



CITY/COUNTY DISCUSSION TOPICS

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General Government

1. City/County Annual Meeting and Relationship

City Point Person – **Debra Figone**, City Manager
County Point Person – **Jeff 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 Friday, October 15, 2010 from 8:30 a.m. to 12 noon in the County Board Chambers at 70 W. Hedding Street, San Jose.

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.

2. 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.

3. [Tax Increment Pass-Through Payments](#)

City Point Person – **Harry Mavrogenes**, Executive Director, Redevelopment Agency
County Point Person – **Jeff Smith**, County Executive

Est. Completion Date: Ongoing.

Synopsis: The Redevelopment Agency, City and County entered into Tax Sharing Agreement in 1983 that has been amended and restated over the years, most recently on May 21, 2001. Due to economic conditions and State mandates, the Agency has been unable to pay to County tax-increment pass-through revenue under the Amended and Restated Agreement for the past two years and for the foreseeable future. The parties are currently in discussions exploring potential ways to address the issue.

4. [Census 2010](#)

City Point Person – **Deanna Santana**, Deputy City Manager
County Point Person – **Emily Harrison**, Deputy County Executive

Census Day was April 1, 2010. Non response follow up was conducted through July 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. Results of Census 2010 will be delivered to President Obama by December 31, 2010, and will be made public in April 2011. At that time, the redistricting process will begin.

The City of San Jose and the County of Santa Clara, along with Valley Transportation Authority, formed the Census 2010 Partnership Network in late 2008, dedicating resources of staff and budget to ensure an accurate Census count. Early formation and planning was critical to the success of the outreach program. The Partnership Network was a grassroots approach to outreach and education of the residents of Santa Clara County to encourage participation in the census, and proved to be a success. Both San Jose and Santa Clara County

matched their 2000 participation rates of 74% and 75%, respectively, in spite of declining participation levels across the nation. Both the City and the County exceeded the national participation rate of 72%, and California's overall participation rate of 71%.

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. According to the California Complete Count website, each person not counted in California costs \$3,000 per year in loss of potential state and local funding. Over 10 years, that equates to a loss of \$30,000 per person that is not counted.

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 utilized a grassroots outreach plan that encompassed schools, colleges and universities, businesses, community- and faith-based organizations and the other cities. Some highlights of that campaign were:

- Toolkits were provided in early 2010 to elected officials of the City and the County for their use in outreaching to their constituents. Our electeds incorporated census into their outreach to constituents, included census information in their newsletters, and attended census events.
- Silicon Valley Community Foundation created a regional Census 2010 Small Grants Program (SGP) to administer grants that were awarded to over 50 community-based organizations to support community-based campaigns. The City contributed \$45,000 and the County contributed \$100,000 to the SGP, and the funding was disbursed directly to the funded organizations. The grant amounts ranged from \$3,000 to \$10,000.
- Regular community workshops, called "Breakfast Briefings" brought together community organizations to brainstorm and develop action plans to reach the hard to count populations. Resources such as printed materials and promotional items were provided to organizations for outreach.
- A number of work groups were done with the Census Liaisons of the other 14 cities to provide them with template action plans, materials and support to conduct outreach.
- Ethnic and local media advertising supplemented national advertising by the Census Bureau.
- Working through the Office of Education, outreach was done within the Adult Education, Migrant Education and Head Start Programs. The City and the County received strong support from school districts in some of the hardest-to-count neighborhoods, including Alum Rock Union, East Side Union High, and Franklin-McKinley. Districts leveraged a variety of outreach methods, including school-to-home flyers, sending a Census reminder

via the district's auto-dial phone system, posting messages on websites and billboards, and hosting census events and presentations.

- The City of San Jose developed a tri-lingual bill insert that went to 190,000 San Jose residents in their Recycle Plus bills.
- To maintain a consistent look, the City utilized the bill insert artwork to create street pole banners for several hard-to-count census tracts, as well as banners for libraries, community centers and fire stations. The City and County coordinated to post banners at the three main entrances to the San Jose State University campus.
- VTA donated \$86,000 worth of ad space for Census advertising, as well as their printing costs. Advertising was done in two phases, encouraging mail participation followed by door-to-door participation.
- Working through the Office of Human Relations, the County sub-contracted with Citizenship Day outreach specialists, and they incorporated Census outreach into their trainings and presentations, and outreach was done in 13 languages throughout the county. In addition, OHR conducted a number of census outreach activities focused on the immigrant communities.
- During the week of March 29, a number of activities were done to focus on counting the homeless community. Working with local homeless providers and the federal Census Bureau, the City and County coordinated a soup kitchen enumeration, wherein a special meal was provided and an incentive item (toiletry kit and socks) was provided to encourage the homeless to come and fill out a Census form. In addition, the Census Bureau conducted an operation on the evening of March 31, called Targeted Non Sheltered Outdoor Locations, in which a visual count was done in outdoor locations where the homeless congregate.
- Santa Clara County was identified by the State of California Complete Count Committee as the 8th hardest to count county in California, and received grant funding in the amount of \$43,750. The funding was used for local ethnic media advertising and for small stipends in the amount of \$500 to \$2,500 to 43 community organizations, to sponsor local Census activities.

Several factors were critical to our success. Making grants and sponsorships available to community organizations was crucial. They are the trusted voices of their communities and know best how to tailor outreach to have the best effect on the people they represent. Also, investing in materials and giveaways enabled us to widely distribute material to the community through a large number of channels such as community newspaper inserts, through community organizations, on public counters and in local businesses.

However, most critical of all were the partners. Santa Clara County and the City of San Jose have a huge network of very sophisticated and effective community organizations. Utilizing

the existing organizational and operational networks of our organizations had a ripple effect, and hundreds of partners were recruited for Census outreach, whether they were large or small CBOs, churches, colleges and universities, or individual Census ambassadors. They were educated on the importance of the Census, given the tools they needed for outreach, and sent back into the community to spread the word as they saw fit.

Feedback from the community indicated that census awareness was at an all-time high in 2010, and citizens reported that they “saw the census everywhere.” Ultimately this led to one of the highest response rates in the State of California, as well as the highest response rate among the 25 largest counties in the nation.

