



CITY/COUNTY DISCUSSION TOPICS

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Discussion Items

1. Pandemic Flu Planning/Use of City Facilities and Staff for Public Health Emergencies

City Point Persons – **Darryl Von Raesfeld**, Fire Chief, **Rob Davis**, Police Chief, and
County Point Persons – **Marty Fenstersheib**, Public Health Officer, Kirstin Hofmann,
County OES Director

Est. Completion Date: TBD.

Synopsis: Public Health is the local lead agency for Bioterrorism and Pandemic Flu planning. Public Health is working with the City to identify Medication Centers/Points of Dispensing (POD) for the purpose of providing medicine/vaccine for prophylaxis as well as to address other associated needs, such as, volunteer coordination, Disaster Service Worker status for City employees, and response to a Pandemic Flu. On August 23, 2007, at a County/City Joint Meeting, the County asked the City to consider use of the San Jose Convention Center as a potential Influenza Care Center (ICC). To date, 14 PODs (10 community centers, San José Fire Training Center and 3 County health facilities) have been identified. Discussions continue between County and City staff to identify ICCs and more PODs.

County View: Strong coordination between the Public Health Department and the City Office of Emergency Services (OES) on bioterrorism and pandemic planning and response is necessary. Public Health is responsible for developing a plan for mass prophylaxis and for determining when to activate our plans for the care of healthy people during a bioterrorism event. It is also responsible for developing a plan for medical care of pandemic victims and coordinating with cities and other partners to meet the needs of ill people and taking measures to limit the spread of disease.

The City is responsible for nominating Medication Centers (POD locations for distribution of mass prophylaxis). The City also has a role in helping to identify Influenza Care Center (ICC) locations. In addition, it is responsible for providing staffing support of PODs and ICCs. The City and County must work together to ensure each POD site and ICC are operationally ready. This includes strong coordination to procure supplies and equipment, identify and plan for prophylaxis of first responders including Disaster Service Workers and volunteers, and provide testing of plans and training of staff. Six large facilities countywide need to be identified to serve as ICCs. While the original number of PODs needed by the City was estimated at 45 based on modeling from software provided by the Centers for Disease Control and Prevention, this number is now being reviewed based on City capacity, geography, and different modalities now available to deliver medications including drive- thru PODs, closed PODs such as colleges or large businesses, and even use of the USPS is now being discussed in greater detail.

Other related coordination issues include logistics oversight (traffic and security), procurement of supplies, communications, volunteer coordination, Joint Information Center (JIC), exercises and drills, and the use of City Disaster Service Workers.

Citizen preparedness for disasters including Pandemic Flu is critical to an effective response to any disaster. San Jose has a strong neighborhood association structure with ties to the city. Public Health needs to work much more closely with these neighborhood groups in collaboration with the City.

The County and City have been meeting since March 2008 to discuss mass prophylaxis planning. As of July 1, 2008, discussions have centered around identification of additional POD and drive-thru sites, strategies for approaching large businesses (closed PODs), and addressing the various security needs for all methods of dispensing. The County SNS Coordinator is working closely with the San Jose Police representative to address planning and equipment needs associated with one model POD site.

The County will approach the City of San Jose to begin discussions about possible ICC sites. While the Convention Center was discussed early on, there may be alternatives within the City that may fit the federal guidelines for alternate care sites. These include but are not limited to armories, large gymnasiums, civic sports centers, schools, hotel conference rooms, and health clubs. The County is committed to working with City of San Jose planners to identify optimal site(s) that meet federal guidelines for alternate care sites.

On August 19, 2008, County Public Health, San Jose OES and Team San Jose met to review the Convention Center's capacity to function as an ICC. The Convention Center meets most of the ICC criteria and follow-up meetings will be held to explore opportunities to partner with area hotels to ensure full capacity to perform all ICC functions.

On November 19th, 2008, representatives from County Public Health met with SJPD to begin detailed planning for a drive-through POD at the HP pavilion site.

On February 9, 2009, County Public Health, San Jose OES, Team San Jose met with the general manager of the Marriot hotel to discuss logistic support to the Convention Center in the event of its use as an ICC. The role of hotels in a support function to ICCs was further discussed at the May 5, 2009 meeting of hotel general managers held at the Convention Center. A follow up meeting will be scheduled with this group to allow for a longer question/answer session with Dr. Martin Fensterhsheib.

On August 28, 2009, Dr. Martin Fensterhsheib met with Chief Joseph Carrillo to present an overview of progress to date for both mass prophylaxis and pandemic flu.

On September 16th, the Public Health Department will hold a conference call with Stephanie Morrison of Team San Jose and will follow up with a meeting with San Jose Hotel Mangers on September 22nd to answer questions related to alternate care centers.

The SNS coordinator continues to work with State and Federal contacts to obtain information on USPS delivery routes in San Jose to assist in planning for the delivery of medication.

For the past several months, Public Health activities have been focused on H1N1 Pandemic Influenza planning and response. H1N1 is expected to be a Public Health priority through the spring of 2010. The SNS Coordinator has made initial contact with the new OES Director for city of San Jose. Public Health and SJ OES will continue their mass prophylaxis planning efforts as soon as H1N1 activities subside.

City View: Significant progress has been made on the entire range of Public Health initiatives beginning in spring 2007. Beginning in March 2008, City and County staff have met regularly to plan Points of Dispensing centers. Topics are divided between initiatives to keep healthy people well and providing treatment to people who are ill.

Those who are Healthy

The City and County have collaborated on three major preparedness activities: planning; training and exercises; and purchase of equipment and supplies.

Planning – In order to provide timely service to a city of almost 1,000,000 residents, San José plans to use multiple models to deliver medicine to keep healthy people well. A drive-thru model is currently the most efficient model; fixed sites will also be necessary to provide service to residents without cars and to vulnerable populations. San José has also begun to explore drive-thru models with local shopping centers. San José has identified 10 fixed sites and 2 drive-thru sites as its initial effort, with more under consideration. The addition of drive-thru sites may reduce the total number of fixed sites needed because drive-thru sites have a higher capacity. Key milestones in recent planning efforts include:

- ❖ City and County staff met with the General Manager of the Marriott on February 9 to discuss the use of hotels attached to the Convention Center as components of the Influenza Care Center. During this discussion, concerns about liability and reimbursement to the hotels were raised as challenges needing resolution. As a result of this meeting:
 - City and County staff have been invited to the quarterly meeting of the Hotel General Managers on April 28 to continue this conversation.
 - City staff contacted Federal Emergency Management Agency (FEMA) Region IX and California's Emergency Management Agency (CalEMA) Coastal Region to initiate a conversation about liability and financial reimbursement to hotels.
- ❖ City and County staff continue to evaluate the feasibility of a USPS initiative to use mail carriers accompanied by uniformed police officers to dispense limited amounts of pharmaceuticals during the first 12 hours of a medical emergency.

Training and Exercises – With regular support by San José's public safety departments, Santa Clara County Public Health has taken the lead on facilitating exercises to support pandemic flu planning. San José OES has also invested in training to support this initiative.

- ❖ On March 19, 2009, County Public Health sponsored Santa Clara County observers during a regional mass prophylaxis exercise at the Oracle Arena in Oakland. Staff from San José OES, PD, and the HP Pavilion participated.

- ❖ On March 30, 2009 County Public Health hosted a countywide tabletop exercise on pandemic flu planning mandated by the State. San José OES and Fire participated, along with hospitals, skilled nursing facilities, the County Sheriff's Office, AMR and other Emergency Medical Services agencies, and Red Cross.
- ❖ On November 6 & 7, 2008, San José OES staff attended a class on pandemic flu preparedness.

Pharmaceuticals and Supplies – San Jose has invested \$1.45 million from multiple grant sources to bolster the region's immediate ability to respond to a natural or terrorist event until the Strategic National Stockpile (SNS) of pharmaceuticals can arrive. Specifically, San Jose:

- ❖ Spent \$700,000 of the 2004 Urban Area Security Initiative (UASI) grant to purchase pharmaceuticals and supplies to prepare for pandemic flu.
- ❖ Spent \$236,000 from the 2006 Metropolitan Medical Response System (MMRS) grant to replace outdated pharmaceuticals.
- ❖ Spent \$200,000 from the 2007 MMRS grant to support this initiative.
- ❖ Is spending \$320,000 by the federal government on July 25, 2008 for its 2008 MMRS grant.

Those who are Ill

The two primary areas under discussion are the redeployment of City employees during an influenza pandemic and the use of City facilities as influenza care centers.

Redeployment of City Employees – During a pandemic, San José must identify which employees would be available for redeployment to staff public health facilities. With Human Resources Department as the lead, San José issued a Request for Proposal (RFP) to develop a pandemic flu plan for its departments and city staff; responses were received on July 18, 2008 and were evaluated as non-responsive. A Second RFP was issued, with a contract awarded to URS in January 2009. Final deliverables are being negotiated and should be final in April 2009. A key deliverable from the resulting contract will be the identification of those groups of employees who would be available for redeployment. As a second step, employees must also receive appropriate training for their new roles and responsibilities.

Use of City Facilities as Influenza Care Centers – In order to care for people who need intravenous rehydration or oxygen, Santa Clara County Public Health proposes to set up influenza care centers. City-owned facilities may serve as expedient influenza care centers, though may not be the most desirable solution due to lack of laundry facilities and private baths. The County asked the City to consider use of the San José Convention Center as a potential influenza care center and continue to meet to discuss this potential use. During the February 9 meeting with the Marriott, City and County staff were surprised to learn that there are no on-site laundry facilities at the complex; laundry services are contracted out.

2. Census 2010

City Point Person – **Deanna Santana**, Deputy City Manager

County Point Person – **Emily Harrison**, Deputy County Executive

Census Day is April 1, 2010. Non response follow up will be conducted through June 2010.

Synopsis: The Census is a count of the population conducted every 10 years, mandated by the U.S. Constitution. It counts everyone living in the United States on April 1, 2010. Census figures determine the allocation of over \$436 billion per year in federal funding to local governments. It also determines the number of seats California has in the House of Representatives. For the first time in its history, California is in danger of losing a seat in Congress in this decennial. Among other things, Census data is used to help plan where to build roads, schools, and what programs are needed in our community, as well.

With this in mind, the City of San Jose and the County of Santa Clara, along with Valley Transportation Authority, have formed the Census 2010 Partnership Network, dedicating resources of staff and budget to ensure an accurate Census count. The Partnership Network is a grassroots approach to outreach and education of the residents of Santa Clara County to encourage participation in the census.

The Census Bureau has revised the 2010 questionnaire to only 10 questions. It should take residents less than 10 minutes to fill out. It is illegal for the Census Bureau to share the information it collects with other government agencies including the IRS, Immigration or welfare agencies. The message of the Census is that “It’s easy, it’s safe and it’s important.”

City and County View: San Jose is the largest city in Santa Clara County and the 10th largest city in the nation. As such, of all the cities in the county, it has the biggest stake in this Census. A recent study by Brookings Institution calculates that for each person who is not counted, it costs \$1,145 per year in loss of potential funding. Over 10 years, that equates to a loss of \$11,450 per person who is not counted. Based on those figures, for San Jose, with a projected population of one million, there is a potential of \$11,450,000,000 in federal funding and for the County overall, with a projected population of two million the potential funding is \$22,900,000,000 over 10 years.

The City has several organizational networks that will be used in Census outreach including Strong Neighborhoods Initiative and the City/Schools Collaborative.

Santa Clara County was rated as a highest achiever in the 2000 Census, with an overall mail back response rate of 75%. The mail back response rate for the City of San Jose was 74%.

A challenge unique to this county is that it is one of only 10 counties in the United States where 51% or more of the population speaks a language other than English at home. Linguistic isolation, high homeless and immigrant populations, and fears and distrust surrounding sharing information with the government are among the challenges in obtaining an accurate count. The Partnership Network has developed a grassroots outreach plan that

encompasses K-12 schools, colleges and universities, community- and faith-based organizations and the other cities. The message of the Census must reach the people of the community through their trusted voices.

Regular workgroups, called “Breakfast Briefings” bring together these organizations to brainstorm and develop action plans. Working in partnership with the Census Bureau, action plans are being developed to reach the hard-to-count populations. The goal is continuous outreach and education on a grassroots level, to compliment the Census Bureau’s national campaign. Ethnic and local media advertising will supplement national advertising by the Census Bureau.

The National Census in Schools Program will be supplemented at a local level as well. Corporate sponsorships will be sought to fund school contests and additional take home items for children. This will empower the children to go home and discuss the Census with enthusiasm with their families, in many cases in a language other than English, with which the family is comfortable and can communicate easily.

A volunteer program, called “Census Ambassadors” is also being developed. This program will mobilize employee volunteers as well as volunteers from youth and community groups to get involved to spread the message of the Census through their networks of communication.

The Partnership Network has also mobilized the other cities of the county to take action and plan their own Census outreach to their communities. Census liaisons were appointed early in the year and staff is in constant contact, exchanging ideas and sharing information about upcoming events and operations. Presentations to City Councils are being made as requested to keep the community leaders informed of activities to date and the importance of supporting the Census outreach efforts.

