



DEPARTMENT OF PARKS AND RECREATION

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

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STAFF REPORT

Agenda Item No. 17

MEETING DATE: August 4, 2009

SUBJECT

Consider the Parks and Recreation Commission recommendations for the use of the Simms and Stockmeir properties.

BACKGROUND

The City Council asked the Parks and Recreation Commission to consider the future use of the Simms property and the Stockmeir property and make a recommendation for Council consideration. The Parks and Recreation Commission established a stakeholder task force for each of these properties. The Simms Task Force has completed its work. The Stockmeir Task Force continues to meet. The Parks and Recreation Commission adopted its recommendation for both properties at its April 2, 2009 meeting.

DISCUSSION

Simms Property

The stakeholder task force included representatives from the immediate neighborhood, the Santa Clara Valley Water District, Stevens Creek and Permanente Creek Watershed Council, Friends of Stevens Creek Trail, and an ecologist. Commissioner Bradford represented the Parks and Recreation Commission. Barbara Banfield and Mark Linder were the Parks and Recreation staff members working with the task force.

The Parks and Recreation Commission made two recommendations related to the Simms property:

- The Commission voted to ask the Planning Commission to rezone the Simms property from Residential 1-10 to Park/Open Space. The Cupertino Land Use Map designates the Simms property as Park/Open Space. However, the current zoning is Residential 1-10.

- The Commission recommends that the Simms addition be integrated into McClellan Ranch, nature preserve in a manner that will protect and enhance the natural and cultural resources and create opportunities for education, research, restoration and low impact recreation.

Further, the Commission recommends not continuing to lease the house on the property when the lease expires in January 2010 and to remove the City owned home from the site. The January 8, 2009 (**Attachment A**) and April 2, 2009 (**Attachment B**) Parks and Recreation Commission minutes are attached.

Currently, the City receives \$30,000 a year in revenue from the leasing the house. Cupertino has spent \$8,944.16 in maintenance over the past four years. There will also be a capital cost to remove the house.

Stocklmeir Property

The initial stakeholder task force included representatives from the Cupertino Historical Society, Fremont Union High School District, and Cupertino service clubs. Julia Lamy is the Parks and Recreation staff member working with the task force. Since the initial group began working, new representatives were added from the immediate neighborhood, Friends of Stevens Creek Trail, Santa Clara County Creek Coalition, Santa Clara Valley Audubon Society, and the Stevens and Permanente Creeks Watershed Council. De Anza College and the 4 H have been invited to send a representative, but have not participated to date.

At its April 2, 2009 meeting, the Parks and Recreation Commission voted to support the Stocklmeir Task Force's concept of a working legacy farm on the property. The Commission also recommended that the Stevens Creek Corridor Phase II restoration plan should stay intact. The April 2, 2009 Parks and Recreation Commission minutes reflecting the Commission's actions are attached.

The Stocklmeir Task Force continues to develop a plan for the legacy farm. The Task Force discussion is currently focused on:

- Youth education courses on sustainable farming
- Environmental and creek education programming in conjunction with habitat restoration
- Historical markers for interpreting events from Ohlone Indians to the noted community contributions of Louis Stocklmeir
- Quality trail experience

The FY 2009-2010 Capital Budget includes \$200,000 for the design of Stevens Creek Trail Phase II which runs through the orange orchards on the Stocklmeir property.

Currently, the City does not have funding for the trail or creek restoration. The City did not receive a grant from the State of California for the Phase II Creek restoration. This grant source was an important component of the funding for Phase I Creek Restoration.