Homeland Security and Emergency Preparedness

5. Homeland Security (Bay Area UASI)

City Point Person – **Chris Godley**, City OES Director

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

Est. Completion Date: N/A.

Synopsis: The Urban Area Security Initiative (UASI) is a Federal Department of Homeland Security grant that provides resources for the unique equipment, training, planning, and exercise needs of more than 60 selected national high-threat urban areas. The Bay Area UASI (BAUASI) is one of 65 national urban areas and one of eight identified in California.

The BAUASI is comprised of the 10 counties and 3 large cities that ring the San Francisco Bay, and is one of ten Tier I large metropolitan regions in the nation; there are fifty-five smaller Tier II regions nationwide. The BAUASI receives Homeland Security grants intended to prepare for, protect, respond and recover from acts of terrorism, as well as other grant opportunities to assist in all-hazards emergency planning.

Urban areas receive funding based on evaluated risk and threat. Risk and threat analysis is ongoing as it relates to our capabilities and supports each of the initiatives. The analysis will identify gaps and specific needs within the initiatives that will be prioritized and addressed with current and future funds. 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.

Governance has been formally established through a Memorandum of Understanding (MOU) which runs through 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. Subject matter expert working groups focus on various disciplines to mitigate, respond to, and recover from acts of terrorism. 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 through the Geographic Hub working Groups. The MOU is currently in the process of being revised, the existing MOU was extended 180 days past its expiration date of December 31, 2010. Of concern is the current governance structure. The County and the City have collaborated on a joint draft MOU that outlines a clear governance structure, with specific roles and responsibilities for the UASI Approval Authority and the UASI General Manager.

These hubs are staffed by senior leadership from a variety of disciplines within the four geographic areas within the Region (North Bay, South Bay, East Bay and West Bay). The hub vets and prioritizes project requests based on the Bay Area Homeland Security Strategy goals and objectives. The hub's make recommendations for projects 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.

The net allocations of Bay Area UASI funding for the region are as follows:

- FY 2006 - \$22 million,
- FY 2007 - \$27 million
- FY 2008 - \$30 million
- FY 2009 - \$32 million
- FY 2010 - \$34 million

Over the course of the last two years, the UASI Approval Authority has become responsible for 4 additional grants. These are the Regional Catastrophic Preparedness 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.

Over the past 12 months, the County and City have been participating in both the UASI working groups and the Regional Catastrophic Planning process being undertaken through the RCPGP program. Currently five (5) catastrophic plans are in the process of being completed in the following subject areas: Mass Transportation and Evacuation, Mass Care & Sheltering, Mass Fatality Management, Debris Removal and Management, and Volunteer Management. Using FY 2009 RCPGP funding Donations Management will also be addressed. Through this FEMA grant program, this planning effort is the first of its kind being undertaken in ten (10) large metropolitan areas throughout the nation. Although short in duration, these efforts have already yielded positive outcomes in strengthening collaboration and coordinated emergency planning throughout the region.

Most recently, the City and County have been working closely together to raise concerns at the federal and state level about the National Telecommunications and Information Administration (NTIA) Broadband Technology Opportunity Program (BTOP) grant of \$50.6 million of American Reinvestment and Recovery Act (ARRA) funding. Both the City and County believe that the procurement and vendor selection process for this grant were flawed, and raising procedural and ethical questions about the appropriateness of the actions of the UASI General Manager's actions in managing that process. The BTOP process has highlighted the weaknesses in the current BAUASI governance structure and the City and County are working together to propose changes which will provide more transparency, accountability and predictability to the BAUSI actions.

City and County View: The Bay Area UASI MOU will be updated to reflect a governance structure that allows for accountability and transparency.

6. Mutual Aid Plan

City Point Person – **William L. McDonald**, Fire Chief

County Point Persons – **Derek Witmer**, Deputy Chief, South Santa Clara County Fire District

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 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. The County Fire Chief continues to monitor and evaluate the Santa Clara County's Fire, EMS, and Rescue Mutual Aid Plan, making adjustments as necessary.

Public Safety

7. Fire Protection in Underserved Areas

City Point Person **William L. McDonald**, 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 SOI engineering mapping studies are scheduled for completion prior to February 1, 2010. At the conclusion of these studies, County Fire will be moving forward with the process of application for annexation of County Fire SOI areas, currently underserved, through LAFCO. The LAFCO Fire Service Review is underway and one of the primary focus points is the underserved areas. This study should be concluded by the end of 2010. .

8. Domestic Violence

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

County Point Person – **Esther Peralez-Dieckmann**, Manager, County Executive’s Office of Women’s Policy and **Buu Thai**, Grants Coordinator and Women’s Initiatives, Office of Women’s Policy.

Est. Completion Date: Ongoing.

Synopsis: The County and City, in partnership with domestic violence agencies and other stakeholders, continue to collaborate on implementation of recommendations from two recent Safety Audits. Areas of mutual interest for both City and County continue to be explored through joint meetings of the County’s Domestic Violence Council and the City’s Family/Domestic Violence Advisory Board.

County View: The County has actively promoted effective responses to domestic violence and utilized the Safety and Accountability Model (Safety Audit) developed by Praxis International, an assessment and planning tool that systematically analyzes how institutional interventions in domestic violence cases can effectively incorporate safety and accountability into workers’ daily routine and practice. The City has been a partner in these efforts.

The Safety Audit conducted as part of the Greenbook Project with federal funding granted to the Social Services Agency focused on safety for victims and their families and accountability of batterers within the child welfare system. Numerous recommendations focused on the following needs:

- Further examination of issuance of Emergency Protective Restraining Orders (and unintended consequences and other related issues). The San Jose Police Department (SJPD) continues to examine the issuance of Emergency Protective Restraining Orders (EPROs). The Family Violence Unit acquired a VOLT Volunteer to pull a year’s worth of reports in the Family Violence Unit regarding the issuance of EPROs. A review of the reports revealed that officers were requesting EPROs as they should. Furthermore, even in cases where the Victim declined an EPRO, officers consistently obtained an EPRO when the officers felt the victim’s safety was at risk. The review also revealed that in instances where the victim delayed reporting or there was no exigency of potential harm to the victim, an EPRO (although requested by the officer) was NOT granted.
- Examining interpretation at the scene (and problems with the use of children and other family members at the scene) and law enforcement training to better utilize language phone lines and more research on other models of interpretation services. As a result of SJPD Department training, officers are no longer using children or other family members for translation, except in extreme cases where exigent circumstances are present. Bi-lingual officers are utilized when available, and the Department issued an “I Speak” Limited English Proficiency Form to be used in conjunction with the AT&T Language line.