The Partnership Network has received tremendous support from the community thus far. We are confident that our outreach and education efforts, along with our partnership with the Census Bureau, cities and our local organizations, will ensure an accurate a count as possible in 2010.

General Government

3. City/County Annual Meeting and Relationship

City Point Person – **Debra Figone**, City Manager

County Point Person – **Jeffrey V. Smith**, County Executive

Est. Completion Date: Ongoing.

Synopsis: The City and County have agreed to conduct annual meetings of the full elected bodies. The City and County will meet jointly on September 30, 2009 from 9:30 am to 12 noon in the County Board of Supervisors' Chambers

City and County View: The City, Agency, and County have committed to moving forward in building a stronger relationship. This is accomplished through coordination on key issues and regular meetings held between staff and elected officials of both organizations as demonstrated by:

- a) Monthly meetings between the City Manager and County Executive,
- b) Quarterly meetings between the Mayor and Board Chair, and
- c) Annual Joint Meeting of the City Council and County Board of Supervisors.

As a result of these meetings, a list of City-County Issues has been tracked in this Compendium.

4. Coordinated Efforts Concerning Workforce Development

City Point Person – **Mark Danaj**, Director of Human Resources

County Point Person – **Luke Leung**, Deputy County Executive, Employee Services Agency

Est. Completion Date: Ongoing.

Synopsis: There are opportunities for the City and County to collaborate on fostering the development of the next generation of City and County employees.

County View: The City and County share a common concern related to workforce development in light of the expected wave of retirements in critical areas, such as, planning, law enforcement, emergency dispatch, public works, and parks and recreation, etc. Instead of the agencies chasing the few qualified applicants, the agencies should share information and resources to widen the eligible pool of public service employees.

City View: The City is actively partnering with other local jurisdictions through the Cal-ICMA Two-County Preparing the Next Generation team, local colleges and universities (e.g. internships), and related groups such as Work2Future and Junior Achievement Silicon Valley (e.g. annual Job Shadow Day), to cultivate a public sector pipeline of talent. For example, in June 2009 the City co-sponsored the ICMA Two-County Speed Coaching Event to facilitate

knowledge transfer and networking among senior and upcoming leaders in the region. Additionally, the City and County are actively collaborating to provide both City and County employees with opportunities to pursue AA and BA degrees through an accelerated degree program in the evenings. The City has also used County staff to offer development opportunities for City employees in mediation and effective communication. Due to the accelerating number of retirements, San José continues to develop a workforce planning strategy with a focus on talent development, knowledge transfer, and planning for future workforce gaps to ensure the continuity and delivery of top-notch City services.

5. Tax Increment Pass-Through Payments

City Point Person – **Harry Mavrogenes**, Executive Director, Redevelopment Agency
County Point Person – **John Guthrie**, Director of Finance

Est. Completion Date: Ongoing.

Synopsis: The County wants its share of tax-increment pass-through revenue sooner than may be required by the Amended and Restated Agreement between the Agency and the County dated 5/22/01 (the "Agreement"). The County receives payments after the Agency's auditor has completed the fiscal year audit. According to the Agreement, the County pass-through is subordinated to all Agency loans, bonds, or other indebtedness, etc., and that the Agency needs audited financial statements to ensure that all debt obligations are satisfied. In response, the County proposes that the RDA retain a nominal (5%) amount pending audited statements, and remit the remaining amount to the County.

County View: The County urges the Redevelopment Agency (RDA) to pay for its share of the tax increment pass-through revenues on a timely basis. These payments are sometimes unreasonably delayed for almost a year after their due date.

With the South Rincon Project, for example, the County invoices the RDA twice a year (April and December) for its share of the pass-through tax increment for a fiscal year. The invoice is based on current information and is subject to a true-up adjustment in August. The payment is due within 30 days. Instead of the agreed payment terms in January and May, the payments for all previous years were made in November or December, eleven or six months after the due dates. The County appreciated that some improvement for the FY08 first installment payment of \$2.7 million was made in February 2008, which was only a one month delay. However, the second installment was received on November 19, 2008, six months after the May 10 due date, like the pattern in previous years. **To address the concerns raised by the City, the County proposes that the RDA retain a nominal (5%) amount, pending audited statements, and remit the remaining amount to the County before the year end.**

For the Merged Area Projects, the agreement requires the RDA to make pass-through payments to the County within 30 days of receiving sufficient incremental taxes to make such payments. The County's apportionment records indicate that the RDA generally

receives a sufficient amount of tax increments by January, and the County times its billing accordingly.

For all previous years, the County did not receive any payment until the last quarter (November or December) in the calendar year, about five or six months after the fiscal year end.

The County sent the first bill to the SJRDA for the FY09 estimated pass-through for both the South Rincon and Merged Area on December 10, 2008, and the second bill on April 10, 2009. The bills were sent to the City via email attachments. The bills had two parts – merged area and the South Rincon. The estimated bill is adjusted to actual in July each year. The combined bill for FY09 was \$21.34 million with the following breakdown. To date, we have not received payment.

South Rincon:	FY09	FY08-for reference
1 st installment: due 1/10/09 (Initial bill sent on December 10, 2009)	\$2.96 M	\$2.69M (received 2/8/08, 1 month late)
2 nd Installment: due 5/10/09 (Bill sent on April 10, 2009) (Subject to year-end true-up adjustment)	\$3.12M	\$2.69M (received 11/19/08, 6 months late)
Year-end true-up adjustment	<u>\$0.23M</u>	
Final Billing w/year-end adjustm. (Final bill sent on 8/13/09)	\$6.31M	\$5.38M
Merged Area:	FY09	FY08-for reference
1st installment: due 1/10/09 (Subject to year-end true-up adjustment)	\$14.39M	\$12.30M
Year-end true-up adjustment	\$0.64M	\$0.64M
Final billing w/year-end adjustm.	\$15.03	\$12.94M (received 11/19/08, 10 months late)
Total:	\$21.34M	\$18.32M

Please note the FY09 payment due dates are as follows:

- ❖ South Rincon: 1st installation of \$2.96 million was due January 10, 2009; and the 2nd installment of \$3.12 million was due by May 10, 2009. The final adjusted bill of \$6.31M ((\$0.23M”) more than the sum of the two initial billings) was sent to the Agency on August 13, 2009.
- ❖ Merged Area: \$15.03 million; per agreement this amount is due within 30 days after the Agency has received sufficient tax increment to make the payment. **Including the apportionment made on June 24, 2009, the County has remitted \$191.28 million to SJ RDA for the Merged Area projects.**

City View: Tax increment is pledged to pay all debt service in each fiscal year, as confirmed in the year-end audit. Section B of the Agreement states that the County Pass-Through is subordinated to all Agency loans, bond or other indebtedness, and any pledge of or lien on the merged area tax increment. After the audit is completed, normally in November, and once the Agency meets all its obligations, the County Pass-through is paid.

Homeland Security and Emergency Preparedness

6. Homeland Security (Bay Area UASI)

City Point Person – **Teresa Reed**, City Asst. Fire Chief

County Point Person – **Kirstin Hofmann**, County OES Director

Est. Completion Date: N/A.

Synopsis: The Bay Area Urban Area Security Initiative (BAUASI) is comprised of the 10 counties and 3 large cities that ring the San Francisco Bay, and is one of seven Tier I large metropolitan regions in the nation; there are fifty-five smaller Tier II cities nationwide. It receives Homeland Security grants to improve regional security capabilities. Initiatives were funded in 2006, 2007, 2008, and 2009 and are consistent with the National Preparedness Goal, which include providing mass care and improving interoperable communications, developing a Law Enforcement Records Management Sharing System across the Bay Area, and staffing an information sharing center. Assessment is taking place concerning our capabilities in each of the twelve initiatives. The assessments will create a baseline to build on. The analysis will also identify gaps and specific needs within the initiatives that will be prioritized and addressed with current and future funds.

City View: UASI 2006-2008: The BAUASI is comprised of the 3 large cities and 10 counties that ring the San Francisco Bay. Governance has been formally established through a Memorandum of Understanding (MOU) which runs until 2010. The City and County of San Francisco is the fiscal agent. The grant is managed through a three-tier organization, which is facilitated by a day-to-day Management Team. Working groups focus on various disciplines to mitigate, respond to, and recover from natural and man-made disasters. Membership in a working group is voluntary and is open to a broad range of jurisdictions and disciplines. Recommendations from the working groups are then forwarded to the Advisory Committee, which vets the proposals, makes policy and allocations of funds recommendations to the Approval Authority. Membership in the Approval Authority consists of executive managers from the three core cities (San Francisco, San Jose and Oakland) and three core counties (San Francisco, Santa Clara, Alameda); this group votes on the final allocation of funds to jurisdictions throughout the region.

Status: In FY 2006, the region was awarded \$28 million; in FY 2007, the amount increased to \$34 million; and in FY 2008, the amount again increased to \$37 million. The award for 2009 is \$40,638,250, representing an increase of over \$3.4 million from the last grant award. Cal EMA (California Emergency Management Agency, formerly the Governor's Office of Emergency Services and the Office of Homeland Security) exercised its option to retain 20% of the award

in all 3 years, reducing the amount the region received in FY 2006 to \$22 million, in FY 2007 to \$27 million, and in FY 2008 to \$30 million. Over the course of the last nine months, the UASI Approval Authority has become responsible for 4 additional grants. These are the Regional Catastrophic Planning Grant Program (RCPGP) which totals about \$15 million and requires a 25% match; the Public Safety Interoperable Communications (PSIC) grant program which totals \$6 million, with additional funds being competitively awarded at a later date; the Interoperable Emergency Communications Grant Program (IECGP) and the Community Oriented Policing Services (COPS) grant for San Francisco.

Of specific interest to both the City of San José and Santa Clara County is the status of the Volunteer Center of Silicon Valley, a community-based organization which, among other things, is responsible for managing spontaneous volunteers after a disaster. The Volunteer Center has been the recipient of Homeland Security funds from both jurisdictions.

UASI 2004 & 2005: San José/Santa Clara County met the 2004 and 2005 UASI grant deadlines with all of the money spent. On 1/24/08, San Jose sent a formal grant closeout letter to the Governor's Office of Homeland Security (OHS) for both the 2004 and 2005 UASI grants. Although the grants have been completed, the UASI Working Group continues to meet on a quarterly basis in order to receive updates on SUASI activities and discuss strategies for South Bay projects.

County View: The Bay Area UASI is a Federal Department of Homeland Security grant that provides resources for the unique equipment, training, planning, and exercise needs of 35 selected national high-threat urban areas. The Bay Area SUASI is one of 35 national urban areas and one of five identified in California.

The Bay Area SUASI concept is designed to build greater regional capabilities across a larger geographical area. Super urban areas receive funding based on evaluated risk and need. This is accomplished through the submission of regional investment justifications that address specific needs to meet the target capabilities outlined in the National Preparedness Goal.

Twelve initiatives have been funded in 2006 that are consistent with National Preparedness Goal. They are:

- ❖ Expand Regional Cooperation
- ❖ Training and Exercise
- ❖ Chemical, Biological, Radiological, Nuclear, Explosive Detection and Response
- ❖ Medical Surge
- ❖ Infrastructure Protection
- ❖ Mass Prophylaxis
- ❖ Interoperable Communications
- ❖ Information Sharing and Collaboration
- ❖ Public Information and Warning
- ❖ Mass Care
- ❖ Citizen Preparedness and Participation
- ❖ Emergency Management

A major goal of the 2006 BAUASI plan was to conduct a detailed assessment of Bay Area capabilities as they relate to each of the twelve initiatives. The assessments will be analyzed to identify a baseline in which to build on. The analysis will also identify gaps and specific needs within the eleven initiatives that will be prioritized and addressed with current or future funds.

Status: The County Board of Supervisors approved the 2008 BAUASI governance MOU. The contracts for work efforts associated with many of the working groups have also been approved and work has begun. Many County and City departments/agencies are participating on the various working groups to assure that the products are compatible with our local disaster plans and emergency management needs. The SUASI “Fiscal Year 2009 Grant Year MOU” is currently in draft form.

7. Mutual Aid Plan

City Point Person – **Darryl Von Raesfeld**, Fire Chief

County Point Persons – **Derek Witmer**, Battalion Chief, South Santa Clara County Fire District, and **Ken Waldvogel**, Chief of Central Fire

Est. Completion Date: TBD.

Synopsis: The fire departments of the county have a Mutual Aid Plan. The most recent revision to the plan permits jurisdictions to provide *station coverage* for fire departments that have committed resources to an emergency. Continued growth in the southern portions of the county has significantly increased the number of mutual aid requests for San Jose resources. SJFD intends to re-negotiate the number of requests or create a fee-for-service arrangement. Both options will be discussed with the South Santa Clara County Fire District. The SSCCFD welcomes the conversation.

