



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Albert Balagso  
Katy Allen  
John Stufflebean

**SUBJECT:** SEE BELOW

**DATE:** 09-06-06

Approved

Date

9/11/06

**COUNCIL DISTRICT:** 3  
**SNI AREA:** Thirteenth Street

**SUBJECT: ADOPTION OF A RESOLUTION AUTHORIZING APPLICATION FOR \$750,000 LOCAL ASSISTANCE GRANT FUNDING FROM THE STATE OF CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD FOR WATSON PARK**

## RECOMMENDATION

1. Adoption of a resolution authorizing the City Manager to submit an application for local assistance funds of up to \$750,000 from the State of California Integrated Waste Management Board (CIWMB) under the Solid Waste Disposal and Codisposal Site Cleanup Program Matching Grants to Public Entities to Abate Solid Waste Disposal Sites to be used for the Watson Park project.
2. Authorize the City Manager to accept any grant funds and to negotiate and execute all documents related to the grant funding agreement.

CEQA: Exempt, File No. PP05-156.

## OUTCOME

City Council approval of the recommended actions and adoption of a resolution (Attachment A) would authorize the City Manager to apply for grant funding from the California Integrated Waste Management Board (CIWMB) that would provide partial funding of up to \$750,000 for environmental remediation efforts at the Watson Park site.

## **EXECUTIVE SUMMARY**

Watson Park is the site of a former incinerator and landfill that closed in the 1930s, long before the park was established and developed. In 2004, the City became aware that the site contained various contaminants, primarily lead, that were potentially harmful to public health and safety. As a prudent measure of prevention, the park was closed in 2005 and a systematic workplan for determining the vertical and horizontal extent of the former landfill was developed and undertaken prior to site clean-up and park restoration.

This project is eligible for matching grant funds of up to \$750,000 from the California Integrated Waste Management Board (CIWMB) under the Solid Waste Disposal and Codisposal Site Cleanup Program. If this application is approved, a separate action will be brought forward recognizing these grant funds and identifying the City's matching funds. The City is responsible to match the grant funds received through this State grant on a dollar for dollar basis. Receipt of this funding would assist the City in site clean-up and restoring the park for use by the surrounding neighborhoods.

## **BACKGROUND**

Over the last 40 years, Watson Park has operated as a park and recreational facility. Park amenities include soccer fields, play areas, community building, community gardens and a dog park. In May 2004, construction began on the Watson skate park. In June 2004, soil excavation uncovered burned refuse, and subsequent testing revealed elevated levels of various soil contaminants, primarily arsenic and lead. Discovery of the burned refuse and the soil contaminants indicated that the City should perform further testing. As a result of these concerns and as a precautionary move, staff indefinitely suspended most public activities in the park. Consequently, construction of the skate park was suspended, excavated soil was disposed of off-site and the excavated area was filled with clean soil and covered with gravel in fall 2004.

Records of the site indicate that an informal landfill and/or garbage burn dump operated at this location sometime between the early 1900s and the 1930s. From historical aerial photos we know that the site also included open space with small outbuildings, vacant space, and agricultural uses such as orchards and gardens from 1939 to 1950. Since records on landfills in early years were not well kept and many current regulations were not in place at the time, the site was not listed in the solid waste landfill sites database. The site has been reported to the Department of Planning, Building and Code Enforcement (PBCE) acting as the Local Enforcement Agency (LEA). The LEA is a locally authorized agency of the CIWMB that enforces State laws and regulations related to landfills. The site has also been reported to the Department of Toxic Substances Control (DTSC), which regulates hazardous waste disposal sites. The Watson Park site is now included in the State's closed landfill database.

A detailed Site Characterization Study is currently underway. The study will provide a full description of the entire site (define the extent of the burn dump site and waste characterization

study). These studies are necessary as the City develops for DTSC approval a Remedial Action Plan (RAP).

In 1993, the State Legislature enacted Assembly Bill 2136, which required the CIWMB to initiate the Solid Waste Disposal and Codisposal Site Cleanup Program (Grant Program). The program provides matching funds in the form of reimbursement grants up to \$750,000 to assist public entities with financial assistance for site cleanup and restoration to protect public health and safety and the environment.

The City is responsible for matching the State funds on a dollar for dollar basis and must submit a grant application that includes a detailed project Workplan for implementing the Remedial Action Plan (RAP). The CIWMB has several grant cycles each fiscal year with applications typically due in November, January, March and May. Upon award of a grant, the State and City execute an agreement specifying the project scope, budget, and reimbursable expenses. Upon project completion, the City will submit a reimbursement request to the State for payment of eligible grant expenditures.

In August 2006, the City initiated environmental remediation efforts on eight (8) residential properties on Terrace Drive, adjacent to Watson Park. These efforts are being funded through City funds. These costs are not eligible for reimbursement under this CIWMB grant.

## **ANALYSIS**

City staff has been researching various State and Federal funding sources to supplement City resources for various elements of the Watson Park project. The CIWMB grant is one such source of funds. The types of remediation activities eligible for reimbursement by the State under this program include:

- Waste removal and disposal;
- Security measures such as fences, barriers and warning signs;
- Site grading and drainage controls to minimize erosion;
- Slope and foundation stabilization;
- Excavation, consolidation, and capping of waste areas;
- Installation of landfill gas and leachate control systems;
- Field and laboratory testing; and
- Health and safety measures required for eligible project work.