- Support and resources to expand the Domestic Violence Consortium's Language Bank to serve broader needs. The SJPD's Family Violence Unit has used the Language Bank intermittently for follow-up investigations. However, the Language Bank is not being used by field officers due to the extended response time of translation services.
- On-going training on domestic violence for child welfare staff and service providers. Due to a reduction in available overtime and a reduction in staffing, the SJPD Family Violence Unit has not provided on-going training to child welfare staff and service providers.
- Domestic violence training for certified professional interpreters. Due to a reduction in available overtime and a reduction in staffing, the SJPD Family Violence Unit has not provided on-going training to certified professional interpreters.

The Safety Audit conducted as part of the 2005 Grants to Encourage Arrest Policies and Enforcement of Protection Orders awarded to the Office of the County Executive examined the impact of the dominant aggressor and pro-arrest provisions of the Domestic Violence Protocol on the safety and well-being of victims. Recommendations included:

- Develop standardized training curriculum on the law enforcement response to domestic violence, including pro arrest policies and dominant aggressor analysis. This training curriculum has not been developed at the local level due to the lack of available overtime and a reduction in staffing. However, P.O.S.T continues to provide training statewide through P.O.S.T. telecourses. In addition, our collaborative partners and agencies have sponsored training opportunities that the SJPD has utilized.
- Standardize a training schedule across the County and offer this to all jurisdictions on a regular basis. A standardized training schedule has not been accomplished due to the lack of available overtime and a reduction in staffing.
- Laminated card for patrol officers for quick reference to help in dominant aggressor analysis at the scene.
- Develop a County-wide protocol for the use of interpreters at the scene of a domestic violence incident. At this time, there is no County-wide protocol for the use of interpreters at the scene of a domestic violence incident. However, through SJPD training, officers are no longer using children or other family members for translation, except in extreme cases where exigent circumstances are present. Bi-lingual officers are utilized when available, and the Department issued an "I Speak" Limited English Proficiency Form to be used in conjunction with the AT&T Language line.

The Police/Victim Advocates Committee of the DVC is collaborating with the City and other stakeholders to develop a Language Access Protocol. Updates to the County's Public Safety and Justice Committee and the City's Family/Domestic Violence Advisory Board are expected during spring of 2010.

The District Attorney's Office provides leadership and collaborates with other stakeholders on the following:

- Annual updates to the Domestic Violence Protocol (currently underway)
- Establishment and updates of the Child Abuse Protocol

- Law enforcement training on domestic violence
- Training of trainers for law enforcement agencies in Santa Clara county
- Training for the Sheriff's Academy, which recruits participation from Oakland, Monterey and other Counties
- Chairing the Death Review committee
- Compiling and disseminating criminal prosecution statistics

The Office of Women's Policy (OWP), in collaboration with representatives of the Santa Clara County Police Chief's Association, has developed a dominant aggressor analysis pocket card which will be distributed in the spring of 2010 to law enforcement agencies. Additionally, OWP coordinates the Domestic Violence Information and Resource Collaborative for education and outreach purposes. Partners include Superior Court, the City of San Jose, DA, Public Defender, Probation, domestic violence agencies and other stakeholders to provide community workshops (with panel presentations and resource tables) on domestic violence (what it is, how the system of reporting works, and where to get help and services). Workshops in FY 2010 have occurred at City Hall rotunda (targeting San Jose State University college students) and Elmwood Jail (for male inmates charged with domestic violence and other crimes). Two additional workshops targeting administrators, counselors and social workers from the Eastside Union School District and a workshop in partnership with the City of Campbell will take place this spring. Additionally, a roundtable discussion with DVIR partners and agencies who work with the API community will take place this spring for purposes of identifying specific issues and opportunities to improve domestic violence services in this community.

The Santa Clara County Domestic Violence Council continues to lead efforts to improve coordination and response to domestic violence among departments and stakeholders; promote effective prevention, intervention and treatment techniques, and provide public education about domestic violence. During the fall of 2009, in partnership with the City of San Jose, Office of Women's Policy and other DV stakeholders, the annual Domestic Violence Conference was held for over 300 professionals.

City View: The City of San José continues to work with the County, in partnership with domestic violence agencies and other stakeholders, to continue to collaborate on implementation of recommendations from the Safety Audits, specifically as the recommendations relate to law enforcement response (i.e., interpretation) and training.

The City and the County recently held a Joint Domestic Violence Meeting on February 5, 2010. At this meeting, several recommendations were made about how the City and the County could work together more effectively and efficiently. Some of the recommendations the groups will continue to work on collaboratively include:

- community education efforts
- examining models of an enhanced Family Violence Center (using the Family Justice Center model)

- identifying trends in domestic violence (specific to the City of San José and the County of Santa Clara)
- institutionalization of domestic violence work in the both organizations

The City's Housing Department is working with the County to apply for funds to support transitional housing resources for women who are currently incarcerated but are scheduled for release.

9. 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: The Mayor's Gang Prevention Task Force Policy Team has convened an Inter-agency Sub-committee consisting of key representatives from the City, County and State. Stakeholders represent: County Probation, District Attorney's Office, the Public Defender's Office, SJPd, Parks, Recreation and Neighborhood Services, Juvenile Court Judges, Department of Corrections, and the Sheriff's Department. This group coordinates and facilitates intra-jurisdictional issues related to combating juvenile violence and gangs.

For summer 2010, the City and County collaborated to provide \$325,000 (\$250,000 from the City and \$75,000 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 6,500 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 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 staff (SJPd and PRNS) have been facilitating these workshops which are offered in English and Spanish. To date, approximately 20 workshops have been held.

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 weekends.

Juvenile Justice Systems Collaborative Update: 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 and the court process. They will identify and implement strategies for streamlining processes to reduce those delays. The Prevention and Programs will Work Group define and review data and prevention strategies from schools including SARB, expulsion, suspension, etc.