City View: The county fire departments have a Mutual Aid Plan. This cooperative agreement is reviewed and modified by the County Fire Chiefs on an annual basis. By most accounts, the current plan is working. The most recent revision to the plan permits jurisdictions to provide station coverage for fire departments that have committed resources to an emergency. This is in contrast to the Santana Row Fire in 2002, when jurisdictions could only respond to the actual emergency, which slowed response. The plan, however, is in need of additional revisions. Continued growth in the southern portions of the county (i.e., Morgan Hill, San Martin, etc.) has significantly increased the number of mutual aid requests for San Jose resources (e.g., Engine 27, Truck 13/18, Water Tender 13, etc.) to respond to structure fires. The volume of requests in 2006 is significantly greater than forecasted when the agreement between South Santa Clara County Fire District and the City was adopted by the Council. The increase in requests has created an inequity of resource requests between the City and South County. Potential remedies include reopening the existing Auto and Mutual Aid Agreement to restrict the number of resources and requests or creating a fee-for-service arrangement to compensate the City for the provision of its resources. Both of these options will require discussions between the City and the South Santa Clara County Fire Protection Board.

The Department intends to initiate a dialog with Cal Fire regarding mutual aid responses into South Santa Clara County. While staff has begun the development of a body of work to define the number, type, and costs associated with these responses, higher priority Department issues have required the reassignment of staff. As staff resources become more available with the completion of several critical projects, Fire Administration intends to work through the County Fire Chiefs' Association to resolve the current situation.

County View: The Board of Supervisors is the governing body for the South Santa Clara County Fire Protection District (SSCCFPD). It values its mutual aid agreements and realizes that in today's environment of increasing growth, fire departments must depend upon each other to provide the level of protection expected by our residents.

County Fire Chiefs continue to make improvements to the Fire and Rescue Mutual Aid Plan. SSCCFPD recognizes that agreements need to be updated periodically and it welcomes the opportunity to meet with the City to discuss equitable options that will allow the continued sharing of resources.

Public Safety

8. Fire Protection in Underserved Areas

City Point Person – **Darryl Von Raesfeld**, Fire Chief

County Point Person – **Ken Waldvogel**, Fire Chief

Est. Completion Date: TBD.

Synopsis: A LAFCO report identified "underserved areas" of the county that do not fall within the jurisdiction of any fire district. The County is interested in obtaining written commitments from existing fire districts to serve these areas when they fall within a jurisdiction's "sphere of influence." All jurisdictions reported they would continue to provide services in accordance with existing mutual aid agreements, but for SJFD, there are significant issues related to service level expectations and its capacity to provide service to these areas. This issue can be addressed by either adopting a recommendation found within the LAFCO report or by adopting an alternative approach that would enable existing jurisdictions to provide contractual services to these areas.

City View: The issue of fire protection for unincorporated county areas not falling in an established fire district remains unresolved. These areas have been defined in a LAFCO report as "underserved areas" of Santa Clara County. The County Board of Supervisors is interested in obtaining written commitments from existing cities and fire districts to serve these areas, when they fall within a particular jurisdiction's "sphere of influence." This issue was first briefly discussed in 2002 with County Supervisor Don Gage without resolution. County Counsel has requested information on the level of service that has historically been provided and the willingness and level of service departments would continue to provide to these areas. San Jose's sphere of influence is estimated to include approximately 50,000 acres (79 sq. miles) of "underserved area." There are significant issues, such as service level

expectations, as well as SJFD's capacity to provide service to these areas that must be resolved. The Fire Department believes recommendations found within the LAFCO report provide an appropriate starting point to resolve this issue and serve the City's interest of being a good neighbor without compromising local service levels.

At the April 4, 2007 County Fire Chiefs' meeting, Ken Waldvogel, Chief Engineer (a.k.a. Fire Chief) of the Santa Clara County Fire Department reported that all letters requesting written clarification regarding willingness of existing jurisdiction to serve "underserved areas" of the County had been received. In each case, queried jurisdictions reported they would continue to provide services in accordance with existing mutual aid agreements. However, deterioration of the fiscal environment and growing service demand continually challenge the ability of the Fire Department to extend service delivery beyond contractual obligations. The Fire Department believes the County Board of Supervisors must address this issue by either adopting a recommendation found within the LAFCO report or by adopting an alternative approach that would enable existing jurisdictions to provide contractual services to these areas.

While SJFD commends the Central Fire District for its leadership in this effort, the absence of formal protection districts in underserved areas of the county does not permit the development of formal agreements. The SJFD's response to earlier County inquiries regarding the Department's willingness to continue to respond addressed *existing* mutual-aid agreements. The City Attorney's response was clear on this issue stating "...new agreement concerning service outside the City's municipal boundaries would, of course, be subject to the approval of the San Jose City Council." The SJFD looks forward to the opportunity to create such agreements in the spirit of mutual cooperation. Additional opportunities to increase EMS Service Levels in underserved and not-served areas are being explored through the development of the County Ambulance RFP document with County partners.

County View: The "Countywide Fire Protection Service Review" report by the Local Agency Formation Commission (LAFCO), which was adopted on April 7, 2004, identified issues with the fire services delivery system in areas outside of organized fire protection jurisdictions. The LAFCO report identified four alternatives with respect to underserved areas of Santa Clara County. In addition, the Board of Supervisors' management auditor conducted an extensive analysis of the Central Fire District in 2005/2006. The final audit report also identified the existence of county residents without a designated Fire Protection Agency. The audit team recommended consideration of a governmental reorganization to resolve the existing deficit in fire protection, planning, and services within the county, and two recommendations were presented in the audit report.

In June 2006, County Fire staff presented a progress report to a Board committee on the management audit recommendations and included a presentation concerning the "Underserved Area Fire Protection Work Plan." Several initial tasks were presented including the assessment of each city fire department and fire district's capability and willingness to continue response into underserved areas. Several of those tasks have been completed. In September 2006, County Fire provided the County Board of Supervisors a six-month status report. County Fire's role as a dependent fire district under the Board of

Supervisors makes its response into the underserved similar to that of its municipal neighbors. County Fire also desires reasonable resolution to the problem and is working with County staff in making progress to that end. County Fire's Chief will continue to maintain monthly reporting to the fire chiefs within the county on the progress toward resolving this issue.

At the start of FY2008/09, County Fire began reviewing the annexation of parcels currently in underserved areas within the District's sphere of influence (SOI). County Fire continues to proceed with annexation of SOI areas up to the Santa Cruz County line. Engineering studies should be completed by the end of 2009. County Fire will proceed with the annexation process with application to LAFCO once engineering is concluded. This resolves some of the underserved area, mostly along the Santa Cruz County line with only a small amount adjacent to the City of San Jose on the southern end of Los Gatos; significant underserved areas remain throughout the balance of southern and eastern areas of the County. Annexation of this area into CFD (County Fire) will place the parcels within response perimeters of the County Mutual Aid Plan.

9. Domestic Violence

City Point Persons – **Rob Davis**, Police Chief, and **Eve Castellanos**, Domestic Violence Prevention Coordinator

County Point Person –**Lori Medina**, Acting Director, Department of Family and Children's Services, Social Services Agency

Est. Completion Date: Ongoing.

Synopsis: The Greenbook Project arranged for a "safety audit," which was conducted in 2006 that identified ways that agencies could better protect families. The County is interested in discussing improving the use of Emergency Protection Restraining Orders, enhancing the Joint Response Protocols, and revising the Domestic Violence Protocols. The City shares an interest in making improvements in these areas.

County View: The Greenbook Project coordinated polices and services to better serve families experiencing domestic violence and child abuse. In 2006, the Project arranged for a Safety Audit that focused on how government agencies and service providers could most effectively protect and assist these families. It would be constructive to discuss some of the following findings and audit recommendations with the City.

1. Emergency Protection Restraining Orders (EPROs) are perhaps not being issued by police officers as often as necessary to protect children from batterers. Based on this Safety Audit, the County would like to explore if EPROs are being fully utilized, and issues, such as:
 - Unintended consequences of EPROs.
 - The reasons why some victims do not want or support the issuance of an EPRO.
 - Resource issues that may make it difficult for the police officer to issue an EPRO.
 - The parameters that guide police officers regarding issuance of EPROS.

- Training needs of police officers regarding their obligations to issue EPROS.
 - Alternatives for cases where Law Enforcement wants to issue an EPRO and the victim refuses.
2. The safety audit recommended that the Enhanced Joint Response protocols be evaluated and revised, if necessary, to include information about working with children when domestic violence is present.
 3. The language spoken by the family seems to impact the early assessments and services identified for families experiencing domestic violence. The audit recommends:
 - Revise the Domestic Violence Protocol for Law Enforcement to advise officers that children should never be used as interpreters at the scene when interviewing victims or perpetrators. The protocol should also advise against using other family members and neighbors to interpret, as information given to the officer in these situations can be manipulated and unreliable.
 - Offer support and resources to expand the Domestic Violence Advocacy Consortium's Language Bank to serve broader needs.
 - Identify difficulties using "over the phone" or language lines for interpretation services. Provide training to improve officers' ability to utilize this service and research other models of interpretation services provided in other communities.
 - Certified professional interpreters need training on domestic violence.

City View: The City is continuing to work with the County to sustain practices that were implemented as a part of the Greenbook Project, as well as exploring practices that should be implemented as identified in the Safety Audit that was released in 2006. Ongoing efforts include the following:

2. The Greenbook Safety Audit Recommendations: The San Jose Police Department and the Department of Family and Children's Services revised the protocols for assisting children during a domestic violence incident and continue to track the frequency of these incidents. In July 2008, the City agreed to participate in another related County initiated Safety Audit, which examined how systems, including intervention by local law enforcement, support and respond to victims of domestic violence. This audit was completed in 2009. **Update: A report with recommendations from this the most recent audit was approved by the County's Public Safety and Justice Committee on May 7, 2009. This report will be reviewed by the City's Family/Domestic Violence Advisory Board, who will then forward a recommendation to the City's Public Safety, Finance, and Strategic Support Committee this Fall.**

3. **Banning Officers from Using Children as Translators:** While this practice should be considered as a last resort, using a child from the family to translate at the scene is an option that must remain available. Since September 2005 and every year subsequently, that subject has been addressed during the Department's annual mandated training. Officers are trained to avoid, if they can, using the children as translators. The Family/Domestic Violence Advisory Board continues to work with the Police/ Victim Committee of the Santa Clara County Domestic Violence Council to identify best practices and strategies that can be offered to police officers to provide translation alternatives when responding to incidents involving domestic violence. **Although the Greenbook has sunset, this item remains a critical one that staff continues to make developments on.**

10. Services to Juvenile Offenders

City Point Person – **Rob Davis**, Chief of Police, and **Angel Rios**, Deputy Director of Parks, Recreation and Neighborhood Services
County Point Person – **Sheila Mitchell**, Chief Probation Officer

Est. Completion Date: Ongoing.

Synopsis: The County believes that the new Juvenile Justice Systems Collaborative is an effective prevention strategy that is aligned with the goals of the Mayor's Gang Prevention Task Force. The City is committed to strengthening its partnership with the County, particularly in the area of collaboration towards preventing youth from penetrating further into the juvenile justice system.

County View: In the Mayor's Gang Prevention Task Force (MGPTF) Strategic Plan, Goal 5 states:

The long-range goal of the MGPTF Technical Team is to create a seamless intervention-based service delivery system, one that establishes a single point of contact so that families and providers can easily access services, resources, and information. The MGPTF Technical Team will align and coordinate its Intervention Strategic Work Plan with other similar plans and initiatives in order to gain local, state, and national support, ensuring that San José youth remain safe and can maximize their fullest potential.

Objective: Identify local, state, and national initiatives that support prevention and intervention-based programs and formalize linkages with them. Example: The County of Santa Clara's Juvenile Detention Reform (JDR) Initiative, United Way's Greater San José Alternative Education Collaborative, Strong Neighborhoods Initiative, School City Collaborative, Workforce Investment Act, State of California's Office of the Attorney General, Family/Domestic Violence Advisory Board, and the National League of Cities Disconnected Youth Initiative.

The County's Juvenile Justice Systems Collaborative (JJSC), formerly JDR, speaks to more effectively rehabilitating youth and preventing youth from penetrating further into the Juvenile Justice System. The JJSC goal includes ensuring the deployment of evidence-based practices and the creation of more effective opportunities for rehabilitation of youth in the juvenile justice system.

Inter-agency Collaboration: In 2008, the City was able to secure an additional \$1 million dollars in one-time funding to support the work of the Mayor's Gang Prevention Task Force. The County has also identified additional funding resources through the Juvenile Justice Crime Prevention Act (JJCPA) state grant to support the work of our Juvenile Detention Reform initiative.

For summer 2009, the City and County collaborated to provide \$600,000 (\$500,000 from the City and \$100,000 from the Asset Forfeiture Fund, which is managed by the District Attorney's Office for the Safe Summer Initiative grant. The purpose of the grant was to provide safe and fun recreational and/or educational opportunities for the youth of San Jose. Approximately 7,400 youth will be served through this collaboration between City, County and Community-based organizations.

The City of San Jose and the County District Attorney's Office collaborated on "Guns and Gangs" an Anti-Gang Public Service Announcement (PSA) project. This 90-day project included announcements made through radio and television and signage at premier locations and on the Light-rail and Transit-authority buses. Parents and youth were encouraged to call a toll-free number in order to be referred to intervention services. City's intervention staff provided staffing for the phones and made referrals to community-based organizations contracted to provide intervention and prevention services.

