactive movie is not meant to make our favorite movies better, but instead, to enhance the movie watching experience". Attendees to the event were armed with a fedora and Fun Pack containing an assortment of items to interact with the movie. Additionally, participants were encouraged to yell-out the quotes to their favorite scenes. The most popular, "Snakes. Why'd it have to be snakes?" Since 2013, the City of Menlo Park has partnered with Guggenheim Entertainment on sing-alongs and quote-alongs including, Grease, Mamma Mia!, Willy Wonka and the Chocolate Factory, Toy Story, The Princess Bride, and Ghostbusters.

### **4. Belle Haven Pool Movie and Swim Night**

On Friday, May 15<sup>th</sup>, the Belle Haven Afterschool Program in collaboration with Menlo Swim and Sport held a movie and swim night. The evening began at 5pm with about 30 swimmers enjoying the pool and finished the night off with the movie Big Hero 6 on the pool deck. There were approximately 100 community members in attendance. The event was well received by residents who attended the event and would like to see more of these types of events in the summer.

### **5. Onetta Harris Community Center**

The spring season will be ending the first week of June. Summer registration is currently in progress and the session starts June 22<sup>nd</sup> and runs through August 21<sup>st</sup>. The Sky's The Limit Summer Tween program which is for 6th through 8th graders will

be taking place from June 22nd through August 14th. The program is free to residents with a nominal trip fee of \$10 per week.

We are also happy to announce that we have received donations from David B. Bohannon for the amount of \$700.00, Jay Karwash for the amount of \$200.00 and Western Alliance for the amount of \$200.00 which will be used in support of an additional concert for Music in the Park this summer. The events will be held this year on August 6<sup>th</sup> and 11<sup>th</sup>. The two featured bands that will be performing are Louie Romero/Mazacote on August 6<sup>th</sup> and Touch of Class on the 11<sup>th</sup>.

#### **6. San Mateo County Seeks Community Input on Flood Park**

The San Mateo County parks department is hosting a community engagement meeting about Flood Park Wednesday, May 20, from 6:30-9 p.m. at the Arrillaga Family Recreation Center. They will be looking for ideas from the community on how they want to use the park, activities and facilities and the style and character of the park. Additionally, child care and translation services will be offered at the meeting. For more information, please contact the San Mateo County parks department at 650-353-4020 or visit their website at [www.smcoparks.org](http://www.smcoparks.org).

#### **7. Summer Learning Camp at the Belle Haven Library**

Summer 2015 will mark the first summer learning camp at the Belle Haven Branch Library. Staff from the Library and Community Services departments will host the camp for eight weeks with the goal of addressing the "summer slide" when children are not in school and lose educational ground, especially in reading. The Campaign for Grade-Level Reading, a collaborative effort among dozens of foundations, lists summer learning loss as one of the three major obstacles to reading proficiency at the end of third grade. Teachers at the Belle Haven elementary school will help by suggesting students who would benefit from the extra educational support provided by the summer learning camp. A breakfast, snack and lunch will be included for all children who attend. The big meeting room at the library will serve as learning camp central. Summer learning camp is being supported by funds from San Mateo County's Measure A.

#### **8. Menlo Children's Center celebrates Mother's Day**

The toddlers, early preschool, and morning bird's classrooms at Menlo Children's Center hosted a "Muffins with Mommy" event Friday, May 8, 2015, in observance of Mother's Day. Mothers, grandmothers and family friends joined the children for a breakfast of muffins, fruit, coffee and juice. Parents dropped their children off in the morning and stayed for a few minutes to socialize with the teachers and other classroom adults. The preschool classroom hosted the annual Mother's Day brunch which began with a special story read by a retired Menlo Park librarian. Afterward, parents were treated to a homemade lunch cooked by staff. This is an event that mothers look forward to each year. All mothers in attendance were presented with handmade cards made by the children.

## **9. Integrated Pest Management in Parks and Medians**

Integrated Pest Management (IPM) is the decision making framework that the City and its contractors use in maintaining the City's parks, buildings, and medians. The City is planning to update its IPM policy and would like the Parks and Recreation Commission's input regarding parks. City staff has also discussed IPM with the Environmental Quality Commission (EQC) at its meeting in April and the EQC will be receiving a staff update in May. Both commissions and City Council have received comments from the public regarding concerns over pesticide use. Staff hopes to get input from Parks and Recreation, and the EQC, regarding balancing reducing pesticide use for the benefit of park users and maintenance workers, maintaining parks particularly with regard to aesthetics and playfield use, and weighing the significant increase in cost associated with manual weed removal, in anticipation of a presentation to City Council.

## **Announcements**

The joint meeting between the City Council and Parks and Recreation Commission has been postponed from June 2<sup>nd</sup> to either July 14<sup>th</sup> or July 21<sup>st</sup>. Staff will keep the Commission posted on when the date has been finalized.