In January 2010, the JJSC approved the formation of a third work group. This group will focus on Disproportionate Minor Contact issues. The County was successful in obtaining a \$100,000 grant from the California Standards Authority.

Multi-Disciplinary Alternative Reception Center (Transition Center)

City and County staff have finalized the design, budget, and resources for a Multi-Disciplinary Alternative Reception 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. A location has been identified for the Transition Center. The Center is scheduled to open April 2010.

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 City and County have launched the Multi-Disciplinary Alternative Reception Center (MARC), which is a pilot project that will provide immediate intervention and referrals for needed services to mid level juvenile offenders who do not meet the criteria for the Booking Protocol. This pilot site is temporarily located at the George Shirakawa Community Center.

The City of San Jose worked with the County's Probation Department to apply and secure a \$400,000 Juvenile Accountability Block Grant. Additionally Mayor Reed allocated \$150,000 in one time funding

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.

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.

PAL: The San Jose Police Activities League (PAL) was founded in 1967. PAL programs provide 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.

10. 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

Completed March 2010

Synopsis: The Cal-ID RAN Board and the County completed discussions 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.

The local Cal-ID RAN Board is required by Penal Code Section 11112.4 and is comprised of seven members: currently, the District Attorney, San Jose Police Chief, Sheriff, representative of the City Manager of Los Altos Hills, representative of the Santa Clara County Chiefs of Police, representative of the Santa Clara County Supervisors, and Mayor of the City of Santa Clara. Included in the Cal-ID RAN Board's mandate is the development of any procedures necessary to regulate the ongoing use and maintenance of the AFIS equipment, in adherence with the policy guidelines and procedures adopted by the State Department of Justice.

Following a recent (independent) Management Audit of the Cal ID MOU and the AFIS, it was determined that the cost-sharing method used since 1987 to share AFIS/Cal-ID costs amongst the cities and the County, based on each agency's percentage share of population, was not equitable. Some agencies were 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 following recommendations were 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 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.

The Cal ID RAN Board met on January 14, 2010. A cost allocation subcommittee was formed and members were identified. This subcommittee met several times and presented a recommendation to the Cal ID RAN Board at the meeting on March 17, 2010. The Board approved the recommendation which included:

- a. Approval of the proposed CAL-ID budget for fiscal year 2010-2011.
- b. Charges for jurisdictions to be based upon usage rather than population.
- c. Each CAL ID participating agency will be billed directly for latent print work.
- d. Santa Clara County will be billed directly for 10-print work for non-participating agencies (federal, state and local) that utilize the AFIS system and is authorized under Government Code Section 29550.2 to recover the cost of these bookings from the defendant upon conviction.
- e. Santa Clara County will no longer be billed the 26.8% fixed charge.
- f. SB720 funds will be used to cover the cost of non-latent print work for all agencies including non-participating agencies.
- g. CAL-ID reserve funds will be used to offset cost increases to the four cities (Gilroy, Los Gatos, Milpitas & Sunnyvale) that will realize increases in Fiscal Year 2010/11 as a result of the new cost allocation formula.
- h. Documentation will be prepared indicating why the CAL-ID Board has changed the cost allocation method and a timeframe will be set for regular reviews.

The County is satisfied that the solution outlined above is optimal given the current budget issues faced by all agencies. This solution meets the County's stated objective that the financial model and accounting issues and any other identified issues be resolved by April 30, 2010 in order for the Law and Justice Community to maintain one system for the benefit of all.

City View: The Cal ID RAN Board did approve the FY 2010/2011 budget as described on January 14, 2010. Items a, b, d, e, g and h are accurately described. Clarification is required on items c and f as follows (for context, the items are listed out of order):

The use of “new” SB 720 revenue, estimated to be approximately \$1.5 million, will be used to offset the majority of costs associated with the “non-latent print work”* for all agencies, including non-participating agencies, for FY 2010/2011, 2011/2012 and 2012/2013**.

The “new” SB 720 revenue falls short of the entire “non-latent print work” costs by approximately \$100,000.

The Board expressed concern over the rate at which the SB 720 funds were going to be expended. These funds have been almost exclusively utilized to keep technology refreshed. This concern is the reason for the three year limit.

- c. Each Cal ID participating agency will be billed directly for both the remaining “non-latent” and all the latent print work based upon use (3 year average) during the same periods described above**.

* The breakdown between “non-latent print work” costs and latent costs was determined by the Management Audit.

** After the three-year transition period, it is expected that participating agencies will absorb their full Cal ID costs for both non-latent and latent work based upon the use cost allocation formula.

Health and Human Services

11. Downtown San Jose Health Clinic

City Point Person – **Paul Krutko**, Chief Economic Development Officer, **Kip Harkness**, Strong Neighborhoods Director

County Point Persons – **Jeff Smith**, County Executive and **Gary Graves**, Chief Operating Officer, Office of the County Executive

Est. Completion Date: TBD

Synopsis: Following a comprehensive assessment of the options for providing healthcare facilities and services in downtown San Jose, the County has adopted a phased approach which provides the best solution for improving healthcare services in downtown San Jose while maximizing the investment potential of the entire former San Jose Medical Center site. This approach also positions the County to increase overall access to its healthcare system and provide opportunities for expansion in the future in response to healthcare reform.

City View: The City is supportive of expanding primary and urgent care services to meet the needs of the community and making the majority of this significant site available for development. The City would like to ensure that any future Clinic supports the East Santa Clara

Street business district and fits with the urban form of the street and future development. The City is interested in supporting the reuse of the remainder of the site in a timely manner with a mixed-use urban infill development.

County View: Since 2000, the County's strategic business and facilities plans for VMC have designated downtown San Jose as one of the three highest priority locations for new primary-care services. (During the past several years, the County has constructed new clinic facilities in the other two areas.) The closure of San Jose Medical Center in 2004 intensified the focus on providing healthcare services in downtown San Jose. With the advent of healthcare reform, the demand for primary-care services in downtown San Jose is anticipated to increase dramatically in this already underserved area.