The City of San Jose and the County District Attorney's Office have been collaborating on the "Parent Project". This 12-week workshop has been very successful in providing parents, with out-of-control teens, the skills necessary to facilitate the change in destructive adolescent behavior. Trained City staffs (SJPD and PRNS) have been facilitating these workshops which are offered in English and Spanish. To date, approximately 10 workshops have been held.

The County and City have been meeting to enhance prevention interventions and to provide targeted services for our at-risk youth. Through this inter-agency collaboration, the City and County have designed a Transition Center and Community Responsibility Council that will provide more immediate sanctions for youth who have been cited by law enforcement and subsequently released.

The County has also collaborated with the City in its Graffiti Abatement Program. The County recently participated in the Anti-Graffiti Program's Community Volunteer Week, with the goal of encouraging residents to combat the recent rise in graffiti by taking an active role in cleaning up their neighborhoods. In addition, the County through its agreement with the City provides youth committed to the alternative sentencing program to do graffiti cleanup on weekend.

Juvenile Justice Systems Collaborative Update: On June 3, 2008, the Santa Clara County Board of Supervisors adopted a Resolution establishing the Juvenile Justice Systems Collaborative (JJSC), which creates a new community council to continue connecting system partners as they work together in the best interest of the minors in the local juvenile justice system.

The new Community Council encompasses a different organizational structure that will continue the Juvenile Detention Reform efforts now underway. Two working groups will seek prevention and reduction of the unnecessary detention of minors. The first group will focus on early intervention and programs that serve the youth in the County. The second one will involve improving system processes for minors' cases in court.

In December 2008, both work groups met and created a work plan to focus their efforts. The Case Systems and Processes Work Group will first focus on reviewing the delays at key decision points in the time between the actual offense the court process. They will identify and implement strategies for streamlining processes to reduce those delays. The Prevention and Programs will Work Group will define and review data and prevention strategies from schools including SARB, expulsion, suspension, etc.

Transition Center

City and County staff continue to finalize the design, budget, and resources for a Transition Center (project described below under city view). Juvenile Accountability Block Grant funds have been secured to get this project off the ground. Grant monies are under the County's jurisdiction. The next step for the Transition Center is the identification of an appropriate location, centrally located, to serve the targeted population, preferably a school where at-risk youth can be reached.

City View: The City of San Jose recognizes the need for prevention and intervention services in the struggle to reduce juvenile delinquency. An Inter-Agency Sub-committee of the Mayor's Gang Prevention Task Force has been meeting on developing and implementing community justice models including the development of a Community Responsibility Council (CRC) and a Transition Center. This effort is ongoing.

The Transition Center is a pilot project to demonstrate that an infusion of immediacy into a city can reduce the number of juvenile offenses committed by the minors who reside in that city. The Transition Center will provide immediate intervention and referrals for needed services to the juvenile offender who does not meet the criteria for the Booking Protocol. The Community Responsibility Council serves as an early intervention program designed to intercede a minor's penetration into the juvenile justice system. It offers the juvenile offenders a second chance to understand the impact of his/her actions and to be held accountable for them. CRC utilizes peer pressure as a positive tool that becomes the vehicle for these young offenders to avoid formal processing in the juvenile justice system. The Transition Center targets the mid-level offender youths who do not meet the County Booking Protocol.

City and County staff are continuing to finalize the design, budget, and resource needs for the two projects. The City of San Jose worked with the County's Probation Department to apply for a Juvenile Accountability Block Grant to secure cash resources to get the project off the ground. The grant was awarded and funds are being held by Juvenile Probation for the Transition Center. The next step for both projects is the identification of a location to house the programs.

Additional efforts by the City include:

TABS (Truancy Abatement Burglary Suppression): This program began during the 1981-82 school year and has evolved into the San Jose Police Department's operation of two truancy centers designed to keep students in school and out of trouble.

Challenges and Choices: The C2 program is a violence awareness program addressing youth violence by helping students develop important life skills; including understanding anger and the ability to make the right choices. C2 is a curriculum presented to third, fifth, and seventh graders.

SAVE (Safe Alternatives Violence Education): S.A.V.E. is a six-hour program that discusses the issues relating to weapons and violence and offers classes which allows participants to share their perception about the risks and realities of weapon possession. This program is available by referral to middle and high school students throughout Santa Clara County who are found in possession of a weapon.

Child Safety: Child Safety Presentation focuses on the hazards children face while at home, school and play. Some of the topics covered are: Latchkey kids, pedestrian safety, bike safety, stranger danger, good touch/bad touch, and children home alone.

Drug Awareness: Gives participants information on drug definitions, as well as possible symptoms, paraphernalia and consequences. If group size permits, participants are encouraged to share problems, concerns and discuss possible solutions.

Junior Crime Busters: School presentations conducted by School Liaison officers who discuss basic child safety issues including pedestrian safety, bicycle/skateboard safety and 9-1-1. This program is done by request from elementary schools.

PAL: The San Jose Police Activities League (PAL) was founded in 1967. PAL programs offers amateur athletic and non-athletic programs to offer opportunities to youth for constructive and satisfying use of leisure time and to provide an opportunity for youth and law enforcement personnel to develop a mutually satisfying non-adversarial relationship.

School Safety Liaison Unit: As a part of its commitment to school safety, the School Safety Liaison Unit, along with Community Coordinators from the Parks, Recreation and Neighborhood Services trains and conducts drills that assist schools in responding to critical situations that occur on/or near their campus. Additionally, the School Safety Liaison Unit assists school districts throughout the city in dealing with truancy problems, by attending meetings with administrators, students and parents. In some cases officers make home visits. As a last resort, habitual truants may be cited and go through the court process. The key to the School Safety Liaison Unit is establishing and maintaining a good working relationship with school administrators.

11. AFIS/Cal-ID

City Point Person – **Chief Rob Davis**, Police Chief; **Tamara Becker**, Division Manager
Operations Support Services

County Point Person – **Gary A. Graves**, Assistant County Executive and **Joyce Wing**, Chief
Information Officer

Est. Completion Date: 2010

Synopsis: The Cal-ID RAN Board and the County are in discussion with the San Jose Police Department regarding the cost-sharing method used since 1987, the accounting and auditing procedures, and the associated costs for the various components for the Automated Fingerprint System (AFIS), due to charges and accounting discrepancies described within the Harvey Rose Management Audit.

County View: SB 720 authorizes a Department of Motor Vehicles license fee on each vehicle registered in this county. Fees received from the State Controller are placed in the SB 720 trust fund. These funds are authorized for use to enhance the capacity of local law enforcement to provide automated, mobile and fixed location fingerprint and photographic identification. The local Cal-ID Ran Board has oversight of these funds.

Following a recent (independent) Management Audit of the Cal ID MOU and the Automated Fingerprint Identification System (AFIS), it was determined that the cost sharing method used since 1987 to share AFIS/Cal-ID costs among the cities and the County, based on each agency's percentage share of population, is not equitable. Some agencies are being charged disproportionately to their actual bookings. Additionally, numerous federal, state and other law enforcement agencies are not charged at all for fingerprint identification services. The Cal-ID RAN Board membership is comprised of the District Attorney, San Jose Police Chief, Sheriff, and other local police agencies. The following recommendations are being proposed to San Jose and other cities by the Cal-ID RAN Board and the County:

- a. Determine charges for jurisdictions based on usage, rather than population, by determining all the components of usage and the associated costs.
- b. Consider charging federal, state agencies, which are not currently charged, and determine the mechanism to handle the process, similar to how the County handles Criminal Justice System (CJIC) agreements and invoicing.

- c. Mitigate a change in policy, affecting the budget for the undercharged entities, mostly cities, by spending down the Cal ID trust fund for FY2010, and calculating future year charges on a 3-5 year average utilization by each agency to smooth charge amounts.
- d. Address process recommendations that the City of San Jose use daily activity sheets to accurately track Fingerprint Examiner time on latent print and 10-print functions, as well as report quarterly as required by the 2002 MOU.
- e. Complete an annual review by the San Jose Police Department's Chief Fiscal Officer of accounting procedures for the City of San Jose AFIS program, to be report to the Cal-ID RAN Board, with the exception that discrepancies be reported to the Board as known.
- f. Complete an audit of the AFIS/Cal-ID RAN Trust Fund every 3-5 years to ensure accuracy as noted in the 2009 Management Audit.

As a result of the audit, three cities opted to pull out of AFIS. To accommodate legal reporting mandates, the Sheriff's Office and DOC now must process fingerprints for these cities' bookings outside of AFIS.

One of the most fundamental concepts upon which all criminal justice processes are based is the idea of positive identification (ID) of offenders. A positive ID means a person is identified by fingerprints in the local Automated Fingerprinting Identification System (AFIS), and then this is shared with the regional Criminal Justice System (CJIC). This process allows people arrested and booked within Santa Clara County to be positively identified when they come in contact with the criminal justice system. This greatly reduces processing time and errors, and information is immediately available to all Law Enforcement Agencies.

Introducing more than one automated fingerprinting service for this community is not the intent; because it would duplicate efforts, increase processing time, increase the likelihood of errors, and would be additional effort and costs to implement. It is our intention that the financial model and accounting issues and any other identified issues be resolved within a year in order for the Law and Justice Community to maintain one system for the benefit of all.

City View:

When the draft audit was released, the City did not formally respond but deferred to the Cal ID RAN Board for review and response. The City did not disagree with the recommendations but indicated a need to thoroughly discuss this direction due to the complexities of the Program. The RAN Board received the audit and provided direction to the City to continue with the billing procedure outlined in the current MOU, with the intent to work over the course of the next year to make revisions if necessary.

Subsequent to this decision, the County Sheriff contract agencies of Saratoga, Los Altos Hills and Cupertino terminated their participation in the Cal ID Program. The Cities based their decision to not participate on the Auditor's findings. However, there is conflicting information on the actual use of the system as represented in both the booking and latent casework figures.

- ❖ If an agency uses the wrong agency code during the booking process, that booking will not be properly recorded. There were some errors noted in the bookings for some contract cities.
- ❖ The representation of cases by non-participating agencies involves some multi-jurisdictional investigations which could be improperly recorded.
- ❖ While the Central ID Unit may have not performed latent case work for some agencies, any analysis work or automation performed by the County on behalf of these agencies still requires the use of the Cal ID AFIS.

There was an effort to provide the Cities with information about the possible consequences of their decision to pull out of the Cal ID Program. Those consequences are in-part why the RAN Board was interested in taking the upcoming year to review the audit recommendations. Some of the consequences for the non-participating agencies include:

- ❖ The AFIS is a key component of the criminal justice system given that all arrests are to be verified through fingerprint identification.
- ❖ The interface between AFIS and CJIC is the basis for all Santa Clara County arrests, prosecution, and final adjudication.
- ❖ The Cal ID Program provides many other services including:
 - Equipment for and management of the Countywide Mug Shot system (paid by SB 720)
 - Funding, through SB 720, for a Countywide Mobile Identification system, which will become the foundation for a State-led initiative in field bookings.
- ❖ Program participants may receive significant “discounts” on the services (personal and non-personal costs to operate the program) including annual reductions based upon Cal ID Reserves (another fund managed by the City) and the use of SB 720 for a large portion of the infrastructure maintenance.

The City looks forward with continuing its work with the Cal ID RAN Board to address the audit and the recommendations.

Health and Human Services

12. Dental Health

City Point Person – **John Stufflebean**, Director of Environmental Services

County Point Person – **Marty Fenstersheib**, Public Health Officer

Est. Completion Date: TBD.

Synopsis: Not all of San Jose’s water is fluoridated. The Public Health Officer is interested in achieving full fluoridation because of its tremendous dental health, and, ultimately, overall physical health benefits. The City has expressed interest in working with the County, the water district, and water retailers to accomplish this goal.

County View: San Jose is the largest city in the United States whose water is not entirely fluoridated. Numerous studies have shown that dental health is critical to the overall health and well-being of children. Children who have poor dentition have difficulty thriving and learning, and are at increased risks for other infections. Poor and disadvantaged children are at the greatest risk. Water fluoridation has been shown to be the most cost beneficial means of ensuring that kids have the best chance for a healthy start toward good dental care.

State statute requires that the city be fluoridated, but only if adequate funding is available. Initial discussions with San Jose Water Company and Santa Clara Valley Water District have been productive. There appears to be support, but some technological barriers will need to be overcome. The Health Officer would like to begin working with the City of San Jose toward achieving citywide fluoridation. Other cities in the county that have fluoridated water started the process by putting the issue on the ballot before moving forward.

City View: The City of San Jose’s Municipal Water System (SJMWS) is one of three water retailers in San Jose along with San Jose Water Company (SJWC) and Great Oaks Water Company (GOWC). The SJMWS provides water service to 12% of the City, in the Evergreen, North San Jose/Alviso, Edenvale and Coyote areas. The SJMWS has been providing fluoridated water to the Evergreen Area (population 110,000) since 1965, and over the last three years fluoridated water has been supplied to the North San Jose/Alviso area. Edenvale is currently a campus industrial area and has no fluoridation. The City has made provisions in the new wells in Coyote to supply fluoridated water when the area is developed.

