



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Anthony Mata
Jim Shannon

SUBJECT: SEE BELOW

DATE: January 23, 2023

Approved

Date

2/1/23

COUNCIL DISTRICTS: 2, 6, 7, and 8

SUBJECT: ACTIONS RELATED TO THE FIRST AMENDMENT TO THE FUNDING AGREEMENT BETWEEN THE SANTA CLARA VALLEY WATER DISTRICT AND CITY OF SAN JOSE FOR THE COYOTE CREEK AND GUADALUPE RIVER TRAIL PATROL PROGRAM

RECOMMENDATION

- (a) Adopt a resolution authorizing the City Manager or designee to negotiate and execute a first amendment agreement for the Coyote Creek and Guadalupe River Trail Patrol Program with the Santa Clara Valley Water District in the amount of \$400,000 for the extension of six months (January 1, 2023 to June 30, 2023).
- (b) Adopt the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:
 - (1) Increase the Coyote Creek and Guadalupe River Trail Patrol City-Wide Expenses appropriation to the Police Department by \$400,000; and
 - (2) Increase the estimate for Revenue from Local Agencies by \$400,000.

SUMMARY AND OUTCOME

Approval of this recommendation allows the City Manager or designee to negotiate and execute a first amendment of the funding agreement for the Police Department to provide law enforcement services for the Coyote Creek and Guadalupe River Trail Patrol Program in collaboration with Santa Clara Valley Water District (SCVWD).

BACKGROUND

On November 30, 2021, the City adopted a resolution authorizing the City Manager to negotiate and execute an agreement for the Coyote Creek Trail Patrol Program. Presently, the City and SCVWD would like to expand the program beyond Coyote Creek to include the Guadalupe River and adjacent Guadalupe Gardens area.

The Coyote Creek Trail between William Street and Phelan Avenue was opened in November 2021 by Parks, Recreation, and Neighborhood Services (PRNS), and Coyote Creek Trail usage has increased 16 percent since then, according to PRNS's 2022 Trail Count. The final gap in the Coyote Creek Trail, from Phelan Avenue to Tully Road, is expected to be completed in late 2024, and staff expects the contiguous trail to be an even more inviting destination for runners, walkers, cyclists, nature lovers, and others who currently do not frequent the area. This portion of Coyote Creek near the new trail is also an area with encampments. The new trail's design was guided by principles of Crime Prevention Through Environmental Design. An outreach effort was conducted to contact people experiencing homelessness and offer them housing and other services. Nevertheless, a law enforcement presence on the trail was established to ensure that trail users feel safe and enjoy the time they spend there.

On December 15, 2021, SCVWD and the City executed an agreement for the Coyote Creek Trail Patrol Program, whereby each party contributes \$400,000, for a total of \$800,000, to provide a focused law enforcement presence by the San José Police Department at the newly opened section of trail running along Coyote Creek between William Street and Tully Road. The agreement began on January 1, 2022 and ended on December 31, 2022.

To supplement the law enforcement presence, PRNS created a Trail Safety Plan that has deployed the San José Conservation Corps under the oversight of PRNS staff since November 2021. With funding support from a State grant and the City's Resilience Corps, the San José Conservation Corps' primary role has been to be "eyes on the trail" and provide visitor services, report large repair and maintenance issues to PRNS, and light landscaping and maintenance along the trail to maintain clear lines of sight and a clean landscape that welcomes visitors and supports a sense of safety through maintenance of the environment. The San José Conservation Corps has had a presence about five days per week to observe and report conditions to 911 for emergencies or to a consortium of service partners for non-emergencies, including Park Concerns, BeautifySJ, Homeless Concerns, and park rangers, as appropriate, based on a service matrix that PRNS developed.

Multiple respondents to the survey conducted as part of the 2022 Trail Count reported seeing the San José Conservation Corps and an increase in trail maintenance over the past year, and positively mentioned the Trail Safety Pilot, stating that the presence of the Police Department and corps members has increased their feelings of safety on the Coyote Creek Trail.

In addition to Coyote Creek and Trail, the Guadalupe River and Trail are the sites of encampments. Since 2019, use of the Guadalupe River Trail has decreased 48 percent with

surveyed users citing feeling unsafe as encampments established and grew near the trail. The major encampment at Guadalupe Gardens, north of Columbus Park, which contributed significantly to the lack of safety for trail users, was cleared at the end of 2022. The installation of the bollards at several key access points in Guadalupe River Park and Gardens from Hedding Street to Coleman Avenue in early 2023 is a major project to protect the trail from unauthorized vehicles and limit encampments to the extent possible. There are additional deterrent strategies, including boulders and fencing planned along the Guadalupe River Trail, the Coyote Creek Trail, Los Gatos Creek Trail, and Three Creeks Trail. As with Coyote Creek Trail, a law enforcement presence on the Guadalupe River Trail may enhance the feeling of safety for trail users and help them enjoy the time they spend there.

ANALYSIS

The SCVWD and City established the Coyote Creek Trail Patrol Program for a three-mile stretch between William Street and Tully Road on a one-time basis. The trail lies mostly within San José Police Department's District Lincoln, which is the busiest patrol district in the City. Typical patrol units cannot reasonably be expected to maintain a sustained presence on the creek trail due to their need to respond to calls for service. For officers to both access the trail and cover adequate distances quickly, the officers ride bicycles for this assignment. The trail sees maximum use in the morning, midday during the lunch hour, and in the evening after work. A 10-hour shift between 10:00 a.m. and 8:00 p.m. is the current deployment as it would provide officers on the trail during the most critical hours; however, the hours of deployment will be adjusted as needed. Staff plans to coordinate regularly with PRNS to best leverage the San José Conservation Corps presence as part of the Trail Safety Plan.