Significant progress has occurred since 2004:

- In November 2008, the voters approved Measure A including authorization to issue \$50 million in bonds for the development of medical facilities in downtown San Jose.
- In 2009, the County purchased the former San Jose Medical Center (SJMC) site.
- In March 2010, at the conclusion of a competitive RFQ process, Gardner Family Health Care was selected as the community-based organization to provide primary-care services in a portion of the existing MediPlex building on the SJMC site.
- In September 2010, County Supervisor George Shirakawa and San Jose City Councilmember Sam Liccardo hosted a community meeting to update the downtown San Jose community on the County's plans and solicit input on potential interim uses for the SJMC site.
- In September 2010, the County Board of Supervisors approved a phased approach to the provision of healthcare services in downtown San Jose.

Phase 1: To expedite the provision of additional healthcare services to the downtown San Jose community, Gardner Family Health Care will begin providing primary-care services in the existing MediPlex building on the SJMC site by mid-2011.

Phase 2: The County is moving forward with a plan to build a new, 60,000-sq.-ft. Valley Health Center (VHC) in downtown San Jose on the southeast corner of the SJMC site. Additional vacant land on the site will be reserved for potential expansion of County services in the future although no buildings are planned for this area at the current time.

A preliminary assessment suggests that the initial utilization of the new VHC in downtown San Jose would be as follows:

- One third for primary- and urgent-care clinic services when the building opens and into the future. This would include the Gardner Family Health Care operation and potentially an

urgent-care function operated by VMC.

- One third dedicated for future growth and moving services from the main VMC campus closer to the downtown San Jose patients.
- One third for ancillary support (pharmacy, phlebotomy and radiology) and a Public Health WIC office.

The development of a new Valley Health Center in the important downtown San Jose area of the County represents major progress toward our goal of providing improved healthcare services to the residents of the downtown San Jose area and the County as a whole.

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

City Point Persons – **William L. McDonald**, 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 San Jose Fire 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.

Lessons learned from the H1N1 event will be incorporated into the planning assumptions for mass prophylaxis-related activities. As H1N1 activity levels off, Public Health will resume discussions with Team San Jose and San Jose OES to complete a site-specific logistic plan for the San Jose Convention Center.

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 re-hydration 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.

13. 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.

Supervisor Liz Kniss in her 2009 State of the County Address remarked that one of her goals was to fluoridate all of the County’s drinking water within five years. Progress is being made to identify how to accomplish this worthy goal. San Jose Water Company poses the greatest challenge due mostly to the complexity of their well system.

San Jose Water Company and The Health Trust are in final negotiations to begin the independent engineering study of the San Jose Water Company to determine the capital cost to begin fluoridation; the City of San Jose and the County have each contributed funding to that study (approx. \$24K) along with funds from The Health Trust and FIRST 5.

Santa Clara Valley Water District has been closely involved in all discussions. Although SCVWD is not legally required to fluoridate as the water wholesaler, it has been generally supportive. The County is hopeful that SCVWD will agree to fluoridate also.

The Pew Charitable Trust has launched a Children’s Dental Health Campaign and has selected San Jose as a “city of focus”, as part of its fluoridation campaign efforts.

It is believed that, although the process towards fluoridation is slow, it has been moving in a positive direction. The County appreciates the support and collaboration of the City of San Jose in its effort.

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.

14. 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 any future budget reductions to our health and justice departments, the cumulative effect may affect health and safety in San Jose. Mental Health will work with the San Jose Police Department as needed to discuss the potential impact of potential budget reductions once the final State budget is finalized. Mental Health did not have a target for FY 2011 (June 2010) but may face more cuts pending the State budget.

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. .

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.

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**, 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 state reduced the County’s allocation of Transitional Housing Program-Plus (THP-Plus) slots from 96 to 86, but the Board of Supervisors allocated funds to continue to serve all 96 youth. This is especially important given that the wait list for emancipated youth needing housing is over 200 youths. The County will again apply to the state to increase Santa Clara County’s allocation by an additional 50 slots, but due to the State budget situation, the County does not anticipate receiving more slots. 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 Social Services Agency, Department of Family and Children’s Services collaborated with the Santa Clara County Housing Authority in its successful application for a new federal Family Unification Program (FUP) to promote family reunification. The new program provides \$20 million in Housing Choice Vouchers (HCV), nationwide, to:

- Families for whom the lack of adequate housing is a primary factor in the separation, of imminent separation, of children from their families; and
- Former foster youth who left foster care at age 16 or older and lack adequate housing and who are pregnant or parenting.

The allocation of 100 HCVs will be prioritized as follows:

- First for families currently on the HCV waiting list who are anticipated to reunification within 60 days,
- Second, for Family Wellness Court families who are anticipated to reunification within 60 days,
- Third, for Dependency Drug Treatment Court families who are anticipated to reunification within 60 days, and
- Fourth, for emancipated former foster youth ages 18 to 24 who are pregnant or parenting children.

The HCVs have no expiration date and can be used as long as eligibility requirements are met. The Social Services Agency and Housing Authority have applied for an additional 100 HCVs that will allow for expansion of the program to include more child welfare families.

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, the two one stop homeless prevention centers each provide the multiple services that homeless households and those at risk of homelessness need to become self-sufficient and reach independence. The County has dedicated SSI staff to be located at each of the One Stop Centers. The City recently renewed its funding for staffing and administrative costs related to the overall management of the two One Stop Centers. The City also continues to provide housing assistance and services at both locations through its Housing Services Partnership (HSP) program and its federal stimulus funded Homeless Prevention and Rapid Re-housing Program (HPRP).

Medical Respite Center—the 15-bed medical respite center has proven to be a huge success with more demand than the center has beds. To try to resolve some of this issues, the City applied for and received a federal appropriation to expand the number of beds from 15 beds to 20, and the number of medical exam/case management rooms from 2 to 4. Construction is expected to begin next month.

Housing Assistance (“Housing First”)—

- The Housing Authority of Santa Clara County has agreed to set aside at least 200 of its Section 8 Vouchers to chronically homeless Households annually. To date, more than 400 vouchers have been provided under this agreement. Representatives from the City, County, and the countywide homeless collaborative have been working closely with the Housing Authority to develop a direct referral process by which homeless service agencies can refer clients they agree to case manage to the Housing Authority for a voucher.
- The City’s Housing Department and the County Department of Mental Health have begun implementation of a tenant-based rental assistance (TBRA) program for chronically homeless households with severe mental illness. The program provides up to 100 households with housing subsidies and case management services for up to two years, with a possible extension of an additional two years. Under this program, the City will provide \$1.5 million for housing subsidies and program administration while the County will fund case management services. Approximately 250 households applied to participate in the program, 19 of which have already been housed, with an additional 31 households in the process of looking for housing.