The City has a track record of providing fluoridated water and is willing to assist the County in working with the private water companies and Santa Clara Valley Water District to achieve citywide fluoridation.

13. Planning for Impacts on Health and Safety Resulting from County Budget Reductions

City Point Person – **Rob Davis**, Chief of Police

County Point Persons – **Nancy Pena**, Director of Mental Health and **Bob Garner**, Director, Department of Alcohol and Drug Services (DADS)

Est. Completion Date: First Quarter, 2008.

Synopsis: The County has made significant reductions to the health and drug and alcohol department' direct services in the last few budget cycles. Pending outcome of the State budget, more reductions are possible. Such actions may likely result in more addicts, alcoholics, and mentally ill on the streets. In order to better prepare and plan for the broader impacts, the department staff wants to meet with relevant City staff in advance of the implementation of these cuts.

County View: As the County makes drastic budget reductions to our health and justice departments, the cumulative effect will affect health and safety in San Jose. One of the strategies Mental Health is implementing through new Mental Health Services Act (Prop. 63) funding, which may help to mitigate the impact of cuts, is the establishment of community-based urgent care centers. Mental Health will work with the San Jose Police Department to offer this new crisis service in an effort to avoid use of the more costly Emergency Psychiatric Services (EPS) located at Valley Medical Center. City and County staff should meet about the broader impacts so that all stakeholders can better understand and plan for them.

Mental Health's target for FY 2010 (June 2009) is \$22.5 million. It is also planning another reduction at mid-year (February 2009) of approximately \$3.2 million, after cutting \$4.4 million in December 2008. In addition, County Mental Health may face more cuts pending the State budget.

Department of Drug and Alcohol Services (DADS) experienced reductions of about \$7 million in the County's recent budget process for FY2010, and was required to cut about one-third of its adult treatment system. This is expected to result in loss of services to about 3,000 addicts and alcoholics a year, and given the fact that this particular health problem is largely criminalized. The result will be an increase in arrests and incarceration. The most serious impact will probably be on the County jail. It appears likely that the State will make additional cuts in drug and alcohol funding, and specifically, the elimination of funding for the Substance Abuse and Crime Prevention Act (SACPA) program. This program includes a permanent change in the sentencing laws for minor drug offenses, which will continue to be in place, and funding for treatment as an alternative to incarceration, which will be eliminated in the current form of the State budget plan. Without treatment, and without incarceration, these clients will remain on the street. Finally, the loss of treatment for addicts and alcoholics will affect mental health clients as well. Many of these clients have co-occurring mental health and substance abuse problems, and while the mental illness is not a criminal act, the concurrent drug use is. And so they will be arrested and incarcerated because their mental illness results in some kind of drug use, thus effectively criminalizing mental illness through use of the criminal statute on drug use. One further potential impact will be when the Governor releases large numbers of prison inmates to be returned to their

county of origin. The large majority of these will be addicts, and there will be no treatment available for them in the community.

City View: The ongoing budget cuts for County Mental Health Services (MHS) will continue to impact San Jose Police resources. Specifically, the San Jose Police Department (SJPD) will be required to respond to more calls for service involving people of all ages in crisis due to a lack of available mental health services. Ultimately, officer and citizen injuries will increase as SJPD responds to calls where there is an increased potential for violence due to the involvement of persons with untreated, severe mental illness.

The SJPD continues to work hand-in-hand with the Santa Clara County Mental Health Law Enforcement Liaison to Mental Health. These efforts have served to enhance the relationship between the Sheriff's Department and the SJPD. The Urgent Care Center model has been developed and expanded to meet the ongoing needs of many who have mental health issues. Additionally, the Department is continuing to work together with MHS to explore a Mobile Crisis Response Team that would enlist the help of Police personnel and clinicians to respond to the needs of the mentally ill in the community who are in crisis. SJPD staff has attended ongoing meetings with the statewide CIT planning committee. This effort has produced a working program, which connects with other city municipalities for training, exchange of information, conferences and other related efforts.

14. Downtown Healthcare/Former San Jose Medical Center Site

City Point Person – **Paul Krutko**, Chief Economic Development Officer
County Point Person – **Kim Roberts**, Chief Executive Officer, Santa Clara Valley Health and Hospital System, and **Jim Murphy**, Director of Planning and Business Development, SCVHHS

This item has two elements that are each described in brief below:

A - City County Health Care Planning

B - Expanded Downtown Health Care Facilities

A-City/County Health Care Planning

Est. Completion Date: Ongoing.

Synopsis: The community-based process to identify redevelopment options for the former San Jose Medical Center was completed and was submitted to the City Council for consideration on March 18, 2008. A joint memo by the Mayor and Councilmember Liccardo accompanied the report and provided staff recommendations, and was accepted unanimously by the Council.

City View: The Council action directed the City Manager to invite the County to participate in a joint City-County Taskforce as recommended by the Stakeholder Advisory Committee including all of the major health care providers; Regional Medical Center of San Jose, O'Connor Hospital, Kaiser Permanente, Valley Medical Center and others, to work

collaboratively on healthcare facilities and hospital services issues facing downtown and the City. This work is intended to inform the Envision San Jose 2040 General Plan Update that will include the development of goals and policies related to the provision of healthcare services and facilities to serve the existing community and projected future growth. The City Manager will discuss this with the County Executive. In addition, the City will keep the County informed on the progress of negotiations with the Hospital Corporation of America (HCA) on the disposition of the SJMC site as it might pertain to HCA role in the region's health care delivery system.

County View: The County submitted to the City the Santa Clara Valley Health and Hospital System's Strategic Business Plan, which presents the County's long-term planning for ambulatory clinics, among other purposes. In June 2008, the Board approved an ordinance calling, ordering, and providing for a Bond Election to be consolidated with the November 4, 2008 General Election to authorize the issuance of up to \$840 million in General Obligation Bonds to provide \$790 million in funding for Santa Clara Valley Medical Center's Seismic Safety Project and \$50 million towards the construction of outpatient medical facilities in, or near, downtown San Jose. Please refer to materials under Item 2d on the September 15, 2008 joint City-County board agenda. Voters approved Measure A, which will allow the County to issue GO Bonds for the aforementioned facilities. The County and City are engaged in discussions.

B- Expanded Downtown Health Care Facilities

City Point Person – **Paul Krutko**, Chief Economic Development Officer

County Point Persons – **Robin Roche**, Executive Director, SCVMC Ambulatory and Managed Care, and **Jim Murphy**, Director of Planning and Business Development, SCVHHS

Est. Completion Date: N/A.

Synopsis: Since the Approval of Measure A in November, 2008, County Health and Hospital and Fleet and Facility staffs have undertaken the necessary next steps in the clinic planning process. These steps include site evaluations, clinic program development and identification of operation issues. City staffs have worked closely with County staff on these planning steps.

City View: The concept of a medical clinic on the San Jose State campus was discussed at the April 25, 2007 City-County meeting. SJSU continues to be engaged in reviewing options and City staff is providing information. The City is in ongoing discussions with Gardner and is currently evaluating the feasibility of rehabbing an existing Medical Office Building for Gardner's expansion.

County View: The Health and Hospital System would be interested in learning more about the proposal, particularly if the State/City could partner with the County to fund the services contemplated.

In June 2008, the Board approved an ordinance calling, ordering, and providing for a Bond Election to be consolidated with the November 4, 2008 General Election to authorize the issuance of up to \$840 million in General Obligation Bonds to provide \$790 million in funding for Santa Clara Valley Medical Center’s Seismic Safety Project and \$50 million towards the construction of outpatient medical facilities in, or near, downtown San Jose. Please refer to materials under Item 2d on the September 15, 2008 joint City-County board agenda. Voters approved Measure A, which allows the County to issue GO Bonds for the aforementioned facilities. The County and City are engaged in discussions about the location of a facility in downtown San Jose.

15. Health and Wellness Center

City Point Person – **Angel Rios**, Deputy Director, Parks, Recreation, and Neighborhood Services

County Point Persons – **Robin Roche**, Executive Director, SCVMC Ambulatory and Managed Care, and **Michael Lipman**, FQHC Director

Est. Completion Date: N/A.

Synopsis: The City is interested in a partnership with the County to develop and operate a health and wellness center for persons with disabilities. While the County believes this is a laudable ambition, it does not have the resources to participate in such an endeavor.

City View: PRNS staff is interested in exploring a partnership with the County of Santa Clara with the aim of jointly developing and operating a Health and Wellness Center for persons with disabilities. The City currently provides mental health related services through The Grace Community Center. Mental Health services are typically provided by the County. With this in mind the City would like to re-examine our current partnership and assess the viability of this proposal. The current “Strategic Plan for Persons with Disabilities” adopted by the City Council in 2000 calls for the completion of a feasibility study to determine the viability of such a project. Former Supervisor Jim Beall previously expressed that this proposed project appears to be in alignment with the County’s Santa Clara Valley Medical Center Expansion Master Plan.

County View: The program has merit, and the Health and Hospital System would be interested in learning more about the proposal. It is likely, however, that the services would not be self-sustaining and would thus add to the County’s current challenge of trying to meet the demand for health and human services. The County is concerned about the financial impact with this proposed expansion of services and deems it unlikely that it could participate as a partner at the present time and in the foreseeable future.

16. Transitional and Permanent Affordable Housing

City Point Person – **Leslye Krutko**, Director of Housing

County Point Person – **Lori Medina**, Acting Director, Department of Family and Children’s Services, Social Services Agency

Est. Completion Date: TBD.

Synopsis: The County and City are collaborating on strategies to both house and provide supportive services to the un-housed through Destination: Home, a partnership of public and private entities that are working to end chronic homelessness over a ten-year period. This results in better serving this population and reducing the costs to do so.

County View: Earlier discussions between the Social Services Agency, Department of Family and Children’s Services (DFCS) and the City related to developments by the City has identified as potential sites for scattered transitional housing as well as permanent affordable housing. It was anticipated that using the below market rate units for transitional housing could potentially extend DFCS’ budget greatly by reducing housing costs. The City indicated an interest in being involved in how DFCS approaches these affordable housing developers so they can help structure agreements to secure the units.

More recent discussions have focused on affordable housing for emancipated foster youth. SSA/DFCS provided information to the City of San Jose on the city of residence for foster youth participating in the Independent Living Program (ILP), a program to prepare foster youth for emancipation. This information showed that most of these youth live in the City of San Jose. As a result, the City recommended \$1.8 million in funding for the Bill Wilson Center’s “The Commons” project located in the City of Santa Clara. The Commons will provide permanent affordable rental housing to 32 low-income, very low-income, and extremely low-income young adults. The SSA/DFCS continues to work with the City’s Housing Department to identify housing needs and opportunities based on the city where emancipating youth reside.

The County has expanded the number of Transitional Housing Program-Plus (THP-Plus) units from 96 to 98 units, based on the FY09 State funding allocation. This increase in units is countywide, but will primarily serve youth living in the City of San Jose. The THP-Plus housing providers, EHC Lifebuilders, Unity Care, and Bill Wilson Center are using a number of properties developed with City housing funds to control housing expenses associated with the program. The County has applied to the State to increase the number of units it provides to 168, and has a goal to work more closely with the City in identifying affordable housing opportunities for program participants.

The Social Services Agency, Department of Family and Children’s Services is collaborating with the Santa Clara County Housing Authority in its application for a new federal Family Unification Program (FUP) to promote family unification. The new program provides \$20 million in Housing Choice Vouchers (HCV) nationwide to (1) families for whom the lack of adequate housing is a primary factor in the separation, or imminent separation, of children

from their families; and, (2) youth who are at least 18 years old and have not reached their 22nd birthday, who left foster care at age 16 or older, and lack adequate housing. A FUP voucher issued to such a youth may only be used to provide housing for maximum of 18 months.

Although the Department of Family and Children's Services will certify eligible recipients for the HCVs, public housing authorities are the only eligible applicants for funding under FUP, and must submit an application to HUD by January 29, 2009 on behalf of eligible recipients in their local service areas. If Santa Clara County is selected, the allocation of 100 HCVs would be prioritized as follows: first for Family Wellness Court families, second for Dependency Drug Treatment Court families, and third for emancipated former foster youth who are parenting children.

City View: The City and County are working cooperatively to respond to the need for housing for our residents, with particular emphasis on the goal of ending homelessness. There are several areas where joint progress is being made:

Destination Home: The City and County continue to work collaboratively to implement the recommendations developed by the Blue Ribbon Commission (BRC) on Ending Homelessness and Solving the Affordable Housing Crisis. Recent accomplishments include:

One Stop Prevention Centers—with funding from both the City and County, two one stop homeless prevention centers opened in the fall to provide a location where homeless families and those at risk of homelessness can get the services they need to reach independence. County SSI staff and staff funded by the City to provide housing services are co-located at the one stop centers with other service providers. In just the first seven months, over 900 people received rental assistance, including 125 chronically homeless individuals.

