

Save Our Trails!



Promoting trails in Santa Clara County for the benefit and enjoyment of all

Board Meeting
Dwell Christian Church
1292 Minnesota Avenue, San Jose 95125
Sept 15, 2014, 7-9pm

CALL TO ORDER

INTRODUCTIONS

Welcome to visitors.

ADMINISTRATIVE

1. Approval of the minutes of 8/18
2. Absences

CHANGES TO AGENDA

PRESENTATIONS BY GUESTS

DIRECTORS' REPORTS

1. President's report
2. Vice-President's report
3. Treasurer's report
4. Secretary's report

CURRENT ISSUES

Status of Action Items

NEW ISSUES

1. New meeting room, Day on the bay, fold n go [Bill]
2. Report on VTA BPAC meeting of 9/10. [Jack]
3. Discuss options for tax exempt status [Martin]
4. Trail count Wed Sept 24 2014. If you can help, please email mollie.tobias@sanjoseca.gov for details on locations and times. Are we managing 3CT count? Volunteers? [Bill & Martin]
5. This year, **Coastal Cleanup Day** will be held on **Saturday, September, 20th, 2014 from 9:00 am until 12:00 pm**. CCHC is hosting one of 47 Santa Clara County sites to prevent in land-based trash from reaching San Francisco Bay and our shores and beaches. CCHC will be at the intersection of Phelan Avenue and Roberts Avenue. For more information or to register for free, please visit our [Eventbrite](#). To see if any of the other 46 locations would work better for you, please visit the Creek Connections Action Group [website](#).
6. Parkland fees meeting. 5:30 p.m. September 3, 2014 San José City Hall Wing – Rooms 118 & 119 [Bill]

DEFERRED ISSUES

1. Grants from California Trails and Greenways Foundation. See <http://www.ctgf.org/grants/>. Grant applications posted May 1, 2014, due Sept 30, 2014. Bill
2. Discuss change to San Jose Park Fund, proposed by Sam Liccardo. See Addendum A [Martin]
3. Day on the Bay – we need volunteers. Saturday Oct 12. [Bill]
4. Trail clean-up for Oct? [Bill]

Addendum A

5.2 (Cont'd.)

Action: On a call for (lie question. the motion carried unanimously. The Final Greenprint 2009 Update was approved as amended: (1) The memorandum from Council Member Liccardo dated December 4, 2009 was approved, with the following: (a) On Page 108 add to either the Neighborhood Community Parks or the Regional Parks list: the east side of the Guadalupe River Bank from Interstate 280 to Willow Street for public open space” with language elsewhere in the Greenprint (crafted in consultation with the City Attorney) indicating that the City will work in collaboration with the Santa Clara Valley water District to effectuate this goal. (b) On Page 109 add to the Trails list: Union Pacific Railroad from Highway 101 to the Guadalupe River Trail with legally sufficient language (crafted in consultation with the City Attorney) elsewhere in the Greenprint document to indicate that such trail would only be built upon relinquishment of that rail line and or upon the City's purchase of it. (2) Supplemental memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso dated November 25, 2009 recommending additional changes to the draft Greenprint 2009 Update based upon feedback received from the Parks and Recreation Commission on October 7 2009 and the Neighborhood Services and Education Committee meeting oil November 12 2009 was approved. (3) Direct the Parks, Recreation and Neighborhood Services Staff to work with the City Attorney’s Office on appropriate language to add the development of 12 to 14 acres of land at the Arcadia property for new public park use as a priority one project for the Evergreen Action Plan (District 8): The City Manager was authorized to make any grammatical changes, minor edits, corrections and other changes which do not impact the major policies and substance of the document during the final editing and production process and Resolution No. 75218 entitled: Resolution of the Council of the City of San Jose Rescinding City Council Policy 1-6. Parks and Recreation Priority for Expenditure of Funds Collected from the Construction Tax and Property Conveyance Tax and City Council Policy 6-8. City Improvement of School Sites for Public Recreation”, was adopted. (10-0-1. Absent: Constant.)

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Sam Liccardo’s proposal to change the Park Trust Fund for downtown high rises and midrises, asks that staff review and report back by Sept. He took it to Rules Committee, and then it went to the Council at the last meeting of the fiscal year. It did not go through any council committee. Here are the features

- Calls for continuing the 50% reduction in park fees for downtown high rises
- Calls for creating 25% reduction in park fees for mid-rises in downtown

Also calls for providing developers with a choice--they can pay 100% of fees OR then can pay 50% (high rises) and join a downtown maintenance district which will provide money over the long term. The money from the maintenance district will be paid by whoever owns the property at the time of the payments--ie condo owners instead of the developers. The money from the maintenance district could be used to mow lawns, or repair pools, fix fountains.

Under state law, maintenance districts must either touch the property that is being maintained OR a large area of contiguous properties must be in a maintenance district. (This detail is not mentioned in the memo).

What's important--Chuck and Sam argue that downtown is built out and there is no way to get additional parks. They don't acknowledge that downtown high rise money is being used to pay for community serving projects within three miles. Examples are the eastern alignment of the Three

Creeks trail and the trail that runs from Julian Street to Japantown to Northside. There are other possibilities with willing sellers within the 3/4 mile nexus of the downtown---including daylighting Los Gatos Creek Trail at Bird.

This is a pilot program---it suggests that the urban villages would be designed this way too---declare that current parks are enough and use the money to maintain green space such as planters and median strips.

The Quimby Act is the state law that authorizes park trust money. It's possible that this idea of offering a developer a choice of 100% fees vs. 50% fees and Maintenance district might be illegal. But there is no one available to sue the City. It's certainly not what state legislators intended.

Also, note that all developers get credits (up to 50%) for onsite private recreation credits (pools, gyms, roof-top gardens), so this proposal means that the developers would pay nothing and only the residents would pay and pay and pay and pay, as part of the HOA fees.

At the Rules Committee Meeting, CM Oliverio pointed out that Tamien Park was dependent on the downtown park fees to finish its community serving soccer field. With a change like that which is proposed, the park will remain dirt.

SOT may be best served by addressing questions to park staff with copies to council members and City Manager Staff. Park staff would be Julie Edmonds-Mares (director) and Matt Cano (deputy director). Ed Shikada (City Manager) and Norberto Duenas (asst city manager)

Questions could be about how might a plan like this affect the trails---mentioning which ones are within 3/4 miles of downtown and one is within 3 miles...

Ask about whether it is legal to discount the Quimby act...

Ask whether State Law allows cities to offer developers a choice of paying park fees and not offering the same choice to all builders of new homes?

Ask where the high rises will still get their park land credits?

Whether there would be any concern that future condo owners or renters would balk at paying the Maintenance fees as part of their HOA or rent?

Ask whether changing this is allowed under current Greenprint? Would the greenprint have to be revised?

What other funds have they identified to meet the goals of the current greenprint for projects affected by this program to divert Park Trust Fund money to operations and maintenance?

Ask which type of maintenance district do they propose (there are several different kinds) and what is the number of the state law that authorizes? What nexus will be enforced?

Ask who at the State can give a legal opinion about what can be done to change rules under the Quimby Act?