



# Memorandum

**TO:** HONORABLE MAYOR &  
CITY COUNCIL

**FROM:** Albert Balagso

**SUBJECT:** SEE BELOW

**DATE:** 04-14-10

Approved

Date

4/15/10

**COUNCIL DISTRICT:** 4,5,8

**SUBJECT: GRANT APPLICATIONS FOR PROPOSITION 84 - STATEWIDE PARK PROGRAM GRANT FUNDS**

## RECOMMENDATION

Adoption of a resolution authorizing the City Manager or designee to:

- a. Draft a letter of support for the application of the San Jose Conservation Corps to the State of California Conservation Corps for the Thompson Creek Trail and Alum Rock Park and projects;
- b. Sign and submit a Sponsor Land Tenure/Site Control Letter (Attachment A) to the California Conservation Corps for the Thompson Creek Trail and Alum Rock Park projects;
- c. Accept this work as part of the settlement agreement dated January 12, 2010 between the City of San Jose and the San Jose Conservation Corps in the amount of \$160,000 regarding all claims and outstanding amounts identified in the Audit of the San Jose Conservation Corps issued by the City Auditor in May 2009.

## OUTCOME

City Council approval of the recommendations in this memorandum will authorize the City Manager, or designee, to support the grant applications of the San Jose Conservation Corps (SJCC) to the California Conservation Corps (CCC) for approximately \$160,000 worth of work on the Thompson Creek trail and Alum Rock Park projects. If both these grants are awarded, the proposed projects will result in mitigating erosion, restoring trails and vegetation, reducing fuel loads, and protecting the watershed in Alum Rock Park and on the Thompson Creek Trail.

## **BACKGROUND**

Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River Coastal Protection Bond Act of 2006 was passed by the voters November 8, 2006. It added Public Resources Code 75050, authorizing the Legislature to appropriate forty five million dollars (\$45,000,000) to the California Conservation Corps (CCC) for resource conservation and restoration projects, and for facilities acquisition, development and local resource conservation activities.

Applications for the current round of project funding were due April 1, 2010. The San Jose Conservation Corps worked closely with Parks, Recreation & Neighborhood Services staff to develop scopes for two projects that will qualify for Proposition 84 funding. The work that is proposed will not exceed the amount of \$160,000 and will consist of mitigating erosion, restoring trails and vegetation, reducing the fuel loads, and protecting the watershed in Alum Rock Park and on the Thompson Creek Trail. The San Jose Conservation Corps submitted two (2) grant proposals that they believe will have the likelihood of scoring high and will be accepted.

On January 12, 2010, the City Council approved a settlement agreement with the San Jose Conservation Corps to mutually resolve disputed findings that the City overpaid the Conservation Corps for services provided under the City's Master Agreement with the Conservation Corps pursuant to a City Audit report issued in May 2009. A settlement amount of \$160,000 was reached. The Agreement allows the Conservation Corps to repay the City through in-kind services worth at least \$160,000, referred to as "Additional Services". The Corps is seeking grant funding for two projects through the Statewide Park Program under Proposition 84 to satisfy the obligations of the Corps in providing additional services.

## **ANALYSIS**

On April 1, 2010, the SJCC submitted project applications for the following two projects totaling \$160,000:

- **Thompson Creek Trail (\$6,763):** Removal of an unpermitted bridge that is unsafe – this project will improve public safety (pertaining to a watershed), protect the watershed from pollutants, protect the living habitat, and protect the adjacent land from erosion by keeping trespassers out of this specific area.
- **Alum Rock Park (\$153,237):** Reduce fuel loads on public lands and restore South Rim Trail Switchbacks – this project will improve public safety (pertaining to a watershed), restore unsafe trails, remove invasive plants and restore vegetation with native plants, and provide erosion control measures.

Land tenure and site control compliance is required before a project can start. All grant amounts greater than \$100,000 require at least 20 years of operations and maintenance. Since the Thompson Creek Trail project is removing an unsafe structure it will have a positive impact on the City's infrastructure backlog and there will be no long term maintenance obligations

associated with this project. The Alum Rock park project will provide repairs to an existing trail as well as plant native vegetation along the trail to help with slope stabilization. Currently, routine maintenance along this trail section is performed by volunteers and this will continue following the SJCC project. Therefore, this project will not increase the annual operations and maintenance obligations of the City.

