



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Jennifer A. Maguire

SUBJECT: FIRE STATION NO. 21
LAND PURCHASE -FROM
HAWKSTONE WHITE LLC

DATE: 05-18-09

Approved

Deana Jaha

Date

5/20/09

COUNCIL DISTRICT: 8

RECOMMENDATION

It is recommended that the City Council:

- a. Adopt a resolution approving an Agreement for Purchase of Real Property and Easement with HawkStone White LLC, for purposes of relocating Fire Station 21 on White Road north of the intersection with Tully Road, San Jose, CA 95148, portions of parcels 649-24-016 and 649-24-017.
- b. Adopt a resolution authorizing the Director of Public Works to accept the deeds and execute all documents related to the purchase of the property for a purchase amount of \$951,184, of which \$845,064 represents the value of fee title to the property, \$87,120 represents the value of the easement, and \$19,000 represents the closing costs.
- c. Adopt the following Appropriation Ordinance amendments in the Construction Tax and Property Conveyance Tax Fund: Fire Protection Purposes (392):
 1. Establish an appropriation to the Fire Department for Land Acquisition – Fire Station in the amount of \$300,000;
 2. Decrease the Fire Station 21 – Relocation (White Road) appropriation by \$300,000.
- d. Adopt the following Appropriation Ordinance amendments in the Neighborhood Security Bond Fund (475):
 1. Increase the Land Acquisition – Fire Station appropriation by \$352,000;
 2. Decrease the Fire Training Center appropriation by \$352,000.

OUTCOME

Approval of the land acquisition will enable the construction and relocation of Fire Station 21, currently scheduled for completion in November 2011.

BACKGROUND

In March 2002, the voters in San José passed the "Neighborhood Security Bond Act" which approved the issuance of \$159 million in General Obligation Bonds to fund the construction of various Public Safety facilities. The Public Safety Bond Program includes funding for the relocation of six existing fire stations, including Fire Station 21.

The six existing fire stations that have or are in the process of being relocated or reconstructed are currently located in either older single-family residential facilities or in stations that are no longer adequate for continued use as fire stations. The new fire stations will be constructed to essential facility standards and will substantially improve response times for the area served as well as meeting current standards for living (i.e., privacy) and working conditions for the firefighters. In relocating existing fire stations, the Fire Department's strategy is to not only improve facilities, but also identify new locations that would improve the overall emergency response performance for the area.

Strategically located fire station sites are central to improving response time performance and capability, thus improving fire suppression and emergency medical service (EMS) delivery. Currently, the Fire Department's service to the Pleasant Hills area is not meeting the performance goal of an eight-minute response time for 80 percent of emergency service requests. As part of the analysis, the Fire Department identified a search area for a fire station that would help meet its performance goal. For each relocation project, a search area is defined in an effort to locate an appropriate parcel.

ANALYSIS

Fire Station 21 is a small single-family residence style fire station that is currently located against the eastside foothills. Relocating the facility in conjunction with the construction of the new Fire Station 36 will improve facility quality and response time performance. The Fire Department conducted an exhaustive analysis using its Deccan deployment software tools to identify a fire station location that would improve the efficiency and effectiveness of fire apparatus deployment. Undeveloped parcels within a defined search area were identified for further evaluation to minimize impacts to private property owners and potential relocation costs.

Based on the results of the analysis, the Fire Department has identified a parcel just north of and adjacent to the northwest corner of what was the Pleasant Hills Golf Course, east of Cunningham Park, (see attached map) as being the optimal location for construction of new Fire Station 21.

City staff presented the owner of the 42,373 square foot (.07 acre) property an offer of \$932,184. The seller has accepted the offer and executed the purchase agreement. The price includes the costs for an access easement adjacent to the subject property. The purchase price represents Just Compensation and represents a fair market value as determined by City staff when evaluating comparable properties in the area. It is expected that the purchase should be completed on or before June 30, 2009.

City staff is exploring the possibility of sharing the cost of the frontage improvements with the developer. If an agreement cannot be reached, the City will only construct the improvements needed to support the fire station.

EVALUATION AND FOLLOW-UP

Staff will work with the owner of the property to obtain an agreement with the City pursuant to Sections 14.04.020 and 14.04.330 of the Municipal Code, commonly referred to as a "3 Dash Agreement," pertaining to the construction of certain improvements.

POLICY ALTERNATIVES

Alternative #1: Direct staff not to construct relocated Fire Station No. 21.

Pros: Funds from this project could be used to augment budgets for other public safety projects.

Cons: Currently, the Fire Department is unable to meet response time performance goals to the Pleasant Hills area. Furthermore, not relocating Fire Station 21 would reduce the incident and coverage efficiency of resources responding from new Fire Station 36.

Reason for not recommending: Alternative #1 is not recommended because service levels/performance objectives can be significantly improved with the relocation of Fire Station 21 and relocation of Fire Station 24 resources to new Fire Station 36, consistent with objectives of Measure "O."

Alternative #2: Direct staff to purchase a site different than the proposed site.

Pros: This alternative could result in identifying a site that is less expensive than the proposed site.

Cons: This alternative would require additional time to identify a site. Costs would be higher if the City had to pursue site acquisition through eminent domain.

Reason for not recommending: Alternative #2 is not recommended because of costs and schedule delays to the project which may result in higher construction costs.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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)**

While this action does not meet any of the above criteria, this memorandum will be posted on the City's website for the June 9, 2009 Council agenda.

This project was discussed at a Neighborhood Meeting at Mt. Pleasant High School on March 3, 2009.

COORDINATION

Preparation of this memorandum has been coordinated with the Fire Department, Planning, Building and Code Enforcement Department, and the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

This purchase agreement complies with the Adopted 2008-2009 Capital Budget and the Proposed 2009-2010 Capital Budget.