UPLIFT Transit Pass—in FY 2010-11, the City and County will partner to fund the third and last year of this transit pass pilot program targeted to facilitating the ability of residents who are homeless or at risk of homelessness to obtain and maintain employment and other services that will help them become permanently housed and self-sufficient.

Social Serve Database—the City and County have jointly funded a new housing location database that provides a multitude of search options to assist low-income home-seekers with finding up-to-date affordable housing that meets their specific needs. The database is anticipated to be available for public use in the next 30 days.

Discharge Planning—The City’s Housing Department, and the County Department of Corrections and Office of Women’s Policy are working on several initiatives together to ensure that persons discharged from County correctional facilities have employment, housing, and other support to prevent them from becoming homeless upon release:

- The City applied for, and was awarded, \$400,000 in a federal appropriation to implement the Skills to Succeed Re-entry Pilot Project. This one-year pilot project, developed in collaboration with the Santa Clara County (SCC) Department of Corrections (DOC), the SCC Office of Women’s Policy (OWP), the area’s Workforce Investment System work2future, and local service providers will utilize a multi-agency, public-private approach to facilitating women who are incarcerated or ex-offenders to becoming self-sufficient, reconnected to the community, gainfully employed, and stabilized in housing. With the primary goal of reducing their recidivism rate, the project seeks to provide 50 at-risk incarcerated and/or recently released women with one-on-one case management; employment assistance and job training including training and apprenticeships in green professions; domestic violence education; mentoring; and related activities. The project will begin once the formal grant agreement with the federal government is completed.

- This spring, the City, in collaboration with the County Department of Corrections, the County's Office of Women's Policy, and a variety of local service providers, applied for \$750,000 from the federal government's Second Chance Re-Entry Act program. If funded, this one year pilot project would create a multi-agency, public-private non- effort to facilitate and promote the ability of participating individuals to become self-sufficient, reconnected to the community, gainfully employed, and stabilized in housing upon release. With the primary goal to reduce the recidivism rate of ex-offenders, the program would offer intake, assessment, one-on-one case management, work readiness, employment assistance and job training, program placement assistance, mentoring, and follow-up activities to 100 persons who are incarcerated or ex-offenders.
- The City, County, and countywide homeless collaborative have partnered to implement a one-month pilot project to implement a "one-stop" service center in the Elmwood Jail. The pilot project will consist of several in-reach sessions in which staff from the City, County, and local homeless assistance agencies provides services and referrals to incarcerated residents.

American Recovery and Reinvestment Act: The City and County have continued to work together on the implementation of their respective Homeless Prevention and Rapid Re-Housing Programs (HPRRP). City and County staff meet on a monthly basis with the nonprofits administering the programs to problem solve, discuss trends, and develop outcome measurement tools.

Land Use, Master Planning, and Redevelopment

17. 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).

If the County intends to reuse the buildings, it should be noted that City studies of short- and long-term reoccupation of former City Hall or the City Hall annex indicated that significant expense would be involved, primarily due to the condition of building systems and ADA compliance requirements. The transfer of the property would require environmental clearance.

If a transfer of all or portions of the City's site to the County is agreed upon and the County is clear about its intention to demolish the former City Hall, then an Environmental Impact report (EIR) would be required. The EIR would provide an opportunity for analysis and public input as to the demolition as well as the County's plans for the use(s) of the properties. Key aspects of an EIR would include:

- Historic preservation – A draft historical study conducted for the City indicated that the former City Hall would likely qualify as historically significant, while the City Hall annex and Health building would not. Under State law, an EIR is required to analyze this potential impact.
- Other Potential Environmental Issues – To the extent the County has planned use(s) for the properties, it would be advantageous to include those intentions and any site plans in the EIR. This way, a single process could provide analysis and public input on potential impacts of the entire proposal. This would save taxpayer dollars in the long run.

The recent EIR process for the former San Jose Medical Center site, which had similar elements to those that would be required for the Civic Center site, was completed in approximately 18 months.

The E Lot is currently vacant south of Asbury Street, with the north of Asbury portion still in use for parking that serves the City's Police Administration and Communications Buildings. The

City has had preliminary discussions with the federal General Services Administration (GSA) regarding its consideration of the south of Asbury portion of the site for a federal courthouse. GSA is engaged in due diligence on this site, as well as others, prior to determining whether to make an offer to purchase.

Since County plans for the Civic Center site could displace other City parking lots that serve the Police buildings, the City will need to analyze any potential parking impacts of going forward with a sale of the E Lot.

County View: The County remains interested in the former City Hall property and negotiations with the City are in process.

18. Annexation and Annexed Properties

City Point Person – **Joe Horwedel**, Director of Planning, Building, and Code Enforcement, and **Hans Larsen**, 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 42 County pockets, covering 896 acres and including approximately 9,000 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 445 acres and 7,579 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 perform or provide the City equivalent funding for an appropriate pavement maintenance treatment on roadways with a condition rating below a 70 Pavement Condition Rating (PCI). City and County staff have generally agreed to the scope of warranted pavement maintenance work totaling 13 miles and have estimated the cost of work to be approximately \$3.3 million. Since 2007, over 12 miles of streets have been repaved with approximately 1 mile left to be paved.

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.

All road work in the unincorporated pockets agreed upon with City staff has either already been completed by County forces or is covered in a reimbursement agreement currently being finalized.

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. On December 31, 2009, the County submitted a Board-approved Redevelopment Plan and Homeless Accommodation Submittal to the Army and to the Department of Housing and Urban Development. HUD is currently reviewing the submittal.

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: On November 17, 2009, the Board of Supervisors directed staff to proceed with preparation and submittal of an application to FEMA and to the Department of Justice for a public benefit conveyance that would transfer the Richey property to the County at no cost or at reduced cost for use as an Emergency Response Training and Readiness Center. Application preparation is underway.