RECOMMENDATION

Simms Property

Staff recommends the following:

1. Approve the recommendations of the Parks and Recreation Commission as a long term strategy
2. In the short term, given the fragile economic climate, the City continues to lease the house on a year to year basis
3. Authorize City staff to determine the cost of removing the house and include that information during the FY2010-2011 budget discussion

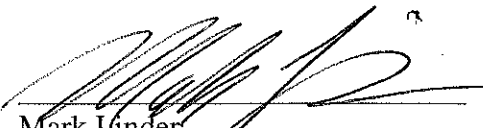
Stocklmeir Property

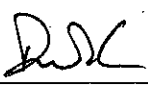
Staff recommends the following:

1. Approve the recommendation of the Parks and Recreation Commission to have the Stocklmeir Task Force develop a plan to create a legacy farm at the Stocklmeir property
2. Approve including the work of the Task Force as part of the design study for the Stevens Creek Corridor Trail Phase II

SUBMITTED BY:

APPROVED FOR SUBMISSION BY:


Mark Linder
Director, Parks and Recreation


David W. Knapp
City Manager

Attachment A: Parks & Recreation Commission minutes Jan. 8, 2009

Attachment B: Parks & Recreation Commission minutes April 2, 2009

APPROVED MINUTES
PARKS AND RECREATION COMMISSION
CITY OF CUPERTINO

Regular Meeting
Thursday, January 8, 2009 at 7:00 p.m.
Community Hall Council Chamber

1. **CALL TO ORDER**

Chair Greenstein called the meeting to order at 7:01 p.m. in the Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA.

Note: Chairperson Greenstein wanted to honor the memory and service to the Commission, of past Commissioner Roger Peng who recently passed away.

Action: Commissioner Bradford made a motion to adjourn the meeting in memory of Roger Peng. Commissioner Greenstein seconded the motion. The motion carried unanimously.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Commissioners present: David Greenstein, Jeanne Bradford, David Lee, Darcy Paul, and Debbie Stephens Stauffer

Staff present: Mark Linder, Donna Henriques, Julia Lamy, Molly James, Tom Walters and Teresa Mo

Others present: Fernando Cazares and Nicole Fodran from City of San Jose Parks, Recreation and Neighborhood Services

4. **SELECTION OF OFFICERS**

A. Action: Commissioner Bradford nominated Commissioner Lee for Chairperson. Commissioner Stauffer seconded the motion. The motion carried 4 – 1 with Commissioner Lee abstaining.

B. Action: Commissioner Paul nominated Commissioner Stauffer for Vice Chairperson. Commissioner Bradford seconded the motion. The motion carried unanimously.

5. **MINUTES OF PREVIOUS MEETINGS**

A. Regular meeting of December 4, 2008

Action: Commissioner Greenstein made a motion to approve the minutes and Commissioner Bradford seconded the motion. The motion carried unanimously.

B. Amended minutes of November 6, 2008 regular meeting.

Action: Commissioner Stauffer moved to accept the minutes and Commissioner Bradford seconded the motion. The motion carried unanimously.

6. ORAL COMMUNICATIONS –

Betsy Dougherty asked if the City can post notices in all City parks regarding the Parks and Recreation Commission meeting on February 5, 2009. She also suggested posting a meeting notice in the Cupertino Courier, The Scene and possibly the San Jose Mercury News. Staff will look into these suggestions.

Charles Hanson, Cupertino resident, made the following comments:

- he opposes the “no dogs to be allowed in the new Stevens Creek Corridor Park
- he wants the City to hire a professional consultant to plan, create and install the new signage in the park
- he feels that recycle bins should be placed next to every trash receptacles and use up all the blue “toters” that are stored in the park
- no jump houses should be allowed in the new park

7. PRESENTATION

- A. Teresa Mo, Recreation Coordinator, showed a video of the programs and services at the Senior Center. This video was produced by The Better Part, an award-winning senior-based production team.

8. ADOPT-A-PARK PRESENTATION

Nicole Fodran and Fernando Cazares, from the City of San Jose’s Parks, Recreation and Neighborhood Services, gave a presentation on the city-wide volunteer programs that recruit and train residents to assist in the general care and maintenance of neighborhood parks, trails and other parkland on City property.

They also educate the public about creating and preserving clean and safe parks and trails and would be willing to help us with training when we are ready to launch our project.