The recommended action will enable City staff to develop and submit an application for grant funds under this program. Due to the ongoing nature of the Site Characterization Study, it is anticipated that the City will have the information required to submit an application to CIWMB upon approval of the RAP by DTSC in early 2007. It is anticipated that the application will be submitted to CIWMB in January 2007 for grant award in March 2007. Upon award of the grant, the City Manager is authorized to negotiate and execute the necessary grant agreement.

### POLICY ALTERNATIVES

The CIWMB grant is the first available opportunity to secure State or Federal funds for this project. Staff will continue working with State and Federal legislators and agencies to identify any additional funding sources. At this time, no other alternatives have been identified to assist on this project.

### PUBLIC OUTREACH/INTEREST

Although this project does not meet the criteria set below, the City will post the item on the Website.

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Since 2004, several meetings have been held with neighborhood residents and park users to address questions and concerns and to inform all community stakeholders of the plans and progress of environmental studies, testing, and activities related to the site. Information updates concerning community meetings, ongoing study elements and progress, status on interim reports from consultants, and activities with DTSC have been regularly posted to the City's Web site under the Parks Recreation and Neighborhood Services page and through neighborhood outreach efforts. City and DTSC staff regularly meets with a Capital Project Advisory Committee (CPAC) on the results of the testing and ongoing work by City consultants and staff regarding the ongoing characterization study, park master planning and design elements that are in process.

### COORDINATION

This memorandum has been coordinated with the City Attorney's Office, the City Manager's Budget Office and the Department of Planning, Building and Code Enforcement.

**FISCAL/POLICY ALIGNMENT**

This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. The project also aligns with the Council-approved *Greenprint for Parks and Community Facilities and Programs*’ goal of providing safe recreational facilities.

**COST IMPLICATIONS**

The Council has appropriated a total of \$3,114,000 to fund various site cleanup and restoration activities. If the grant application is approved, a separate action will be brought forward recognizing these grant funds and identifying the City’s matching funds. The City is responsible to match the grant funds received through this State grant on a dollar for dollar basis.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	Total Appn.	2006 – 2007 Proposed Capital Budget (Page)	Last Budget Action (Date, Ord. No.)
001	6696	Watson Site Clean-up and Restoration	\$288,000	V-339	
001	5110	Watson Site Planning and Remediation Contingency	\$2,000,000	V-1062	
375	7052	Reserve: Watson Park Master Plan Acquisition and Development	\$36,000	V-685	
		<b>Total</b>	<b>\$3,114,000</b>		

\* The 2006-2007 Adopted Capital Budget was approved by the City Council on June 27, 2006.

HONORABLE MAYOR AND CITY COUNCIL

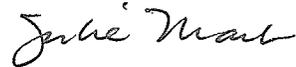
09-06-06

**Subject: Authorization to Apply for Local Assistance Grant Funds for Watson Park**

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**CEQA**

CEQA: Exempt, File No. PP05-156.



ALBERT BALAGSO

*for* Acting Director, Parks, Recreation,  
and Neighborhood Services Department



KATY ALLEN

Director, Public Works Department



JOHN STUFFLEBEAN

Director, Environmental Services  
Department

For questions please contact Julie Mark, Acting Assistant Director, at (408) 793-5553.

Attachment

ATTACHMENT A  
SOLID WASTE DISPOSAL AND CODISPOSAL SITE CLEANUP PROGRAM

Resolution Number:

RESOLUTION OF THE SAN JOSE CITY COUNCIL OF CITY OF SAN JOSE, SANTA CLARA COUNTY APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE SOLID WASTE CLEANUP PROGRAM for the following project:  
WATSON PARK.

WHEREAS, the people of the State of California have enacted Assembly Bill 2136 that authorizes the California Integrated Waste Management Board (the Board) to initiate and administer a program for cleanup of solid waste disposal sites and for cleanup of solid waste at codisposal sites where the responsible party either cannot be identified or is unable or unwilling to pay for timely remediation, and where cleanup is needed to protect public health and safety or the environment; and

WHEREAS, said procedures established by the Board require the applicant to certify by resolution the approval of application before submission of said application to the State of California; and

WHEREAS, the applicant will enter into an agreement with the State of California for the site cleanup;

NOW, THEREFORE, BE IT RESOLVED that the San Jose City Council HEREBY:

1. Approves the filing of an application for the cleanup of solid waste using funds from the Solid Waste Cleanup Program for the project specified above; and
2. Certifies that said applicant has or will have matching funds for the project, plus funds to pay for all ineligible work and eligible work in excess of the grant awarded; and
3. Certifies that said applicant has or will have sufficient funds to operate and maintain the project; and
4. Appoints the CITY MANAGER or his or her designee, as agent of the SAN JOSE CITY COUNCIL to conduct all negotiations, execute and submit all documents including, but not limited to applications, grant agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project.

Approved and Adopted this 26<sup>th</sup> day of September, 2006.

I the undersigned, hereby certify that the foregoing Resolution Number \_\_\_\_\_ was duly adopted by the SAN JOSE CITY COUNCIL following roll call vote:

Ayes:

Noes:

Absent:

\_\_\_\_\_  
Clerk