



Memorandum

To: Mayor and City Council

From: Councilmember Pete Constant

Subject: SEE BELOW

Date: May 11, 2012

Approved:

Subject: Agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the Renovation, Operation, Maintenance and Joint Use of John Mise Park.

Recommendation

1. Accept staff recommendations and proceed with an agreement with the Roman Catholic Welfare Association of San José (Archbishop Mitty High School) for the funding, renovation, operation, maintenance, and joint use of John Mise Park.
2. Direct staff to include installation of neutral-color fencing, such as green or black, around the perimeter of the artificial turf field, rather than galvanized steel, to insure that the fence has a minimal impact on the aesthetics of the park.

Background

District 1 is part of the West Valley Park Planning Area. According to the 2009 *Greenprint Update*¹, it is the most underserved area in the city. Given the density of District 1 and the limited opportunity to build new parks, we must look for opportunities to upgrade and improve our existing parkland.

The *Community Sports Field Study*², which was completed in 2008, found that the number of sports fields in San José is significantly below national standards. It identified a shift in resident demand from seasonal programming to year-round programming. Further, it found that the limited number of lighted and artificial turf fields in the city has restricted the amount of programming that can occur. Given the limited resources of the city, the study recommended that the city find partners to work with to expand and improve its sports fields. According to a phone survey of San José residents conducted as part of the study, nearly 75% agreed that the city should look to partner with schools or other outside organizations to expand its fields.

Measure M, which was approved in November of 2008 by 72% of voters, amended the City Charter to give the City Council the ability to enter into park use agreements of up to 25 years with non-city entities. The goal of these agreements is to improve recreational opportunities especially through long-term financial investments. The city has been successful in partnering with several school districts to upgrade or install artificial turf on both existing city parkland and

¹ <http://www.sjparks.org/Greenprint/>

² http://www.sanjoseca.gov/clerk/Agenda/20081202/20081202_0503att.pdf

school district property, with a number of fields already completed and several more in the works.

John Mise Park at only 11.7 acres, located near I-280 and Lawrence Expressway, is the second largest park in District 1. John Mise Park is a Community Park that serves a wide area of West San José. The park currently has an adult lighted natural turf softball field with a youth size soccer field overlay, basketball courts, restrooms, a parking lot with 36 parking spaces, and picnic area with barbeque pits. The sports field is currently reserved by numerous sports leagues and other organizations on a regular basis. Archbishop Mitty High School is one of these groups, and utilizes the field in the afternoons during the school year for several of its sports teams.

John Mise Park was identified as a candidate to be upgraded to artificial turf because of its size, location, and the fact that it currently has a lighted sports field. Additionally, the city was able to identify a partner to work with in Mitty. The city has not been successful in identifying property owned by another entity, such as a school district, in the area. I can confirm the lack of opportunities through meetings that I have had with school district superintendents and school board members specifically about this issue.

The project includes upgrading the sports field to artificial turf and increasing the size of the soccer field overlay from a youth size field to a full adult size field. New energy efficient lighting will replace the old lights so that either softball or soccer games can be played in the evenings. An additional parking lot will be built with 30 parking spaces. A fence that would be only 4 feet tall in most areas with breaks for pedestrian access would be installed around the perimeter of the field to protect the artificial turf from vehicles as well as to prevent errant balls from exiting the field of play. I also believe that the fence should be either black or green to better blend in with park and diminish the impact the project would have on the aesthetics of the park.

While renovation is being primarily funded by the city through capital funds, there is also funding coming from a joint-use agreement with Mitty. After determining that John Mise Park was the most viable location for an upgraded artificial turf field, the city administration approached Mitty as a potential partner. The city and school have negotiated the proposed agreement, whereby the city and school stand to gain a tremendous community asset. Mitty has agreed to several significant contributions to the project in exchange for what amounts to a formalized arrangement of Mitty's current usage of the field. Mitty will contribute funds toward the capital costs of the project, provide ongoing maintenance for almost the entire park, and contribute to the future replacement of the artificial turf. In exchange, Mitty will continue to have use of the sports field in the afternoons during the school year and will be allowed to utilize the new parking spaces during school hours to help address the school's impact to neighborhood parking. Other groups will retain the ability to reserve the field, and at all other times when the field is not reserved it will remain open for the public to use. If the field is upgraded, it will be the first artificial turf field in the city to be publicly accessible at all times when it is not reserved.

My staff and I have been involved with this proposal, working with both the Parks, Recreation, and Neighborhood Services (PRNS) Department and the community, for over six months beginning early last October. An initial community meeting was conducted by PRNS on October 26, 2011 at Mitty. The outreach for the meeting was conducted by PRNS with a mailer going out to an extended radius of the neighbors in the vicinity of the park. The meeting was well attended with mostly the immediate neighbors of the park present. The neighbors expressed numerous concerns with the proposal at the time. The primary concerns shared at the meeting after the community was presented with the proposal were with the proposed fencing, the additional parking lot, potential traffic impacts, opposition to the use artificial turf, Mitty student parking,

and a belief that Mitty was attempting to take over the park from the city. Given the concerns expressed at this meeting, the timeline was slowed to give PRNS staff time to respond to the concerns, and to reevaluate the specifics of the proposal.

