

# Answers to Your Questions

## Follow up to January 14 Meeting with Councilmember Khamis

At the January 14, 2013 meeting of the Almaden Valley Community Association, Councilmember Johnny Khamis spoke and took questions from the community. The following are answers to some of the questions that were brought up that evening. Similar questions have been grouped together and somewhat consolidated for the sake of clarity. If you have other questions you would like answered, please contact the District 10 Council office at [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov) or 408-535-4910.

### Miscellaneous Questions:

- 1) In the 5<sup>th</sup> amendment to the constitution it says the government cannot seize property. But the City seizes our trees when they get to a certain size and charges us to remove them. How is this constitutional as those trees are part of our private property?

**A:** The City does not actually seize trees on private property at any point in their growth. They still belong to the property owner and all property owners are equally responsible for adhering to community standards. Page 3-13 of the City's Tree Policy Manual states:

Information about local laws relating to trees on private property is contained in the Municipal Code Chapter 13.32. The purpose for the law is stated in Section 13.32.010:

*"It is the purpose of this chapter to promote the health, safety, and welfare of the city by controlling the removal of trees in the city, as trees enhance the scenic beauty of the city, significantly reduce the erosion of topsoil, contribute to increased storm water quality, reduce flood hazards and risks of landslides, increase property values, reduce the cost of construction and maintenance of draining systems through the reduction of flow and the need to divert surface waters, contribute to energy efficiency and the reduction of urban temperatures, serve as windbreaks and are prime oxygen producers and air purification systems."*

The City of San Jose recognizes the value of these living assets by protecting them with the law.

- 2) Who will be doing the marketing of the Convention Center when the remodel is done? It needs better marketing to attract more customers.

**A:** Team San Jose operates the Convention Center. Their contract was recently renewed, however they are under new leadership, have new Board members, and are operating in a more transparent manner. Hotel owners agreed to tax themselves in order to pay for the recent expansion and remodel, so that did not come from the City budget.

The new leadership has bolstered their professional and marketing staff. They have partnered with Nederlander Concerts to bring more quality acts to the Civic Center. They have appointed an industry advisory group, PNS, who organize conventions. PNS comes to San Jose regularly to share with the Board their impressions of the Convention Center's capabilities and to advise on best practices. This has reduced the amount of City support needed to operate the Convention Center.

3) How can we get trails in the open spaces to connect?

A: There is a map on the City's website that shows a future plan to interconnect the existing trails. Go to <http://www.sanjoseca.gov/index.aspx?nid=585> and click on the second map link that says (future 100-mile interconnected network of systems). Note that this map is dated June 2006, so it is a matter of funding at this point, but there is a plan. If you have further questions, you can click on the link to contact the Trail Program Manager. In April the Trails Program Manager will be bringing a request to Council to pursue a Santa Clara Valley Water District grant to complete the Coleman Road undercrossing, and Councilmember Khamis is working with County officials and others who are endeavoring to significantly expand parkland and trails in District 10.

4) How do we get a road resurfaced?

Answer given during the meeting: DOT prioritizes based on the amount of traffic and complaints. You are encouraged to submit complaints to [potholes@sanjoseca.gov](mailto:potholes@sanjoseca.gov) and write letters to CMK so he can submit them. The more complaint letters received the better.

A: Also, see the "Charts, Graphs, Lists" section below for road repair information.

Property Questions:

1) Update on Almaden Ranch

A: Almaden Ranch in D9: Project is totally approved. No building permits have been filed yet. Last permit was for the Cherry Ave. extension, which has been completed. According to the property owner, they plan on breaking ground this summer, and expect construction to take about 18 months. Recent announcement that Bass Pro Shop is expected to open 2015. City does not get to determine which retail outlets go into approved retail space. Decision of property owner.

2) PW space at Via Valiente

A: Via Valiente: Code Enforcement was called out and the owner was required to fix some minor things. This should make it more attractive to tenants. Once an anchor store is secured, owner has plans to give the center a face-lift but has not yet contacted Planning to request permits.

3) Old Shell station, now empty lot at Redmond/Almaden

A: No permits have been submitted as of 3/11/13.

4) Feed & Fuel, historic bldg at gateway to New Almaden. Was going to be built up by Fleetwood Homes like on Redmond, and no one wants that to happen.

A: Corner lot: According to Planning, a housing project was approved in 04/05, with historic bldg required to stay. Planned Development permit had expired, but has been extended until 6/14. Cronin Enterprises was original party which applied for the building permit. We spoke with Mr. Cronin who said the corner lot is now being sold to City Ventures and is in escrow, due to close soon. It is still slated to be 13 single family homes – most of the old building may go, but some elements will be maintained as historic.

Parcel next to corner lot with apartments on it is still owned by Cronin Enterprises and is slated to become 10 single family homes. Project is currently in design review.

Both projects will probably be scoped out in the next 12 to 18 months, according to Mr. Cronin.

Charts, Graphs, Lists requested – visual presentation of information:

- 1) Chart illustrating when pensions become too burdensome. How many retirees are we paying for now and in the future?

A: The Retirement Fund's Comprehensive Annual Financial Report (CAFR) shows numbers for Active and Retired employees. For Police and Fire it is on page 34 of the FY 11-12 CAFR – We calculate a ratio of 1.0:1.1 (or .9 active employees for every one retiree, and this excludes vested, terminated employees who are not yet drawing benefits).