Medical Respite Center-- opened a new 15-bed medical respite center to provide a place where homeless people discharged from the hospital but still in need of recovery time can stay until healed.

Housing Assistance ("Housing First")—the Housing Authority of Santa Clara County has agreed to set aside 1/3 of all vouchers for the chronically homeless. The City Housing Department and the County Department of Mental Health are working together on a tenant-based rental assistance program for the mentally ill that will provide permanent housing opportunities for 100 people. Under this program, the City will provide \$1.5 million for the vouchers and cost of administration, the County will provide case management, and the Housing Authority will administer the program.

UPLIFT Transit Pass—the City and County have partnered to fund a transit pass program for the homeless to help them get to jobs and housing.

Social Serve Database—the City and County have jointly funded a new database that will help County residents find housing opportunities that are affordable and meet their needs.

Discharge Planning—The City’s Housing Department, and the County Department of Corrections and Office of Women’s Policy are working together on a program to help in the discharge of residents from the Elmwood Jail to ensure that they are appropriately prepared with jobs and housing upon release.

Consolidated Plan: The City and County, in conjunction with other cities in the County, have for the first time worked together to prepare a needs assessment for each jurisdiction’s Five-Year Consolidated Plan, which is due in 2010.

American Recovery and Reinvestment Act: The City and County worked together to issue a Request for Proposals for funding under the Homeless Prevention and Rapid Re-Housing Program (HPRRP), a program funded by the American Recovery and Reinvestment Act. Additionally, the Department of Housing and the Department of Social Services are coordinating the HPRRP funding with another ARRA program for Cal-Works families.

Land Use, Master Planning, and Redevelopment

17. Former Civic Center Re-Use

City Point Person – **Peter Jensen**, General Services Director

County Point Person – **Bruce Knopf**, Director, Asset and Economic Development

Est. Completion Date: 2010.

Synopsis: The City and County have held preliminary discussions about a County acquisition of the former City Hall property (approx. 10 acres, Old City Hall and ancillary buildings).

City View: This project involves the City’s interest in the sale/development or reuse of the former City Hall site (approximately 10 acres) and E Lot (approximately 8 acres) that are adjacent to the County Government Center. The County has an interest in developing the Richey Army Reserve Site (8.5. acres) and the parking lot at First and Hedding (8.0 acres). The City has received a draft of a historical study of the former City Hall, in which City Hall is judged to be historically significant, while the annex and the Health buildings are not.

In the past year, the City and the Redevelopment Agency worked with a consultant to examine the costs associated with a short- and long-term reoccupation of the annex by City staff. This analysis indicated that even a short-term occupancy would involve significant costs, primarily due to the condition of building systems and ADA compliance requirements.

The City Council approved further analysis of this project as part of the City’s 2009 asset management workplan. This analysis will focus on development and reuse alternatives, and whether a public-private partnership may offer financing options that could improve the project’s financial feasibility. The analysis will continue to include the possibility of the County’s involvement in the project.

County View: The County remains interested in the former City Hall property to possibly further consolidate County operations at the County Government Center. The impact of the City's determination that the Old City Hall has historical significance is unknown at this time.

18. Annexation and Annexed Properties

City Point Person – **Joe Horwedel**, Director of Planning, Building, and Code Enforcement, and **James Helmer**, Director of Transportation
County Point Persons – **Sylvia Gallegos**, Deputy County Executive, and **Michael Murdter**, Director of Roads and Airports

Est. Completion Date: 2011.

Synopsis: The City agreed to annex all of the County pockets less than 150 acres that are in the City's urban service area and make good faith efforts to annex those pockets that are greater than 150 acres. The County agreed to absorb the cost of surveying and map preparation, and make road improvements, etc.

Background: As part of the recent City/County Settlement Agreement, the City is required to annex, by April 15, 2011, all of the county pockets of 150 acres or less in the City's urban service area. In addition, the City agreed to make good faith efforts to annex pockets greater than 150 acres. Although not required by the Settlement Agreement, the County has agreed to absorb the cost of the preparation of maps, Assessor and Surveyor costs, as well as fund road improvements consistent with its practices countywide to promote annexation. LAFCO staff and the City also identified San Jose islands that had been included in the Urban Pockets Maps prepared by the County, but which are not eligible for the streamlined island annexation process because some portions of the parcels in the islands are located outside of the City's urban service area.

City View: To date, the City has annexed 32 County pockets, covering 230 acres and including approximately 700 residents. Five pockets are scheduled for annexation hearings in September and October of this year, covering approximately 420 acres and 5,000 residents. The 2009 program includes 5 pockets covering 420 acres and 8100 residents. The 2010 program includes 7 islands covering 350 acres and 2100 residents. The large pockets over 150 acres are planned for consideration in 2011.

Road Improvements: For County pockets less than 150 acres, the City will be assuming responsibility for 37 miles of streets. It is acknowledged that the County streets were not designed to City standards and are lacking features such as sidewalks, lighting, curbs, and drainage. It is agreed that the County is not responsible to upgrade roads to City standards, however County staff has agreed to provide an appropriate pavement maintenance treatment for roadways with a condition rating below a 70 Pavement Condition Rating (PCI). City and County staff have generally agreed to the scope of pavement maintenance work and have estimated the cost of work to be approximately \$3.3 million. One outstanding issue under discussion relates to the installation of ADA curb ramps. A letter of understanding is being prepared to document the scope and implementation plan for the work. However, County

staff reports that the pavement work is subject to budget appropriation action by the Board of Supervisors. City staff recommends that the County Board affirm their funding commitment to provide warranted pavement maintenance work for County pocket streets. A source of future funds available to the County for this work include, the County's allocation of State Proposition 42 road maintenance funds estimated to be \$12 million annually starting in FY 2008-09.

Property Tax Sharing: The City is interested in initiating discussions around a tax sharing agreement for the annexation of County pockets. The current process for switching over property tax rolls leaves a lag of 7 – 18 months between the time the City begins providing services and the time the City begins to receive property tax revenue. A separate tax sharing agreement would eliminate the variation in financial impact of annexations based on the time of year that an annexation becomes effective.

Records Transfer: The City would also like to initiate discussions on the sharing of information for County pockets. The City would like to obtain the plans for infrastructure, utilities, improvements, and tracts for these areas. The City would also like to obtain building permit records for these areas. This information is vital for the City to effectively provide services and development review, after the County pockets are annexed.

County View:

The County will work closely with the City to effect the annexation of the urban pockets. It is incumbent upon the City to determine the best way to ensure that the pockets not eligible for the streamlined annexation process, and, possibly more islands, be annexed in order to meet the provisions of the 2006 Settlement Agreement.

The County has expended over \$1.5 million since 2005 to assist cities with the costs associated with the annexation process (including Surveyor and Assessor costs, map preparation, and Board of Equalization filing fees) and to make pre-annexation road improvements for roads not meeting a Pavement Condition Index of 70.

The County plans to complete all road work (including pavement resurfacing and curb ramps) in all pockets as agreed to with City staff by the end of calendar year 2009, barring any significant disruption in County gas tax revenue resulting from the State budget crisis.

19. Fairgrounds Development

City Point Person – **Ed Shikada**, Deputy City Manager

County Point Persons – **Bruce Knopf**, Director, Asset and Economic Development

Est. Completion Date: To be determined.

Synopsis: In April, 2009, the County’s selected developer, Catellus Development Group, withdrew from the project citing the uncertain nature of the national and local economic recovery and the uncertainty as to the County’s objectives for the future redevelopment of the Fairgrounds site. The Board of Supervisors has taken a new direction in addressing the community’s interests in the future of the Fairgrounds.

County View:

The Board of Supervisors on June 9, 2009 assigned the responsibility of gathering community input to Supervisor Shirakawa who will convene an Ad Hoc Committee of stakeholders to (1) review and analyze current and past Fairgrounds proposals, (2) hold public hearings to determine community needs, and (3) provide the Board with policy recommendations on future re-development at the Fairgrounds.

City View: County CEO staff has maintained ongoing contact with City CMO and Planning staff (Ed Shikada and Laurel Prevetti). The CMO collaborated with the County through the developer selection/RFP process. Given opportunities and implications of potential private development of a portion of the Fairgrounds, City staff will work with the County to develop a work plan that outlines the steps and timelines for the business transaction and entitlement processes. Of particular criticality is the approach to community engagement, and how this will factor into the evaluation of development concept, fiscal impact, and environmental impact analyses. City staff will continue to work with the County on this effort and will keep the City Council as the process progresses.

20. Richey Army Reserve Site

City Point Persons – **Ed Shikada**, Deputy City Manager, and **Laurel Prevetti**, Assistant Director of Planning, Building, and Code Enforcement

County Point Person – **Bruce Knopf**, Director, Asset and Economic Development

Est. Completion Date: 2010.

Synopsis: The County and Charities Housing Development Corporation have executed an agreement for Charities’ offsite development of a homeless and affordable housing project which will be incorporated into the Richey Redevelopment Plan. The D.O.D. has granted an extension for submission of the Redevelopment Plan from May 31, 2009 to December 31, 2009.

City View: The City has sent a letter to D.O.D in support of the County as lead agency in regard to the development of the Richey Army Reserve Site. D.O.D. has designated the County the lead in establishing a Local Redevelopment Authority (LRA) to reuse the site. If

the proposed use is a non-County government use, then the City will have land use or authority over that use. Consequently, the County has requested a senior staff member with planning experience to serve on the LRA.

County View: The Administration will seek direction from the Board in fall, 2009 with regard to the County's possible future use(s) of the Richey site and access to available public benefit conveyance discounts.

21. San Jose State University Campus Planning

City Point Persons – **Paul Krutko**, Director of Economic Development, and **Kim Walesh**, Assistant Director of Economic Development

County Point Person – **Bruce Knopf**, Director, Asset and Economic Development

Est. Completion Date: TBD.

Synopsis: The County will be involved, as appropriate, in the San Jose State University Campus Planning process, and awaits further information from the City Office of Economic Development.

City View: At the Joint Meeting, the County asked that it include a County representative in Joint Planning Issues. The Office of Economic Development and Planning has added the County on the list of stakeholders to outreach to over the next 18 months of project where the County will be contacted and involved. The joint planning process is continuing with a focus on opportunities for joint facilities and programming to serve community and university needs. A particular focus will be enhancing a “district” feel to the area through urban design and streetscape. The City is currently negotiating with Lou Wolfe for the development of a professional soccer stadium at the former FMC site.

As a subset of the overall planning effort for the South Campus area, the City and SJSU have entered into negotiations for the use of City Park Bond funds for the construction of 4 artificial turfs, lighted soccer fields on University property. These soccer fields will be jointly used by the University (for athletics, intramurals and other activities) and the City (for league play and tournaments). The negotiations are anticipated to extend through the end of 2008. Since a portion of the potential Willow Glen Spur trail runs adjacent to this property this project will be discussed with and coordinated with County staff as part of the Willow Glen Spur focus group meetings which are now underway.

County View: The County has not yet been involved with the City in any discussions regarding San Jose State Campus planning but would be pleased to participate, as appropriate, in the process.

22. Reid-Hillview Airport Property Lease(s)

City Point Person – **Joe Horwedel**, Director of Planning, Building and Code Enforcement
County Point Person – **Michael Murdter**, Director of Roads and Airports

Est. Completion Date: TBD.

Synopsis: The County is interested in developing a corner parcel (Tully/Capitol) of Reid-Hillview Airport for non-aviation commercial uses. The City would have development jurisdiction over any commercial development of this parcel.

County View: The draft RHV Master Plan identifies several areas of airport property to be leased in the future for non-aviation commercial development including the vacant parcel at the corner of Tully Road and Capitol Expressway. The City will have land development jurisdiction with respect to the lessee's development of the parcel. While the leasing process is still in its infancy and it will be some time before any land development application is made to the City, the County has hired a consultant to assist in the development proposal process for the corner parcel. To enable RHV development progress, the consultant recommends the property have entitlements identified in the City's Evergreen planning documents. The County requests City consideration of this property in any Evergreen plan updates, such as may occur for the Arcadia property south of Quimby Road. A related issue is that VTA's Capitol Light Rail project will require a take of airport property frontage including some of the Tully/Capitol parcel. Although not strictly a City issue per se, the City is heavily involved in the pre-construction planning for the project and this issue directly impacts the Capitol Expressway relinquishment.

City View: The City is open to having discussions with the County on appropriate land development on the property. The City is interested in retail uses that support the existing and proposed car dealerships at this intersection. Uses will need to be designed to comply with the ALUC rules and specifically the Comprehensive Land Use Plan being considered for adoption by the ALUC.

23. Capitol Expressway

City Point Person – **Jim Helmer**, Director of Transportation

County Point Person – **Michael Murdter**, Director of Roads and Airports

A. Relinquishment

Est. Completion Date: TBD based on status of VTA’s Capitol LRT project.

Synopsis: In April 2004, the City formally approached the County requesting that the County negotiate a relinquishment agreement for Capitol Expressway in order to support both a light rail transit (LRT) extension to Eastridge and proposed development in Evergreen. In 2007, the City requested a revised relinquishment plan to support just the LRT project.