In response to the feedback received at the community meeting, PRNS made several modifications to specifically address several of the concerns raised. The new parking lot was moved from the southern end of the current parking lot to behind the softball field near the freeway wall. Additionally, the fencing was lowered from 6 feet in all areas to 4 feet in most areas with breaks for pedestrian access. The commitment to keep it open to the public, making it the first in the city, was also a result of the feedback received from the community.

The modified proposal was presented at the February 1, 2012 Parks and Recreation Commission meeting. Prior to this meeting, an additional mailer was sent out to the community notifying them that the proposal would be presented at the meeting. Additionally, those that attended the October community meeting received an email notice. PRNS also posted a document on its homepage that outlined the feedback received at the October meeting with specific responses to the issues raised. My office also notified all those individuals who had contacted my office via email about the meeting. A vocal group of neighbors attended the meeting and shared their concerns regarding the proposal. These were many of the same individuals who had attended the first community meeting, and they expressed many of the same concerns. There was not a quorum at the meeting, and deliberation on the item was carried over to the March meeting.

The proposal was brought back for deliberation at the next Parks and Recreation Commission meeting on March 7, 2012. Notification of the meeting was sent out via email for this meeting by PRNS and also by my office. The meeting was again attended by neighbors of the park who were opposed to the proposal. The Parks and Recreation Commission, on vote of 6-2, recommended that city staff look at other possible locations for the artificial turf field.

Given the significant community interest, I agreed to host an additional community meeting when asked by the neighbors of the park. My office sent notice of the meeting to all of those who had previously contacted me about the park proposal, individually notified the leaders of the adjacent neighborhood associations, advertised the meeting in our monthly newsletter, and notified the association of neighborhood groups in District 1.

The community meeting was held on the evening of April 2, 2012 at Mitty. I was the primary facilitator of the meeting and began it with a brief presentation outlining the proposal and providing background on the city's utilization of joint-use agreements to offer improved levels of service. PRNS staff involved with the project were also on hand to answer any technical questions, and representatives of Mitty were present to observe the meeting. Several community members made the case for upgrading the sports field at an alternate site, such as Calabazas Park. The neighbors again raised concerns about the potential impacts to traffic around the park. Additionally, neighbors again expressed the belief that Mitty would be taking over the park. There were also those that were adamantly opposed to artificial turf fields, and the loss of natural turf at the park. All those who attended the meeting and wished to speak were allowed to do so, and many were allowed to speak numerous times. I made a commitment to the community that I would notify them of when the council meeting would be held and when the staff report was released. I also assured them that the report would be released at least 10 days prior to the City Council meeting at which it would be heard, and that the report would address their traffic and environmental concerns. *(The staff report was published 14 days prior to the City Council meeting and I sent an email notice to the neighbors interested in the project.)*

The proposed upgrades at John Mise Park are a culmination of over a 6 month process that engaged the community around John Mise Park. It is also the culmination of many years of work to see improvements done at this park that was started by my predecessor in office. I have remained engaged with the community and continue to listen to and acknowledge their concerns regarding the proposal. However, I strongly believe that the entire District 1 community and the city stand to gain a tremendous asset in this upgraded sports field and that moving forward with this proposal is in the best interests of District 1 and the city. We know, through the city's past park and sports field studies, that there is a strong demand for sports fields in the city, especially full size soccer and softball fields.

Despite the vocal objections of the immediate neighbors regarding a variety of issues, I believe that moving forward with this project is in the best interests of the residents of District 1. It fills a void and need in District 1 and the West Valley Park Planning Area. John Mise Park serves a large area of District 1, and this proposal will help the park fulfill its purpose as a Community Park. The demand for this type of upgraded facility is well documented through the city's findings in comprehensive studies done over the past few years. The public will still be able to enjoy the park, and access its sports field.

The joint-use agreement with Mitty is a positive for the city and is aligned with our priorities. It is a worthwhile partnership with a long established and respected organization. Nearly the entire maintenance of the park will be provided by the school at no cost to the city. With the city's recent cutbacks in its maintenance budget for parks and its continued efforts to look for ways to save even more money, this is clearly a huge benefit. Further, the school will contribute funds toward the replacement of the artificial turf when it reaches its end of life.

I know there is concern amongst some of the neighbors that this agreement would equate to giving the park to Mitty. I disagree with this assessment. John Mise Park will remain a city owned park, and any transfer of ownership of the parkland would require voter approval. The city would be pursuing these upgrades regardless of Mitty's involvement in the project. The agreement with Mitty is no different than the other agreements the city has entered into at other sports fields across the city. These agreements follow the guidelines of City Council Policy 7-8 for joint-use agreements. Our experience has shown us that these agreements work well and provide enhanced recreation space to the community and the entire city.

If we fail to take advantage of this proposal, we may lose the opportunity of a partnership and squander a chance to upgrade city property for the betterment of the residents of District 1 and San José.

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