7. NEW BUSINESS

- A. Stevens Creek Corridor Trail and Blackberry Farm Park.
1. Consider proposed operating policies and procedures.

Director Linder introduced Molly James, who presented a brief overview of upgrades to Blackberry Farm Park and trail area. Molly also said that the City will be contracting a year round company to provide Park Service Officers to enforce the new rules and policies. They will be onsite from sunrise to one half an hour after sunset. Also, the residents and people using the park will be encouraged to call the County Sheriff's office to have them come out to enforce infractions.

After Molly reviewed the revised rules and policies, the Commissioners asked the following questions:

- How will the new plantings be protected?
Molly answered that the plantings will be enclosed by fencing and will also have adequate signage posted
- What are the hours that the contracted Park Service Officers will be on duty on the trail and at Blackberry Farm?
Molly and Tom answered that the officers will be on duty at the park during the hours of operation for 100 days per year. The officers will be on duty at the trail year round, from ½ hour before sunrise until ½ hour after sunset.
- Will there be an area for Frisbee golf?
- Why can't inflatable bounce houses be allowed in the park?
Molly James and Tom Walters answered by saying that they are trying to maintain the natural setting of the park and that since the picnic area will be much smaller than before, the bounce houses would infringe on the others who are in the picnic area.

The following individuals asked to speak on the trail policies:

Janet Van Zoeren asked that the McClellan Ranch Preserve be included in the rules and policies governing the trail. She also stated that there should be no butterflies or small animals released in the park during weddings or special events. In addition, she stated that the City's naturalist should be granted special permission to take any children into the creek for any nature-related activities.

Deborah Jamison said that the policy for bicycles and in-line skaters must remain on the paved trail and are not allowed on the creek trail and that there should be specific signage and or fencing, where the paved trail stops and the creek trail begins to prevent the bikes from continuing.

Anne Ng suggested that bike racks be placed at both ends of the trail so that they can have a place to store their bikes. She felt that 7 mph for bikes on the paved trail is too slow and should be 10 mph.

Alex Tsai spoke on how the trail and park operation staff can enforce the policies to reduce the impact on the surrounding neighbors and that they should help to preserve and protect nature. Also, he is concerned at how the Park Service Officers will minimize the noise before the park opens and after it closes.

Commissioner Bradford said that the overall the rules and policies were covered well and that the McClellan Ranch Preserve rules and policies should be restated and included with the Proposed Stevens Creek Trail Rules and Policies document. In addition, she would like to include that butterflies or small animals should not be released in the park during weddings or special events and that the Park Service Officers should have a presence near the Audubon Society offices so that they can be accessible in case there is an infraction of the rules. She also felt that the new proposed rules should be reviewed six months after the parks opens in July and be revised as needed.

Commissioner Stauffer mentioned the consideration of a clear and publicly identifiable delineation between Blackberry Farm Park and the McClellan Ranch Nature Preserve. Additionally, she raised concerns about allowing dogs in the McClellan Ranch Nature Preserve due to the biological and behavioral impact of dogs in the natural wildlife habitat and restoration area; conflict with the proximity to the 4H animals including a proposed fence division that would not limit odor and would prevent enjoyment of trail users to see that farm area; and confusion by dog owners that some trails will allow dogs and others will not in the same natural preserve area. It was mentioned that over half of the open space preserves in the Midpeninsula Regional Open Space District do not allow dogs.

Action: Commissioner Bradford made a motion to accept the Proposed Stevens Creek Trail Rules and Policies with amendments to include: to restate the McClellan Ranch Nature Preserve rules, (which are stated in Ordinance number 13.04.201), also include (Ordinance number 13.04.130E) that no doves, butterflies or live animals be allowed to be released at weddings or special events held in the park

and that all dogs, bicycles or roller-bladers must stay on the paved trail.