COST SUMMARY/IMPLICATIONS

Staff has concluded Just Compensation for the HawkStone White LLC property to be \$951,184, which includes \$845,064 for the value of fee title to the property, \$87,120 for the value of the easement, and \$19,000 for the closing costs.

1. AMOUNT OF RECOMMENDATION/COST OF PROJECT:

Property Title		\$845,064
Easement		87,120
Closing costs		<u>19,000</u>
	TOTAL	\$951,184

2. SOURCE OF FUNDING: Fund 392 – Fire Construction and Conveyance Tax Fund
Fund 475 – Neighborhood Security Bond Act

3. OPERATING COSTS: N/A-One time land acquisition cost

BUDGET REFERENCE

Staff recommends using funding from the Fire Training Center appropriation for the purchase of land for Fire Station 21, as the Fire Department has decided to upgrade the current Fire Training Center in order to keep Operating and Maintenance costs down, as well as provide funding to finish other Fire Station construction and relocation projects.

The table below identifies the fund and appropriation proposed to fund the contract recommended as part of this memorandum and remaining project costs, including project delivery, construction and contingency costs.

Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	2008-2009 Adopted Budget (Page)	Last Budget Action (Date, Ord. No.)
Current Funding Available							
392	4998	Fire Station 21-Relocation (White Road)		\$391,000	\$300,000	V-887	6/24/2008 Ord. No. 28349
475	4550	Land Acquisition - Fire Station		\$335,000	\$300,000	V-891	10/21/2008 Ord. No. 28422
475	4549	Fire Training Center		\$702,000	\$351,184	V-890	10/21/2008 Ord. No. 28422
Total Funding for Project				\$1,428,000	\$951,184		

CEQA

CEQA: An Addendum was issued to EIR. PP08-184 wherein it was concluded that the proposed project would result in no new significant environmental impacts as discussed in the original EIR.

Katy Allen
 KATY ALLEN
 Director, Public Works Department

Jennifer A. Maguire
 JENNIFER A. MAGUIRE
 Director, Budget Office

For questions, please contact PHIL PRINCE, DEPUTY DIRECTOR, at (408) 535-8300.

Attachments

NOT TO SCALE

FLINTCREST DRIVE

FLINTCREST DRIVE

TRACT 5572
442 N 52-55

142

143

144

N 32°34'15" W
292.45'

50.00' SCYWD EASEMENT
PER E246 O.R. 29

N 57°25'45" E 303.22'

LINE TABLE

1	N 57°25'45" E	184.00'
2	S 32°34'15" E	224.31'
4	S 57°25'45" W	19.71'
6	N 35°55'26" W	223.18'

CURVE TABLE

	DELTA	RADIUS	LENGTH
3	17°42'30"	425.00'	131.35'
5	86°38'49"	23.00'	34.78'

LANDS OF
DUINO
FAMILY
PARTNERS

CUNNINGHAM COURT

TRACT 2822
201 N 6-10

14

15

16

TRACT 2130
522 N 6-10

2

S 50°16'45" E (R)

3

4

5

10.00' PSE & TREE PLANTING EASEMENT
PER 434 O.R. 35

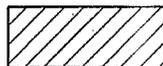
N 57°25'45" E 470.10'

N 35°55'26" W 292.95'

POINT OF BEGINNING

WHITE ROAD

N 35°55'26" W BASIS OF BEARINGS PER 692 M.36



DESCRIBED PROPERTY CONTAINS
APPROXIMATELY 42,268.82 SQ. FT. (0.97 ACRES)

PLAT TO ACCOMPANY
DESCRIPTION OF REAL PROPERTY

PREPARED BY
CITY OF SAN JOSE
SURVEY SECTION
MARCH 10, 2009

NOT TO SCALE

FLINTCREST DRIVE

FLINTCREST DRIVE

TRACT 6572
448 M 52-15

142

143

144

N 32°34'15" W
292.45'

50.00' SCYWD EASEMENT
PER E246 O.R. 29

LANDS OF
DUINO
FAMILY
PARTNERS

CUNNINGHAM COURT

TRACT 90213
261 M 8-16

PARCEL 6182
532 M 36

N 57°25'45" E 487.22'

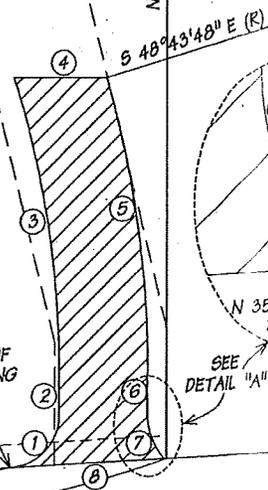
N 57°25'45" E 470.10'

LINE TABLE

2	N 57°25'45" E	18.71'
4	S 32°34'15" E	41.29'
6	S 57°25'45" W	17.76'
8	N 35°55'26" W	68.97'

CURVE TABLE

	DELTA	RADIUS	LENGTH
1	86°38'49"	23.00'	34.78'
3	17°42'30"	425.00'	131.35'
5	16°09'33"	464.50'	131.00'
7	42°21'16"	29.50'	21.81'



10.00' PSE & TREE PLANTING EASEMENT
PER 434 O.R. 35'

223.18'
N 35°55'26" W 292.95'

WHITE ROAD

N 35°55'26" W BASIS OF BEARINGS PER 692 M 36'

POINT OF COMMENCEMENT

40'



DESCRIBED PROPERTY CONTAINS
APPROXIMATELY 6,880.59 SQ. FT. (0.16 ACRES)

PLAT TO ACCOMPANY
DESCRIPTION OF REAL PROPERTY

PREPARED BY
CITY OF SAN JOSE
SURVEY SECTION
MARCH 10, 2009