County View: The City has indicated that it cannot accept relinquishment in advance of the LRT project. Thus, the City and County have mutually agreed, the relinquishment negotiations cannot continue at this time.

City View: The VTA is pursuing a strategy of seeking Federal funding for the Capitol LRT Extension to Eastridge Project. County and City staff agreed to drop consideration of Capitol Expressway relinquishment until such time that the project is fully funded for construction.

B. New Access and Median Opening for Arcadia South of Quimby Road

Est. Completion Date: TBD based on status of Arcadia’s private development planning.

Synopsis: Arcadia development has requested a new access connection and signalized median opening to Capitol Expressway south of Quimby Road, to accommodate commercial development. Median opening connections are controlled by a City-County agreement, which will need modification to permit the proposal. City and County staff have not yet reviewed site development and traffic plans to determine if the proposed development impacts are addressed appropriately.

County View: The County has requested the developer obtain City support of the proposal and City has provided a letter with conditional support. Upon further review of specific development information and upon finding impacts are appropriately addressed, County staff is prepared to support the proposal for Board action.

City View: Development of Arcadia site requires a new traffic signal connection at Capitol Expressway to facilitate adequate access and circulation. City staff appreciates the County’s preliminary support of the new access proposal.

24. Household Hazardous Waste Program and Las Plumas Site

City Point Person – **John Stufflebean**, Director of Environmental Services

County Point Person – **Greg Van Wassenhove**, Director of Agriculture and Environment Management

Est. Completion Date: TBD.

Synopsis: The City is moving forward with plans to move the temporary Household Hazardous Waste (HHW) Program permanently inside the Las Plumas Warehouse over the next two years. Based upon concerns raised by the County, City staff is now developing, in conjunction with its Attorney's Office, a lease-only alternative for the County HHW Program to operate at the new Las Plumas facility. This approach would incorporate appropriate site improvement costs and address most of the issues raised by County staff.

City View:

City project management staff are in the final stages of completing the construction bid documents for Las Plumas Phase I (temporary HHW drop-off facility). Staff expects to release an RFP for competitive construction bids in Spring 2009, with receipt of proposals, evaluation and award in Summer 2009. Construction completion is estimated in late 2009.

City staff is simultaneously finalizing conceptual design drawings for Las Plumas Phase II, which includes transitioning the HHW drop-off facility within the interior of an on-site warehouse structure. Such conceptual drawings will be available in Spring 2009, which shall be used in a separate RFP process to solicit other tenants to occupy the remaining useable space within the warehouse. CEQA review for this phase of the project is anticipated to be complete in Spring 2009 as well. Phase II is anticipated to be completed in FY 10 - 11.

The countywide Household Hazardous Waste (HHW) Program is administered by the County Environmental Health Department on behalf of the County Unincorporated Areas and all Santa Clara County cities except Palo Alto. The County has operated an HHW Facility at the City of San Jose Central Service Yard since 1995 (a third of the residents who used this facility were not from San Jose); One of the County's three "permanent" HHW Facilities, this site had always been intended as an interim location until a truly permanent site was established. The other two much smaller facilities are located at the Sunnyvale water treatment plant and at a County-owned site near San Martin. The City is committed to moving forward with the centrally-located permanent HHW site at Las Plumas.

The City is concerned that users of the program from other cities and unincorporated areas of the County contribute appropriately to the cost of this centrally located permanent facility so that the cost does not fall solely on City rate payers while others share in the benefits of the improved site and program. On January 8, 2009, the TAC approved of a recommendation to increase the AB 939 Implementation Fee by 55 cents per land-filled ton, and to adjust the structure of the Agency Agreement to three (3) one-year terms. The fee increase would support overall Countywide household participation levels to 4%, as well as the cost increase/ inflation to collect and dispose of the larger quantities collected. In addition, the fee increase would be used to support an annual lease payment in the amount of \$53,200 for

the new San Jose HHW drop-off site. The annual lease payment would support the use of the land (~ 27,000 square feet of exterior paved areas) and maintenance of the site. The City is developing a lease agreement for the temporary HHW site with the County. The City intends to include a provision in the temporary lease that allows the City or County to terminate upon completion of the permanent HHW facility.

With the one-year term structure for the Agency Agreement, further discussions can occur to determine appropriate lease costs, and possible fee increase requests, to support the second phase of the San Jose facility, which shall include an interior permanent HHW drop-off facility. Staff from nearly all other cities in the County has expressed support of the City's position that the entire county should contribute to the capital improvement costs for the permanent San Jose HHW facility.

County View: Since there is no precedent for the use of AB 939 fees for construction of a permanent HHW facility in the county, County Counsel and Department staff raised several issues with the California Integrated Waste Management Board relating to an increase in the AB 939 fees specifically for construction costs of the SJ HHW facility.

Considering these issues, City and County staff worked on a lease agreement option to recover the costs of operating and maintaining the facility, and have proposed an increase to the AB 939 fees to operate the facility under the lease. If approved by the Board of Supervisors and City Council, the fee increase will be in place July 1, 2009, in time for the Fall 2009 opening of the temporary HHW facility. The San Jose HHW Facility at Las Plumas Avenue will be available to all residents countywide as the AB 939 fees are collected countywide.

The County has historically managed a program for the collection and disposal of HHW at periodic events throughout the county, except in Palo Alto. Although the majority of events are staged at temporary sites, it is less expensive, more secure and easier to operate at a permanent site, such as the facility under development at the Las Plumas site. The County, under a lease agreement with the City, operated out of a similar permanent facility in San Jose in the past with no problems. The County submitted a letter dated May 3, 2007 to the City expressing the County's support of establishing a permanent household hazardous waste facility.

25. Transfer of Petroleum Tank Inspection Responsibility from City to County

City Point Person – **Ivan Lee**, Acting Fire Marshal

County Point Person – **Ben Gale**, Director, Environmental Health Department

Est. completion Date: October 1, 2009

Synopsis: In a letter dated May 12, 2009, the City Manager requested that the County assume responsibility for inspection of the Underground Petroleum Storage Tanks (USTs) and Above Ground Petroleum Storage Tanks (AGSTs) within the city limits of San Jose. The City has been conducting the program since 1997 under an agreement with the County as the Certified Unified Program Agency (CUPA). The City and County staff are developing a transition plan for the inspection activities and fee collection prior to implementing the transfer of responsibility.

County View:

The Department of Environmental Health (DEH) is the recognized Certified Unified Program Agency (CUPA) for Santa Clara County as defined in the California Health & Safety Code. DEH is responsible, by written agreement to CalEPA, to ensure that all of the mandated hazardous materials programs are implemented through local Participating Agencies (PA), such as the City San Jose; or, if there is no PA, the County must conduct the program.

The City is requesting that approximately 291 facilities (approximately 793 tanks) be transferred to the County for inspection and collection of fees. This increased workload requires two Hazardous Materials Specialists and one Accounting/Clerical person to ensure compliance with State law mandating each tank is inspected annually. Program costs will be 100% cost recovery through fees as provided in DEH's fee schedule. DEH is working with City staff in developing a transition plan for the transfer of responsibility. Once the transition plan is acceptable to the both City and County staff, DEH will notify the State Secretary for Environmental Protection of the requested change in the CUPA Agreement. Following notification, DEH will request approval for the added responsibility from the Board of Supervisors.

City View:

The City has been a Participating Agency (PA) with the County as the Certified Unified Program Agency (CUPA). The City has been responsible for the Underground Storage Tank Program (UST) (Chapter 6.7 CA Health and Safety Code), The Aboveground Storage Tank Program (AGST) (Chapter 6.67 CA Health and Safety Code), The Hazardous Materials Release Response and Inventories (Chapter 6.95 CA Health and Safety Code) and the Uniform Fire Code (now International Fire Code) Hazardous Materials Management Plans and Inventories Program (HMMP/HMIS). With the passage of Senate Bill SB989 in 1999 (requiring annual inspection versus previous requirement of three year inspection cycle) and subsequent underground storage tank regulations, the requirements for conducting and completing inspection has greatly increased with no additional budget, staff or resources allocated to the Bureau of Fire Prevention. In addition in the past year an expanded AGST

program has been delegated from the State Water Resources Control Board to the CUPAs and PAs

The City is requesting that the UST Program, AGST Program and the unified billing associated with all the CUPA programs be transferred to the County. The City will maintain as a Participating Agency the HMRRP/HMMP and HMIS programs. The City will continue to inspect the UST and AGST facilities for compliance with International Fire Code fire safety/hazardous materials /life safety regulations but not with the California Health and Safety Code regulations which have greatly expanded the time to complete inspections at these facilities.

Parks and Recreation

26. [Branham/Snell Right-of-Way, the Future Martial Cottle Park, and the Proposed Community Garden in Martial Cottle Park](#)

City Point Persons – **Albert Balagso**, Director of Parks, Recreation, and Neighborhood Services and **Timm Borden**, Deputy Director of Public Works
County Point Person – **Lisa Killough**, Director of Parks and Recreation

Est. Completion Date: TBD.

Synopsis: The County is presently master planning Martial Cottle Park, formerly known as the Lester Property, and the City is planning to design and construct a community garden within the park. In addition, the City is interested in securing right-of-way to widen Branham and Snell, which are directly adjacent to the park. However, the road widening projects are now on hold due to the City's budget difficulties. The master plan is entering the EIR phase, as the County Board's Housing/Land Use/Environmental and Transportation Committee approved the preferred alternative to be the basis for the environmental review. Staff expects to complete the environmental review by fall 2009 at which time a Task Force meeting will be scheduled to share the results.

County View: For a couple of years, Parks has been negotiating with the City Public Works Department for right-of-way (ROW) that the City needs in order to widen Branham and Snell adjacent to Martial Cottle Park, formerly known as the Lester Property. The City requires five acres of the park for this project. The proposal under negotiation (and approved by the Board in closed session on April 10, 2006) would be for the City to compensate by providing the County: a five-acre parcel next to Almaden Quicksilver County Park; a \$500,000 contribution to the park development; utility stub-outs for the park development (to be used for a community garden development that the City will manage); and a sanitary and storm sewer connection fee adjustment.

In addition, Parks learned that the City owns ROW on the south side of Highway 85, which could be used for a trail connection (underneath the highway) to Martial Cottle Park. The City has agreed to include this property, known as the Cahalan ROW, into a compensation package. However, the proposed Branham/Snell ROW agreement was challenged by the Park Donor. The Park Donor disapproves of the County's acceptance of the five-acre parcel near Almaden Quicksilver County Park because it is believed the property does not directly benefit Martial Cottle Park. County Parks has informed City staff that the Department does not want to acquire the five-acre parcel near Almaden Quicksilver County Park and the current draft agreement reflects this point.

The master plan for Martial Cottle Park is currently at the environmental review stage and staff anticipates this work to be completed by the fall 2009. The next Task Force meeting will be in the fall (2009) to share the results of the environmental review.

County Parks staff was recently informed that the City Council approved deferment of the Branham/Snell widening projects due to funding constraints. County Parks and the City agreed to proceed with an agreement for the community garden development as a component of Martial Cottle Park. A current draft agreement that includes the right-of-way for the future road widening projects, utility stub-outs for park development, sanitary and storm connection fees, and the Cahalan right-of-way is currently under review by both County Counsel and the City Attorney's Office. No date has yet been set for Board or Council action on the agreement.

City View: Branham Lane and Snell Avenue are important thoroughfares carrying significant volumes of traffic and pedestrians in the east-west and North-South directions, respectively. As segments of Vista Park Drive and Chynoweth Avenue were removed from the General Plan in the 1990's, widening Branham Lane and Snell Avenue to their ultimate four lane and six lane configuration became even more important to convey project traffic volumes. Currently, Branham Lane is two lanes, with no pedestrian facilities on the south side of the street, and Snell Avenue is four lanes with no pedestrian facilities on the west side of the street. To achieve these widenings, the City must acquire approximately 3.5 acres of County property currently under a master planning process to be developed as Martial Cottle Park.

In exchange for the right of way, San Jose will convey to County a piece of property on the south side of Highway 85, which could be used for a trail connection (underneath the highway) to Martial Cottle Park. Instead of the original deal point of providing County \$500,000 for the park development, staff has tentatively agreed that the City will design, construct, and manage a community garden on the Lester Site. \$500,000 has been allocated in the City's Park Trust Fund during the FY 08-09 budget process for this purpose. As part of the roadway widening project, City will stub utilities (storm drain, sanitary sewer and water) to the County property.

This arrangement for the community garden will be tied into the right-of-way transfer agreement being developed to give the City the necessary land on Branham Lane and Snell

Avenue. It is anticipated that this agreement will be brought forward to the City Council no earlier than October 2009.

The City Council deferred the Branham/Snell widening projects indefinitely at the Mid-Year Budget Review with the City Council due to funding constraints. Although the City still fully intends to complete these priority improvements, they are no longer funded within the five year Capital Improvement Program. County Parks would like to proceed with an agreement with the City for the community garden development as a component of Martial Cottle Park. Both parties would like to have the Council and the Board of Supervisors document the agreement to transfer right-of-way for the future road widening projects, construct utility stub-outs for park development, and the transfer of the Cahalan right-of-way

Although the donor disagrees with including the five-acre parcel located near Almaden Quicksilver County Park in the agreement, the County has long committed to accepting this property. In fact, this property was acquired by the City from the San Jose Unified School District for the sole purpose of including the property in this transfer agreement and based upon the County Parks stated desire for the property with recognition of the property's location and potential deed restrictions. County Parks staff has agreed to move forward with this transfer at the same time that the full agreement goes forward for approval, but as a separate agreement.