Commissioner Greenstein seconded the motion. And he asked to include additional amendments to change the trail policy to state "No alcohol allowed on the trail." He also asked to include under "Soliciting", that a permit is required to hold any sort of political rally in Blackberry Farm, and that the Green Policies for all City parks be updated by the end of June. Commissioner Bradford amended her motion to include Commissioner Greenstein's suggestions. The motion carried 4 – 1 with Commissioner Stauffer voting no because she is specifically against allowing dogs in McClellan Ranch Nature Preserve.

2. Consider Green policies

Director Linder has received comments from the City's new Environmental Affairs Coordinator and he would like to review these comments with the Commissioners and incorporate all the new Green Policies to cover all City parks by the end of June 2009.

3. Consider name change of the park to Elisha Stephens Community Park

The following individuals asked to speak on this issue:

Charles Hanson didn't know who Elisha Stephens was and feels the park should remain Blackberry Farm Park.

Deborah Jamison feels that the City should survey the surrounding residents to see how they feel about changing the name. Could change the name to Captain Elisha Stephens Farm or name an area within the park after him.

Janet Van Zoeren suggested the name Blackberry Farm Community Park and feels if the name was changed to Captain Elisha Stephens Park, she felt it would be too confusing for people trying to find the park.

Action: Commissioner Bradford made a motion to recommend to City Council not change the name of Blackberry Farm Park at this time. Commissioner Greenstein seconded the motion. The motion carried unanimously.

B. Consider request to the Planning Commission to rezone the Simms property to park and open space.

Director Mark Linder said that there was an inconsistency with the Simms property zoning and that all the Land Use Policy has it listed as part of McClellan Ranch but it is zoned as residential property.

The following individuals spoke in favor of rezoning the Simms property to become a part of the land in the McClellan Ranch nature preserve.

Joanne McFarlin, Programs Director for the Stevens and Permanente Watershed Council, Shani Kleinhaus, who is an ecologist and scientific advisor to the Stevens and Permanente Watershed Council, Janet Van Zoerer suggested that this area be included on future maps of the park and trail, and Deborah Jamison thanked Director Linder and the Commission for finally rezone this property.

Action: Commissioner Greenstein made a motion to accept the recommendation to rezone the Simms property from Residential 1-10 to Park/Open space and that the Commission direct staff to create a Simms property future use task force comprised of a commissioner and interested stakeholders. Commissioner Stauffer seconded the motion with an amendment to recognize the property as part of McClellan Ranch rural and nature preserve. The motion carried unanimously.

Director Linder agreed to establish a committee for property rehabilitation and Simms House transition in the McClellan Ranch Nature and Rural Preserve. The expectation was for the committee to commence in February 2009.

9. MISCELLANEOUS – NO ACTION REQUIRED

A. Staff oral reports

Director Linder said that the February 5 Commission meeting will be noticing the public of the meeting by mailing a postcard to each resident. Also, there will be notices in the Cupertino Scene and the Courier. He mentioned that a sub-committee has been formed to discuss the process for the dog park and off-leash issues at the meeting. The process will not be like the previous community meeting in October. It will be centered around how to organize those who want to have an off-leash area. The City will not recommend to impose an off-leash area but will recommend a process where neighbors and those concerned about dogs will work together and bring something forward to the Commission.

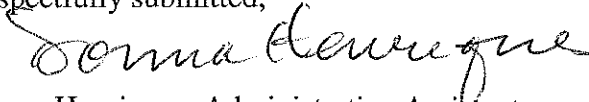
The only other agenda item on the February 5 meeting will be a presentation by Public Works on the progress on the Stevens Creek Corridor Park project.

David Fung and Judy Harrison asked to speak against having off-leash hours for dogs in City parks. They handed out articles on dog attacks and non-fatal dog bite related injuries in the United States and a memo from Captain Terry Calderone from the Santa Clara County Sheriff's Department regarding a dog bite from an off-leash dog in Jollyman Park in Cupertino. Judy said that there are devices that use high-pitched sounds to help keep dogs out of the Blackberry Farm and creek area.