On December 31, 2009, the County submitted a Board approved Redevelopment Plan and Homeless Accommodation Submittal to the Army and to the Department of Housing and Urban Development. The Redevelopment Plan calls for a Public/Quasi Public Use at the

Richey site and the development of an Emergency Response Training and Readiness Center in the existing buildings and grounds. The Homeless Accommodation submittal involves the development of a 100-unit affordable/homeless residential project at 2500 Senter Road in San Jose.

On June 21, 2010, the City approved the Mitigated Negative Declaration and Initial Study and on September 21, 2010, Charities Housing obtained zoning approval for the project. HUD is currently reviewing the Redevelopment Plan and Homeless Accommodation submittal.

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: Coinciding with the change in administration at SJSU, the City dropped the idea of the joint development of multi-field complex as well as a joint Earthquakes/Spartan stadium. This has reduced the urgency of the South Campus planning project given both institutions reduced budgets, the planning effort has been put on hold for the time being.

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 lessees' development of these parcels. The County recently submitted a written request to City Planning staff to process a change in the City General Plan Map to allow Commercial Development (non-aviation) within the three designated areas described in the RHV Master Plan. City staff is considering if this can be done either through

the overall General Plan update or another path. The County requests that the City consider the GP change using the most expeditious process available.

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 – **Hans Larsen**, 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. In December 2009, the Santa Clara Valley Transportation Authority (VTA) provided conceptual plans for Capitol Expressway pedestrian and landscape improvements.

County View: The City has indicated that it cannot accept relinquishment in advance of the LRT project. Thus, the City and County previously mutually agreed, the relinquishment negotiations cannot continue at this time. After review of the recent VTA proposal for sidewalk and landscape improvements on Capitol Expressway between Capitol Avenue and Quimby Road, the proposed modifications and the issues being raised suggest to the County that relinquishment discussions be reopened. The County has volunteered to initiate three-way discussions between VTA, the City of San Jose and County about appropriate timing for relinquishment.

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.

For the interim sidewalk, lighting, and landscaping improvements on Capitol Expressway to be funded and constructed by VTA, City is willing to consider a maintenance agreement with the County for lighting and landscaping. Efforts will be made to minimize O&M costs by using low energy lighting and having a 3 year plant establishment period. Story Road intersection and signals designed to accommodate SCCo studies. Relinquishment is not being considered at this time.

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 – **Kevin O’Day**, Acting Director of Agriculture and Environment Management

Est. Completion Date: Phase I construction completion on June 30, 2010. Phase I HHW Opening Day on July 24, 2010..

Synopsis: The City has moved forward with plans to relocate the temporary Household Hazardous Waste (HHW) Program to the Las Plumas site. Based upon concerns raised by the County, City staff is 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) in June 2010.

City staff, in conjunction with County staff, finalized the construction documents for Phase II in August 2010, which includes moving the HHW drop-off operations into its own new 10,000 square foot facility, which includes a 7,000 square foot building and 3,000 square feet of covered space. CEQA review for this phase of the project was completed in 2009.

Construction of Phase II is anticipated to be completed in 2011 - 2012.

The Countywide HHW Program is administered by the County Department of Environmental Health Department on behalf of the County Unincorporated Areas and all Santa Clara County cities except Palo Alto. The County had operated an HHW Facility at the City of San Jose Central Service Yard from 1995 - 2006 (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's concern is 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. San Jose residential utility ratepayer monies, which are subject to the restrictions of Proposition 218, cannot solely fund a facility in which non-ratepayers benefit from the use 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 payment of up to \$53,200 for Phase I of the new San Jose HHW drop-off site. The annual payment would support the use of the land (~ 27,000 square feet of exterior paved areas) and maintenance of the site. The City finalized a license agreement for the temporary HHW site with the County in July 2010, which includes a provision that allows the City or County to terminate within 30 days of written notice.

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 CalRecycle (formerly the California Integrated Waste Management Board) relating to an increase in the AB 939 fees specifically for construction costs of the San Jose 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 for operating the facility under the lease agreement. It was initially intended that the FY2009 fee increase would be used to pay the lease on Phase 1 of the facility when it opened in fall of 2009. Because the timeline for the opening of the facility was delayed and the scale of Phase 1 was significantly reduced, the fee increase was ultimately used to augment the payments made by the participating cities for use of the HHW program. Due to construction

delays and the elimination of certain physical features of the construction, use of the facility will be limited to one Saturday per month in July, August and September 2010, with possible events in Autumn 2010. In addition, the Phase 1 Las Plumas HHW activities will be permitted as a Temporary HHW site, not a Permanent HHW Facility. Therefore, the use of the site will be leased for \$545 per event. As a result, the County HHW Program will continue to conduct HHW events at other temporary locations throughout the County.

When Phase II of the facility is operational (estimated FY2012), the lease payments will increase to a level yet to be determined and will likely necessitate an increase in the HHW portion of the AB 939 fee. Once the San Jose Permanent HHW Facility at Las Plumas Avenue opens, it 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 – **Kevin O'Day**, Acting Director, Agriculture and Environmental Management

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, in a letter dated May 12, 2009 from Debra Figone, City Manager, to Gary Graves, Acting County Executive, requested that discussions begin for the purpose of transitioning

their responsibility for the CUPA inspections of Underground Storage Tanks (USTs) and Above Ground Storage Tanks (AGSTs). The key issues driving this decision, as cited in the City's request letter, are the Program's poor level of performance as identified in the 2008 CUPA Audit conducted by the County, workload capacity in a cost-recovery environment, and technological challenges with data tracking and billing.

Essentially, the City is requesting that approximately 291 facilities (approximately 793 tanks) be transferred to the County for inspection, billing, and collection of applicable 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 remains available to work with City staff in developing a transition plan for the transfer of responsibility. Once the transition plan is acceptable to both City and County, 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 County Board of Supervisors.

Update:

The recent (December, 2009) San Jose Fire Department – HazMat Unit, Quarterly CUPA Evaluation Deficiency Progress Report indicated continued problems in the implementation of the Underground Storage Tank (UST) and Hazardous Materials Business Plan Program. Concerns in the ability of the City to implement the programs to the standards established by law remain (Example: FY09 only 51% of UST's were inspected – State law mandates annual inspections). In addition, the City is currently not meeting the CUPA requirement in permitting of businesses. The City is having difficulty in invoicing, collecting permit fees, and issuing permits that meet all of the CUPA requirements.