[http://sjretirement.com/Uploads/PF/CAFR\\_Police\\_Fire\\_2011-12\\_LowRes.pdf](http://sjretirement.com/Uploads/PF/CAFR_Police_Fire_2011-12_LowRes.pdf)

For Federated the numbers are on page 36 of the FY 11-12 CAFR. Here the ratio is worse, given that the layoffs in areas outside of public safety have been far more severe than those within public safety – 1.0:1.20 (or .8 active employees for every one retiree, again excluding terminated vested members not yet receiving benefits). [http://sjretirement.com/Uploads/Fed/CAFR\\_FED\\_2011-12\\_LowRes.pdf](http://sjretirement.com/Uploads/Fed/CAFR_FED_2011-12_LowRes.pdf)  
This ratio used to be closer – five active employees for every one retiree.

Annual pension costs increased by \$73.0 million from 2001-2012. Projected to increase by another \$83.7 million from 2013-2018. Forecast: <http://sanjoseca.gov/index.aspx?nid=2801>  
Mayor's March Budget Message: <http://www.sanjoseca.gov/archives/166/MarchBudgetMessage.pdf>

- 2) Revenue bonds – how much shortfall coming from general fund?

A: Councilmember Khamis' call for a Council Study Session within the next 6 months did not receive adequate support at Council <http://sanjoseca.gov/DocumentCenter/View/12672>. In the mean time, the 2012 Comprehensive Annual Debt Report can be found on the Budget Office website at [http://sanjoseca.gov/archives/113/2012\\_CADR.pdf](http://sanjoseca.gov/archives/113/2012_CADR.pdf). Councilmember Khamis met w/city's Finance director - they liked his ideas on providing more detail on city's bonds in their reports and plan to add the information he discussed with them to future reports. This will make it easier for Council and public to analyze city's debt.

- 3) Priority list and dates for paving and road repair. Would like a schedule. Coleman Rd. is a concern.

A: The Department of Transportation has a group of streets identified in the Priority Street Network which has been recently funded. A map of streets on this list can be found on the DOT website at <https://ca-sanjose.civicplus.com/DocumentCenter/View/4236> According the DOT,

“DOT Pavement Maintenance staff is proposing to do a project on Coleman Road from Camden (Guadalupe Mines Road) to Meridian Avenue this calendar year. This project is scheduled to begin construction sometime around August of this year. This project will involve the rehabilitation and resurfacing of the pavement and will include installation and retrofitting of ADA compliant curb ramps as required. Unfortunately, there is nothing currently proposed for the section of Coleman Road from Meridian Avenue to Santa Teresa Boulevard at this time. However, it is on the priority street network which makes it eligible for the use of existing pavement maintenance funds. In the meantime, we will have our maintenance crews make safety related repairs, such as filling potholes, until we are able to schedule this roadway section for a surface treatment.”

We have requested a list of streets with their schedule dates and this is the response from the DOT:  
“In regards to your request for a list of streets that are on the Priority Street Network, we only have a map of these streets available. Also, we only program pavement maintenance projects a year at a time, therefore, we do not have a schedule of when streets will be receiving a surface treatment such as a slurry seal or resurfacing. Staff is currently in the process of developing a list of street locations for work to be performed this summer of 2013. These street locations and project schedules will be made available to the entire City Council via an info memo sometime in March.”

Important issues brought up – problems to solve:

1) Pensions are an issue, but so is Disability. We have the highest disability rate – may need to get the spigot turned down.

A: Disability Reform is being discussed and analyzed. Measure B does address some reforms and the City Administration has encouraged the two pension boards to implement that portion of Measure B right away, however, the Independent Trustees who have supported the implementation of this reform have been outvoted by those opposed to the implementation, so they have not been able to implement these reforms. If this is important to you, you may write to us at [district10@sanjoseca.gov](mailto:district10@sanjoseca.gov) and ask us to communicate your viewpoint to the Trustees.

2) Traffic safety and traffic flow.

a. Need to stop backup onto 85 from changes caused by Walmart and light changes. Other drivers on 85 do not expect the exit to be backed up and is causing accidents. Also causing more people to exit Santa Teresa to get to Almaden – more traffic on Coleman and it’s already in need of repair.

A: The Councilmember has already talked with the DOT director about installing a sensor on the ramp that will trigger the light to stay green longer. He is looking into the idea and coordinating with the County and other involved parties to develop solutions that will help relieve these back-ups.

b. When will VTA will be retiming Almaden, Blossom Hill and Santa Teresa

A: The retiming was approved January 10th. We were told it is scheduled 4 to 6 months out.

3) Left turn (short lane) Northbound on Almaden turning left onto Camden. Recent rewiring has caused the timing to revert back to one time per cycle. This causes the left turn lane to get backed up as it is very short, and people driving in the fast lane can run into the stopped cars. It needs to be light re-timed to 2 times per cycle again.

A: According to the Santa Clara County Transportation Department, who is responsible for Almaden Expy., the northbound left turn lane was never timed to 2 times per cycle. However, the southbound left turn lane was. During the re-wiring it, it was temporarily re-set back to 1 time, but at the beginning of February it was re-set again to 2 times. If the residents feel that the northbound left turn lane is also a problem, we can request it be looked at.

4) Park and Ride on corner of Almaden and Camden.

a. It is never used, and poorly maintained – looks terrible. Are there any plans for it?

A: This property belongs to the County and they have long term plans to lease this property, and others like it, for “revenue generating purposes”. Right now they have RFPs for other properties out to the board for approval, and when those are wrapped up, they will submit an RFP for this property.