For the Coyote Creek Trail Patrol Program, it is proposed that the SCVWD and the City equally share the cost of the program which is projected to be \$800,000 for the extension of six months. This cost consists of one sergeant and one officer per patrol shift (two shifts: Coyote Creek Trail and Guadalupe River Trail) deployment model. As part of the 2022-2023 Adopted Operating Budget¹ which was approved by City Council, an allocation of \$600,000 as the City's anticipated share of the agreement, was included for the potential extension of the program for the Coyote Creek segment through June 30, 2023 (\$200,000) and potential expansion of the program to include a segment of the Guadalupe River and the adjacent Guadalupe Gardens area from July 1, 2022 to June 30, 2023 (\$400,000).

¹ Link to 2022-2023 Adopted Operating Budget, Coyote Creek and Guadalupe River Trail Patrol budget action on page 768: <https://www.sanjoseca.gov/home/showpublisheddocument/91599/638035862935400000>

However, due to delay in negotiations, the program was not expanded to include Guadalupe River and the adjacent Guadalupe Gardens in the first six months of the fiscal year.

| Program | Contributors | Original Agreement (01/01/22 - 12/31/22) | | 1st Amendment (01/01/23 - 6/30/23) |
|--|------------------|---|-------------------------|---------------------------------------|
| | | FY 21-22 (Jan - Jun) | FY 22-23 (Jul - Dec) | FY 22-23 (Jan - Jun) |
| Coyote Creek Trail | City of San José | \$200,000 | \$200,000 | \$200,000 |
| | SCVWD | \$200,000 | \$200,000 | \$200,000 |
| Guadalupe River Trail | City of San José | - | - | \$200,000 |
| | SCVWD | - | - | \$200,000 |
| Agreement Total per Contract Term | | \$800,000 | | \$800,000 |
| Agreement Total | | \$1,600,000 | | |

The proposed first amendment with the SCVWD would fund on a reimbursement basis \$400,000 for the Coyote Creek and Guadalupe River Trail Patrol Program for the second half of 2022-2023 for a total estimated cost of \$800,000. The agreement would be valid for six months or until funding is depleted. This agreement may be renewed subject to the appropriation of funds from the City and SCVWD.

Climate Smart San José Analysis

The recommendation in this memorandum has no effect on Climate Smart San José energy, water, or mobility goals.

EVALUATION AND FOLLOW-UP

After the execution of this amendment, the San José Police Department may provide program updates as needed to City Council through its Police Department Operations and Performance Bi-Monthly Status Report to the Public Safety, Finance, and Strategic Support Committee. Any further extension of the agreement starting July 1, 2023 would need to be considered as part of the 2023-2024 Proposed Budget process.

COST SUMMARY/IMPLICATIONS

The total estimated costs for the Coyote Creek and Guadalupe River Trail Patrol Program in 2022-2023 is approximately \$1.2 million, which is equally funded by the City and SCVWD, for Coyote Creek Trail from July 1 to June 30 (\$800,000), and the Guadalupe River Trail from January 1 to June 30 (\$400,000). Actions included in this memorandum recognize and

appropriate \$400,000 from SCVWD for services from January 1, 2023 through June 30, 2023. Due unspent funds from the prior year carrying forward into 2022-2023, a small amount of savings may be realized by year-end that could potentially be repurposed to continue the program into 2023-2024, subject to the budget process.

BUDGET REFERENCE

The table below identifies the fund and appropriations to fund the contract recommended as part of this memorandum.

| Fund # | Appn. # | Appn. Name | Current Appn. | Rec'd. Budget Action | 2022-2023 Adopted Operating Budget Page | Last Budget Action (Date, Ord. No.) |
|--------|---------|---|---------------|----------------------|---|-------------------------------------|
| 001 | R090 | Revenue from Local Agencies | \$19,986,418 | \$400,000 | 135 | 10/18/2022 Ord 80717 |
| 001 | 218Z | Coyote Creek and Guadalupe River Trail Patrol | \$931,000 | \$400,000 | N/A* | 10/18/2022 Ord 30833 |

*The 2022-2023 Adopted Operating Budget originally included funding in the Police Department (p. 768) that was subsequently moved to a City-Wide Expenses appropriation as part of City Council's approval of the 2021-2022 Annual Report on October 18, 2022.

COORDINATION

This memorandum has been coordinated with Parks, Recreation, and Neighborhood Services and the Office of the City Attorney.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the February 14, 2023 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

HONORABLE MAYOR AND CITY COUNCIL

January 23, 2023

Subject: Actions related to the Coyote Creek and Guadalupe River Trail Patrol Program

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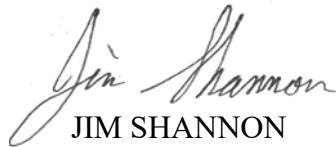
CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

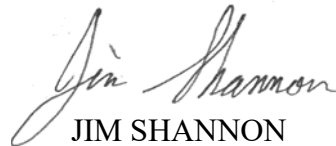
PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/
ANTHONY MATA
Chief of Police


JIM SHANNON
Budget Director

I hereby certify that there will be available for appropriation in the General Fund in the Fiscal Year 2022-2023 moneys in excess of those heretofore appropriated wherefrom, said excess being at least \$400,000.


JIM SHANNON
Budget Director

The principal author of this memorandum is Jennifer Otani, Administrative Officer. For questions, please contact jennifer.otani@sanjoseca.gov or (408) 537-1618.