B. Commissioner contacts – none at this time

10. **ADJOURNMENT** – Chair Lee adjourned the meeting in memory of former Commissioner Roger Peng.

Respectfully submitted,

A handwritten signature in cursive script that reads "Donna Henriques". The signature is written in black ink and is positioned above the typed name.

Donna Henriques, Administrative Assistant

Minutes approved at the February 5, 2009 regular meeting

APPROVED MINUTES
PARKS AND RECREATION COMMISSION
CITY OF CUPERTINO

Regular Meeting
Thursday, April 2, 2009 at 7:00 p.m.
Community Hall Council Chamber

1. **CALL TO ORDER**

Chairperson Lee called the meeting to order at 7:00 p.m. in the Community Hall Council Chamber, 10350 Torre Avenue, Cupertino, CA.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Commissioners present: David Lee, Debbie Stephens Stauffer, David Greenstein, Darcy Paul

Jeanne Bradford arrived at 7:04 p.m.

Staff present: Mark Linder, Julia Lamy, Donna Henriques, Karen Levy and Barbara Banfield

4. **MINUTES OF PREVIOUS MEETINGS**

A. Regular meeting of March 5, 2009

Action: Commissioner Greenstein made a motion to approve the minutes. Commissioner Stauffer made an amendment to correct the minutes to add wording to the motion for Item 6A, #1, to include: "to increase the dog license fee by \$11.00 for Cupertino residents to provide funds for construction of a fenced dog area, on-going maintenance, and enforcement". Commissioner Greenstein made a motion to approve the minutes with the addition. Commissioner Paul seconded the motion. The motion carried 4-0-1 with Commissioner Bradford abstaining.

5. **ORAL COMMUNICATIONS**

Anne Ng proposed that the Friends of Stevens Creek Trail come to a future Commission meeting to present their on-going support for the new trail. Director Linder said that the Commission would discuss this when they set their work plan for next year.

6. PRESENTATION

- A. Parks and Recreation Program update by Karen Levy, Recreation Coordinator from the Sports and Fitness Division.

Karen Levy gave a presentation on the different classes and programs that she handles through the Sports and Fitness Division. Her responsibilities include: Contractual Classes, Adult Softball Leagues and the Summer Aquatics Program.

7. OLD BUSINESS

- A. Approve recommendation on the future use of the Simms property.

Director Linder gave a brief overview and said that a task force has been formed and they have met twice to discuss the future use of the Simms property and they are now ready to give their recommendation to the Commission. The task force included the following participants:

Mark Linder, Parks and Recreation Director
Jeanne Bradford, Parks and Recreation Commissioner
Barbara Banfield, City of Cupertino Naturalist
Joanne McFarlin, Stevens and Permanente Creek Watershed Council
Anne Ng, Friends of Stevens Creek Trail
Pat Showalter, Santa Clara Valley Water District
Chris Elias, Santa Clara Valley Water District
Shani Kleinhaus, Ecologist
Debi Jamison, resident
Gail Bower, resident
Janet Van Zoren, resident
Max Bokelman, resident

Director Linder said that the Parks and Recreation Commission had previously recommended to the Planning Commission to change the zoning of the Simms Property so that it is consistent with the land use policy and that the property will be protected rather than zoned for housing. He said he will follow up with the Planning Commission to make sure that this has been accomplished. He also said that the City Council has requested a joint meeting with the Parks and Recreation Commission to discuss the Simms and Stocklmeir properties.

Barbara Banfield, City Naturalist, gave a brief history of the Simms house and property and the task force recommendations.

Chair Lee asked for public comments:

Janet Van Zoren and Deborah Jamison said that they support the staff recommendation and removal of the Simms house from the property and incorporate the property into the McClellan Ranch Rural and Nature Preserve area.

Joanne McFarlin asked that the Commission consider environmental issues first when making their decision.

After discussion by the Commissioners, it was decided to move this recommendation forward without including any financial planning or funding.