27. Scott/Clifton Property

City Point Person – **Albert Balagso**, Director of Parks, Recreation and Neighborhood Services

County Point Person – **Lisa Killough**, Director of Parks and Recreation

Est. Completion Date: TBD.

Synopsis: The City Redevelopment Agency requested \$500,000 from the Park Charter acquisition fund to assist with the acquisition of a half-acre parcel that would facilitate a neighborhood connection to the Los Gatos Creek Trail. The City is aware that County funds are only for acquisition. Recently, the City heard from the property owner that they are no longer interested in selling the property so the City will work to reprioritize their efforts towards an alternate project during this budgeting season.

County View: At the January 23, 2006 closed session meeting, the Board considered a City Redevelopment Agency request for \$500,000 from the Park Charter acquisition fund to be applied for acquisition of a half-acre parcel in the Burbank unincorporated area. This parcel would contribute to a neighborhood connection into the Los Gatos Creek Trail in downtown San Jose.

The Board indicated that it would support a funding contribution once the Branham/Snell ROW agreement has successfully completed. Neither the Parks Department nor City staff has pursued negotiations on this agreement since the closed session meeting. The County's contribution could only be spent for acquisition purposes and not for development.

Given that the Scott/Clifton property is no longer available for purchase, County Parks is working with the City PRNS officials on the City's alternative proposals for use of the County's potential contribution. The alternatives under discussion involve property acquisition that would directly benefit the extension of the Los Gatos creek Trail in the downtown San Jose area.

There has been no further development or proposal from the City on the use of these funds.

City View: The City is pursuing additional acquisitions in the area including the following: Willow Glen Spur Trail, Los Gatos Creek Trail Reach V and the Del Monte Park site. As the City continues in the discussions with property owners regarding these acquisitions the City would be interested in partnering with the County regarding the use of Park Charter funds to help with the acquisition. This has been discussed between City and County staff. In addition, City staff has purchased additional parkland at 495 Mayellen, adjacent to the existing Buena Vista Park. This purchase was approved by Council at the August 5, 2008 meeting and funded through the City's Park Trust Fund collections.

28. Willow Glen Spur Trail Acquisition

City Point Person – **Ed Shikada**, Chief Deputy City Manager; Albert Balagso, Director of Parks, Recreation and Neighborhood Services; and Norberto Duenas, Deputy City Manager
County Point Person – **Lisa Killough**, Director of Parks and Recreation

Est. Completion Date: TBD.

Synopsis: The Willow Glen Spur Trail, when completed, would connect four regional trails--Coyote Creek, Guadalupe River, Highway 87 Bikeway and Los Gatos Creek. The County has committed \$2 million matching grant for the acquisition of Union Pacific Railroad (UPRR) property for future trail development. The City anticipates completing negotiation of the acquisition of select parcels between Broadway Avenue and Minnesota Avenue in 2009. Remaining segments west of the 87 Freeway (between Los Gatos Creek and Hwy 87) are to be acquired in conjunction with private development. A Focus Group was convened from June to October 2008 that studied the eastern alignment and provided input to the City on acquisition and development options for consideration. Information from the Focus Group meetings, including agendas, notes and supporting reports can be found at: <http://www.sjpark.org/Trails/WillowGlenSpur/FocusGroup-WillowGlenSpurTrail.htm>. A summary and recommendations report from the Focus Group is also available on the site.

City View: Property acquisition along the Willow Glen Spur alignment has been a complex multiyear effort, due to environmental conditions, land valuation, limited funding, and questions over the operational viability of the segment between Highway 87 and Coyote Creek (Senter Road). The following paragraphs describe the status of individual segments:

1. Los Gatos Creek to Minnesota Avenue: Because of documented high levels of arsenic and lead, UPRR is working with the State Department of Toxic Substance Control (DTSC) on a remediation plan. City staff are under discussions with UPRR and UPRR plans to remediate the property from Lonus to Minnesota to California Human

Health Screening Levels (residential standards) as defined in the Remediation Action Workplan and obtain subsequent clearance from DTSC.

- Los Gatos Creek to Coe Avenue & Coe Avenue to Broadway Avenue: *UPRR was in contract for sale to a private developer for the property from Los Gatos Creek to Broadway...* City staff has been made aware that this discussions are not longer occurring.
- Coe Avenue to Broadway Avenue: The same developer is seeking to develop homes that would permit a 6' attached sidewalk along a portion of the frontage adjacent to the Leona Court cul-de-sac, with the remainder designed as a conventional trail. The sidewalk solution is not optimum but the low volume street offers additional capacity for bicycle travel. The City awaits an application to be processed through the City development review and approval process.
- Broadway Avenue to Willow Street and Bird to Minnesota Avenue: The City commissioned a study to evaluate the highest and best use of the land and shared the results with UPRR. The City and UPRR are near finalization of the terms for the sale of the property to the City.

The very short segment at the corner of Willow Street to Bird Avenue is included in the study, but is not of primary interest to the City because it does not contribute to a trail experience.

2. Minnesota Avenue to Guadalupe River: The housing development along these parcels has been completed and includes a trail and widened sidewalk.
3. Guadalupe River to Highway 87: A specific plan for the Tamien area designates high density multi-family residential development along the UPRR property. This type of development can be conditioned to provide property and recreational improvements. Staff is tracking development proposals, and will ensure a continuous trail along the alignment.

Staff has coordinated with the Santa Clara Valley Water District and Army Corps of Engineers to determine that the existing railway bridge over the river will remain in place even with planned flood control work. Staff is working with the Water District to obtain agreement about the long-term availability of this structure for trail development.

City staff has sought Caltrans' input on creating a ramped connection to the existing Highway 87 Bikeway. Staff is monitoring the State's high-speed rail planning process that would likely lead to an elevated railway east of Highway 87 as it would further impact an area that must be crossed for development of a continuous trail. Caltrans is represented on the Focus Group and has been made aware that further discussion on ramping to Highway 87 will occur as part of that process.

4. Highway 87 to Story Rd Landfill/280 (eastern alignment): This portion of the trail provides several challenges. The City held a community meeting in early February 2008 to review the opportunities and challenges with trail development along both, the western and eastern alignments. Given the challenges associated with the eastern alignment, a focus group was formed to specifically review the eastern alignment. Four meetings were held between June and October 2008 with the focus group including a tour of the entire Willow Glen Spur trail. The group analyzed the opportunities and constraints associated with each reach. In light of the substantial challenges associated with the railroad alignment, staff discussed a potential alternative which would incorporate bike lanes along Alma Avenue between Minnesota and Senter Road. This alternative could serve as an interim to the proposed trail along UPRR property. A Summary and Recommendations memo is posted at the following website:
http://www.sjpark.org/Trails/WillowGlenSpur/documents/2009_06_WG_SPUR_info_memo_000.pdf
5. UPRR commissioned appraisals for a portion of the eastern alignment (from 10th Street to Keyes) and the appraisals were provided to City staff. The City and UPRR were unsuccessful in negotiating the final sales term for this alignment. {With the availability of City-owned property along Kelley Park and limited funding, the City did not view this segment as a high-priority for acquisition.}

Available Funding for the Acquisition of the Willow Glen Spur Trail:

- \$763,250 Park Trust Funds within Council District 6
- \$965,813 County Match
- \$300,000 SCVWD Grant
- \$800,000 Prop. 40 Grant (currently “frozen” as a result of the State budget problems)
- \$1,000,000 Open Space Authority (2003)
- \$1,000,000 Open Space Authority (2004)

Total: \$4,829,063

County View: On September 28, 2004, the Board approved a \$2 million funding agreement between County Parks and the City for acquisition of property to build the Willow Glen Spur Trail. This trail, when implemented, will connect three regional trails noted in the Countywide Trails Master Plan: Coyote Creek, Guadalupe River, and Los Gatos Creek. The County's \$2 million has yet to be transferred because the City is still negotiating with the landowner, Union Pacific Railroad (UPRR), for the sale. The negotiations are going slowly as the City works through the acquisition details, including some issues related to contaminants. City staff has recently requested and been granted an extension of time to acquire the property. The County's contribution is predicated on a 1 to 3 ratio - meaning for every dollar that the County contributes to the acquisition, the City will contribute three dollars. This arrangement will encourage the City to purchase as much, if not all, of the property needed for the complete alignment in exchange for the County's full funding. Once the property is acquired, the County will have no responsibility for development and operation of this trail. The City is rethinking its strategy to purchase the ROW between Highway 87 to Kelley Park due to funding constraints. This is problematic from the County's perspective, and does not conform to the agreement intent.

In a January 28, 2008 letter, the City Manager formally requested a \$4M grant from County Parks to acquire right-of-way from the Union Pacific Railroad for the trail section from Hwy 87 east to Interstate 280. In addition, the City Manager proposed that the City and County convene a Technical Advisory Committee to discuss the viability of creating a commute-focused corridor between Hwy 87 and Senter Road; future development impacts; the ability to condition land uses in support of future trail development; and viable funding options.

On February 26, 2008, the County Board of Supervisors unanimously approved a referral from Supervisors Blanca Alvarado and Ken Yeager relating to the Willow Glen Trail, now called "The Three Creeks Trail" by the City. The referral directed County Administration to authorize Parks staff to participate in the City's TAC for the purpose of addressing the development and potential funding of the eastern alignment for "The Three Creeks Trail." Parks staff were assigned to participate in the TAC and directed to report the status and/or progress on the TAC to the Board.

The City convened the first meeting of the Focus Group (formerly referred to as the TAC) on Monday, June 30, 2008. Representatives from Supervisors Alvarado and Yeager's offices were in attendance as well as the VTA, Caltrans, Union Pacific Railroad, Rail to Trails Conservancy, community members, and staff from the Mayor's office, Councilmember Oliverio and several City staff from various departments. The meeting reviewed each segment of the western and eastern alignments in particular the status of any pending real estate negotiations. There are several segments that developers have expressed interest in acquiring from Union Pacific Railroad and in fact, two segments have already been sold and two segments have been developed on (Hervey Lane housing development and stucco supply company.) A site visit was convened in July where members of the Technical Advisory Committee viewed and traveled the various reaches of the trail. The next meeting is scheduled for September 3 to review site constraints, such as grade crossings, and to review potential funding opportunities.

Future meetings will focus on the crossing at Highway 87 and railway interface, use of two existing trestle bridges, and a conceptual proposal of making Alma Ave. into a pedestrian corridor in order to re-route trail users away from the industrial areas.

The last Focus Group meeting was held on October 27, 2008 where City staff provided an overview on using the Alma St. corridor as the eastern alignment of the trail. Two options were reviewed and both were problematic with respect to the impacts identified at key intersections such as Monterey Road/Alma St. and Almaden Expressway/Alma St.; the level of service would fall to an unacceptable level under the City's current transportation policy. City staff indicated a final report would be prepared for City Council review in early 2009.

29. Shady Oaks Park at Coyote Creek Parkway

City Point Person – **Albert Balagso**, Director of PRNS

County Point Person – **Lisa Killough**, Director of Parks

Est. Completion Date: Second Quarter 2008

Synopsis: The City has completed a Citywide Sports Field Study, which will be completed in 2008 and has also initiated a site selection process for an aquatics facility in City Council District 2. If Shady Oaks surfaces as a priority site out of these studies, the City will re-engage the County and the local community in discussions about the potential size and scope of a facility. The County is generally supportive if the complex is of an appropriate scale and has a sufficient buffer zone for the creek.

County View: The City leases a portion of Coyote Creek Parkway and has built and maintains a neighborhood park called Shady Oaks (near the intersection of Silver Creek Valley Blvd.). Since completion of the City's Park Strategic Plan (called the "Greenprint"), there has been a goal of expanding Shady Oaks Park to include a soccer complex. The current leasehold includes undeveloped land that could be used for such purpose. Councilmember Forrest Williams and City staff has made a few presentations to the County and City Parks and Recreation Commissions over the past three years regarding this proposal. The County Parks Commission has expressed support for a complex to the extent that the neighborhood values are preserved and the riparian corridor is protected. At this juncture, it does not appear that the City has reached consensus with the neighborhood regarding the design and the project is at a standstill. Should the City resume discussions on the design, County Parks would advocate for a scaled back design that provides a greater buffer zone for the creek and neighborhood.

City staff has verbally indicated a desire to re-open discussions on this site, for sports related recreational improvements, however, no proposal has been submitted.

City View: The City completed a Citywide Sports Field Study and an aquatics facility site selection study. Moving forward, staff will discuss with the County whether there is adequate need and funding to proceed with a sports or aquatics facility at this location. Given the lack of available open space for these types of facilities, City staff is very interested in keeping the opportunity available for discussions around the future of this site.