As part of the settlement agreement dated January 12, 2010 between the City of San Jose and the San Jose Conservation Corps in the amount of \$160,000 regarding all claims and outstanding amounts identified in the Audit of the San Jose Conservation Corps issued by the City Auditor in May 2009, the San Jose Conservation Corps will submit services to the City in the amount of \$160,000 to satisfy the terms of the settlement agreement.

### **EVALUATION AND FOLLOW-UP**

If the San Jose Conservation Corps is awarded these grants, staff will coordinate with the SJCC on implementation of the projects.

### **POLICY ALTERNATIVES**

*Alternative #1: Do not support these grant applications*

**Pros:** None.

**Cons:** Inconsistent with City Council's approach of seeking grant funds to develop projects. The City loses an opportunity to settle with the San Jose Conservation Corps in the amount of \$160,000.

**Reason for not recommending:** The identified projects are well suited for this funding source and not pursuing funds would be inconsistent with the Council's preferred approach and the City would miss out on an opportunity to help reduce the infrastructure backlog at Alum Rock Park and Thompson Creek Trail.

### **PUBLIC OUTREACH/INTEREST**

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

This action does not meet any of the above criteria. This memorandum will be posted on the City Council Agenda website for the April 27, 2010 Council agenda.

**COORDINATION**

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Office.

**FISCAL/POLICY ALIGNMENT**

All projects are consistent with the Council-approved Budget Strategy for Economic Recovery. If selected for funding, the projects will help to reduce the City's deferred infrastructure backlog.

**COST SUMMARY/IMPLICATIONS**

These projects will have a positive net effect on the City's infrastructure backlog so there will be no ongoing impact to the General Fund.

**BUDGET REFERENCE**

Not Applicable

**CEQA**

Not a project

/s/

ALBERT BALAGSO  
Director of Parks, Recreation and  
Neighborhood Services

Attachment: A) Sample Sponsor Land Tenure/Site Control Letter

For questions please contact Matt Cano, PRNS Capital Division Manager, at 408-535-3580.

Sample Sponsor Land Tenure / Site Control Letter

<Use Sponsor's Letterhead>

(Date)

Bond Program Analysts  
California Conservation Corps  
1719 24<sup>th</sup> Street  
Sacramento, CA 95816

To Whom It May Concern:

\_\_\_\_\_ (Sponsor Organization) \_\_\_\_\_ acknowledges that corpmember labor is being provided by \_\_\_\_\_ (Grantee Organization) \_\_\_\_\_ for the \_\_\_\_\_ (Project Name) \_\_\_\_\_. It is further understood that funding for this labor is being provided through Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006.

\_\_\_\_\_ (Sponsor Organization) \_\_\_\_\_ understands that bond funds granted by the State of California require land tenure and site control requirements, pursuant to the amount of bond funds invested in the project.

It is intended that land upon which a project improvement is made will be owned, operated and maintained by the sponsor for a period of:

- 10 years for grant amounts up to and including \$100,000
- 20 years for grant amounts greater than \$100,000 but up to and including \$1,000,000
- 25 years for grant amounts over \$1,000,000

\_\_\_\_\_ (Sponsor Organization) \_\_\_\_\_ acknowledges that project work is intended to be maintained for the period of time indicated above, and gives \_\_\_\_\_ (Grantee Organization) \_\_\_\_\_ the authority to construct, operate and maintain the project, and begin the project work, in accordance with the Grant Agreement provisions. When \_\_\_\_\_ (Grantee Organization) \_\_\_\_\_ will not operate and maintain the project on an ongoing basis, \_\_\_\_\_ (Sponsor Organization or Alternate Site Manager) \_\_\_\_\_ acknowledges that (Sponsor Organization) will assume the responsibility of operating and maintaining the improvements as indicated above.

Sincerely,

\_\_\_\_\_  
Authorized Sponsor / Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Sponsor / Owner Printed Name

\_\_\_\_\_  
Printed Title