Action: Commissioner Greenstein made a motion to accept the Staff recommendation with the addition that the City does not extend the lease on the house past the current lease, which expires in January 2010. Commissioner Stauffer seconded the motion. Commissioner Bradford asked to also add an amendment to extend the work of the task force team to plan the detailed implementation and to collaborate with the Stocklmeir initiative. Commissioner Greenstein agreed with Commissioner Bradford's addition of the friendly amendment. The motion carried unanimously.

B. Approve recommendation on the Stocklmeir property.

Director Linder introduced Senior Recreation Supervisor Julia Lamy, who gave a brief presentation and history of the Stocklmeir property.

Chair Lee asked for public comments and the following people asked to speak:

Deborah Jamison said that the City Council excluded the creek restoration from their work plan and she feels that it is important that it be included.

Janet Van Zoren said that the creek restoration plan needs to be the top priority because having a healthy creek and watershed environment in order to have sustainable agriculture, is very important. She also said that there should be representation by members of both the Simms and Stocklmeir task forces, on each committee so that they can work together.

Shani Kleinhaus said that there are basically three different parts to the resource conservation management plan: the orchard, the trail and the creek. The creek seems to be missing from this plan, but it is really the backbone and connection of the whole project and it is very important that the natural resources of the creek be preserved, enhanced and maintained.

Donna Austin, who is on the board of the Cupertino Historical Society gave a brief history of the Stockmeir family and property. She said that the CHS would like to go "green" and leave the creek where it is and restore the orchard with vegetable gardens and native plants and flowers. The CHS doesn't feel that the house should be restored but should be used to display historical furniture in the rooms that could be viewed through the windows. They would also like to have historical markers along the creek. She supports the staff recommendation.

Action: Commissioner Bradford made a motion to accept the staff recommendation with the amendment that the Stevens Creek Corridor Phase II restoration plan should stay intact. Commissioner Greenstein seconded the motion. The motion carried unanimously.

C. Update on the Blue Pheasant and Blackberry Farm Retreat Center office

Director Linder gave a brief update on the Blue Pheasant restaurant and said that the Sheriff's office has been monitoring the closing time and they have made five visits at 11:00 p.m. and midnight and the rules are being followed. Director Linder will have a follow-up meeting with the neighboring residents to give them the Sheriff's report and discuss further. He also said that the Blackberry Farm Retreat Center is currently being used as an office for some of the Parks and Recreation staff that are working in Blackberry now and over the summer. Also, the Retreat Center will be used to house the Park Safety Officers that will be contracted to help patrol the area when the park is re-opened. Currently, the Emergency Services Staff is also housed there.

Deborah Jamison asked to speak on the Blue Pheasant restaurant and said that the name should someday be changed to the "Green Heron" and that when the trail and park are completed, that the restaurant should be integrated into the parkland like the restaurants are at Shoreline Park.

8. MISCELLANEOUS – NO ACTION REQUIRED

A. Staff oral reports

Director Linder said he met with the Sterling/Barnhart area group of eight people, including some children, and they came together to help plan the new park designated for that area. The park should be open and operating in a year and is within budget.

B. Commissioner contacts

Commissioner Stauffer said she attended the March Mayor's meeting and that it was interesting to hear how the other Commissions conduct their business. She also mentioned the upcoming KaBoom Design Day on

April 4, from 1:00 – 4:00 p.m. and that the KaBoom Build Day will take place all day, on June 6, and that volunteers are still needed.

Commissioner Greenstein said that he had been contacted by the Bike and Pedestrian Commission and that they are working with the Teen Commission and the Public Safety Commission on a Bike and Walk to School Day. They asked if a bicycle safety course could be added to the Parks and Recreation Schedule. Director Linder said that he and Chairperson Lee have added this item to the May 7 Parks and Recreation Commission agenda.

9. **ADJOURNMENT** - Chairperson Lee adjourned the meeting at 9:28 p.m.

Respectfully submitted,



Donna Henriques, Administrative Assistant

Minutes approved at the May 7, 2009 regular meeting