In April 2010, the County conducted an evaluation of all Unified Program elements implemented by the City. As in the 2008 PA evaluation, significant deficiencies continue to exist in the City's implementation of the Unified Program. The City continues to have difficulty in meeting State inspection mandates in the Underground Storage Tank and Hazardous Materials Business Plan Program. The City was issued a Program Improvement Agreement which identifies each issue and provides a timeframe for improvement. The first report is due in the early November 2010. The City was able to reimburse the County for only a portion of the permit fees it collects on behalf of the County. The County has met with the Fire Marshal on several occasions to reiterate its willingness to transition the program to the County, and has offered to assist the City in making the transition seamless.

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 – **Jim O’Connor**, Acting 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. Parks staff 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. However, the City would like to proceed with conveyance of this property via a separate agreement. County Parks is concerned because of the limited recreational value of the property, the potential liability presented by a pond on the property and that it is not contiguous to an existing County park. Parks staff can further discuss our concerns about this property with City staff.

The master plan for Martial Cottle Park is currently at the environmental review stage and staff anticipates this work to be completed by summer 2010. The next Task Force meeting is scheduled for February 1, 2010.

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 is planned to be separated from the other right-of-way exchanges to allow it to proceed more quickly. City and County staff are working on the lease for the garden and plan to bring the lease forward for approval by the Board/Council in 2010. However, the City is simultaneously recommending holding off on the design and construction of new facilities through June 2011 due to the lack of funds for operations and maintenance. The community garden is one of twelve new facilities recommended for deferral. However, this should not hold up the development and completion of the lease agreement.

The City Council deferred the Branham/Snell widening projects indefinitely at the 2008-09 Mid-Year Budget Review 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. The City 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, the transfer of the Cahalan right-of-way, and conveyance of the five-acre parcel located near Almaden Quicksilver County Park via a separate agreement.

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 considered moving forward with this transfer at the same time that the full agreement goes forward for approval, but as a separate agreement. If this is not the case, the City would reconsider the deal points, including the conveyance of the Cahalan Property.

27. Scott/Clifton Property

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

County Point Person – **Jim O'Connor**, Acting 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 at Scott and Clifton so the City will work to reprioritize their efforts towards an alternate project at Del Monte Park.

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. On October 22, 2009, City and County Parks staff toured the Sunol and Auzerais area of San Jose to consider the potential future acquisition of a parcel of property to add onto an existing City neighborhood park (Del Monte). County Parks staff is awaiting a formal proposal from City staff requesting applications of the County's acquisition funds at this site.

City View: The City is pursuing additional acquisitions in the area including the following: Three Creeks 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. Staff is currently working on a tentative agreement which would allow for these funds to be used to purchase a property adjacent to Home Street. 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. Three Creeks Trail (Willow Glen Spur) 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 – **Julie Mark**, Acting Director of Parks and Recreation

Est. Completion Date: TBD.

Synopsis: The Three Creeks 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 2010. Remaining segments west of the 87 Freeway (between Los Gatos Creek and Hwy 87) may be acquired in conjunction with private development; however, City staff is assessing the financial feasibility of acquisition without 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: Maps of the potential future trail alignment from Los Gatos Creek to Coyote Creek and from Coyote Creek to Guadalupe River can be found at the following web link: <http://www.sjpark.org/Trails/WillowGlenSpur/WGS.asp>

In December 2009, the City Council approved the draft Greenprint 2009 Update which continues to show a potential alignment for this trail along the abandoned UPRR corridor; so, while the current City focus is on finalizing a purchase of the properties west of highway 87, the City has clearly indicated the desire to create a trail experience along the corridor east of Highway 87 in the strategic plan for future park and trail development.

In January 2009, the City of San Jose Rules Committee forwarded a memorandum from Councilmember Pierluigi Oliverio to the full City Council requesting that the working title of the Willow Glen Spur project be re-named to the “Three Creeks Trail” project to recognize the future connection of the Los Gatos Creek, Guadalupe River and Coyote Creek trail systems.

Currently, the City is in discussions with Union Pacific Railroad (UPRR) to purchase a portion of the future trail in the Willow Glen area from Minnesota north to Lonus for \$7 Million. The funding currently available for this project totals are:

- Proposition 40 Grant: **\$800,000**
- Open Space Authority Grant: **\$2,000,000**
- Santa Clara County Grant: **\$2,000,000** (*per agreement, County would use this to fund a 25% match for a specific purchase. Currently, there is not enough other funding available to take full advantage of the County’s match*)
- Council District 6 C&C: **\$300,000**
- Park Trust Funds: **\$621,000**
- Santa Clara Valley Water District Grant: **\$300,000** (however, SCVWD staff have indicated that they will be reconsidering the grant amount since the original scope of the first phase of acquisition has been reduced)

City staff is currently in discussions with the Open Space Authority and County of Santa Clara staff to develop a plan to come up with the entire \$7 Million needed for Phase I acquisition. Once this funding is secured, City staff will re-engage UPRR staff on the acquisition.

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 “Three Creeks 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. Developers have expressed interest in acquiring several segments of the alignments from Union Pacific Railroad and, in fact, two segments have already been sold and two segments have been developed (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. A meeting on September 3, 2008 focused on reviewing site constraints, such as grade crossings, and to review potential funding opportunities.

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.

City Parks Department staff, in a letter dated November 30, 2009, indicated that they were in discussions with Union Pacific Railroad to purchase the trail segment from Minnesota to Broadway and finalizing negotiations, particularly the sale price. Although there is high community interest in the City acquiring the segment north of Broadway to Los Gatos Creek and Union Pacific Railroad is desirous of selling both segments, the City is in the process of assembling the necessary funds.

29. Shady Oaks Park at Coyote Creek Parkway

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

County Point Person – **Julie Mark**, Acting Director of Parks

Est. Completion Date: Second Quarter 2008

Synopsis: The City completed a Citywide Sports Field Study in 2008 and a site selection process for an aquatics facility in City Council District 2. As a result of these studies Shady Oaks has been identified as a strong candidate for either additional sports or an aquatics 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 and would discuss the project scope and community engagement process with the County before proceeding. As part of the FY 10-11 Budget process, the City allocated \$2.33 Million in a reserve in the Parks Trust Fund for future development of sports fields at this site.