

# County of Santa Clara

## Clerk of the Board

### Board Operations



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CE10-060998

DATE: June 9, 1998

TO: Board of Supervisors

FROM:

SUBJECT: Revitalization Plan for Fairgrounds

#### **RECOMMENDED ACTION**

Adopt Resolution approving, in concept, the Fairgrounds Revitalization Plan submitted by Fairgrounds Management Corporation Board of Directors. (Roll Call Vote)

Possible action:

- a. Direct Administration to negotiate Agreement with A&M Consulting Group for negotiation services and to develop concepts contained in the Fairgrounds Revitalization Plan.
- b. Direct Administration to develop modifications to existing lease with Fairgrounds Management Corporation to define respective roles and responsibilities of Fairgrounds Management Corporation and County of Santa Clara regarding implementation of plan.

- \* 30. On recommendation of John Cavalli, Chief Probation Officer, Probation Department, as noted in memorandum dated June 1, 1998, and on motion of Supervisor Beall, seconded by Supervisor Gage, it is unanimously ordered on roll call vote of four to zero, Supervisor Simitian being absent, that responses to the Final Grand Jury Report be approved relating to Inspection of the Muriel Wright Residential Center.
- \* 31. On recommendation of John Cavalli, Chief Probation Officer, Probation Department, as noted in memorandum dated June 1, 1998, and on motion of Supervisor Beall, seconded by Supervisor Gage, it is unanimously ordered on roll call vote of four to zero, Supervisor Simitian being absent, that responses to the Final Grand Jury Report be approved relating to Inspection of the William F. James Boys' Ranch.
- \* 32. On recommendation of Richard Wittenberg, County Executive, Office of the County Executive, as noted in memorandum dated June 9, 1998, and on motion of Supervisor Beall, seconded by Supervisor Gage, it is unanimously ordered on roll call vote of four to zero, Supervisor Simitian being absent, that the Chairperson be authorized to execute an Agreement between the County of Santa Clara and Legal Aid Society of Santa Clara County, for indigent criminal defense services, in the amount of \$4,310,040, for the period ending June 30, 1999, in accordance with the terms and conditions of said Agreement.
33. The Board considers a memorandum from Richard Wittenberg, County Executive, Office of the County Executive, dated June 2, 1998, recommending that Resolution be adopted, in concept, approving the Fairgrounds Revitalization Plan, as submitted by the Fairgrounds Management Corporation (FMC) Board of Directors; and, that the Administration be directed to negotiate an Agreement with the A & M Consulting Group for negotiating services and to develop the concepts contained in the Fairgrounds Revitalization Plan (Plan). In addition, the Board considers correspondence from Carl Cookson, Chairperson, FMC Board of Directors, dated June 1, 1998, recommending that the Fairgrounds Revitalization Plan be approved, that the A & M Consulting Group (Group) be retained to negotiate development of the concepts contained in the Fairgrounds Revitalization Plan; and, recommending that the County Executive and County Counsel develop modifications to the lease which will define the respective roles and responsibilities of the FMC and the County relative to implementation of the Plan.  
Richard Wittenberg, County Executive, Office of the County Executive, briefly summarizes the recommended actions outlined in the June 2, 1998, memorandum and

Ann Miller Ravel, County Counsel, Office of the County Counsel, advises that acceptance, in concept, of the Revitalization Plan does not obligate the Board to future development. In addition, she notes that conceptual approval will allow the Office of the County Counsel and the Administration to negotiate with the A & M Consulting Group. Ms. Ravel continues by stating that, in essence, the Board is agreeing to preliminarily investigate, discuss and consider a performing arts center on the property. She notes that this undertaking is consistent with the overriding purpose of the California Environmental Quality Act (CEQA), in that it will promote public discussion of feasible alternatives at the earliest possible time.

Chairperson Alvarado reminds the Board of the May 12, 1998, meeting of the Board of Supervisors at which the Board adopted a broad policy relative to the vision of the Fairgrounds, and continues by stating that this is the next step in a two-year process to develop the property for community use. Chairperson Alvarado notes that numerous steps will follow, in terms of public hearings and various studies, and states that the action today does not commit the Board to any of the elements within the Revitalization Plan.

Barbara Perzigian, Board of Directors, FMC Corporation, states that the goal today is to request that the Board of Supervisors allow the FMC Corporation to proceed in the determination that the various components of the Revitalization Plan can be implemented. She continues by providing a brief history of the establishment of the FMC Corporation four years ago, and highlights the accomplishments of the Corporation, including development of a mission statement, an assessment of the physical aspects of the property, development and implementation of a master planning process and soliciting input from and responding to the public and the Board of Supervisors. Ms. Perzigian comments on her belief that the FMC Corporation has acted responsibly in terms of development of the ideas submitted and considered during the past four years. She continues by noting that the experiences of the past four years have resulted in the conclusion that the status quo cannot be maintained, that there must be development in order to preserve the Fairgrounds facility, that development can be pursued without undo expenditure of funds from the County budget, and that the property can be developed to be self-sustaining and to generate revenue. She notes that this will require development of public/private partnerships and that the community must be informed. Ms. Perzigian concludes by commenting that at least one component of the Plan is controversial and, as such, the FMC Corporation will continue to be sensitive to the community and seek input. Again, Ms. Perzigian reiterates her request that the FMC Corporation be allowed to proceed to gather input from the community relative to the feasibility of the Revitalization Plan. John Neece, Board of Directors, FMC Corporation, comments on the state of disrepair of the various buildings on the Fairgrounds property and on the efforts of the Building

Trades to repair the facilities. He notes his desire that the property become self-sustaining and an asset to the public.

Edward Alvarez, A & M Consulting, directs the attention of the Board to the Revitalization Plan report, noting that the goal relative to the Fairgrounds is to create a self-sustaining family entertainment and recreation enterprise zone. He comments on the belief that there are sufficient uses available, and sufficient interest, for the property to become self-sustaining. Mr. Alvarez continues by highlighting the various elements in the Plan, and describes the components relating to parking and access, an urban exposition center and a performing arts center. He notes that the private sector is also interested in the various proposed uses for the property and comments briefly on other elements in the Plan, including regional recreation and sports uses, and equestrian uses. In conclusion, Mr. Alvarez states his belief that the goals of the Plan can be achieved in partnership with the private sector and that the property can become self-sustaining. He notes that an environmental review process is a part of the Plan, and that the Board of Supervisors will maintain the authority to approve any uses for the property.

Supervisor Gage expresses concern about noise and traffic impact on the area surrounding the Fairgrounds and advises that further information is needed relative to these two issues.

Patricia Green, concerned citizen, submits signed petitions from various neighbors opposing an open amphitheater at the Fairgrounds and expresses concern that the baseball field on the site will be eliminated for use by the Spartan Little League. In addition, Ms. Green expresses concern about the increase in noise and traffic if an amphitheater is constructed on the property. In response, Chairperson Alvarado advises that the Board supports maintaining the baseball field for use by the Spartan Little League.

The following individuals speak in opposition to the construction of an amphitheater on the Fairgrounds site and express concerns relating to potential noise and traffic impacts on the surrounding neighborhoods: Renee Kirtley and Nora Rousso, Yerba Buena Community Association; Lana Terry, McLaughlin Corridor Neighborhood Association; John Freytag, Charles Salter Associates; Danny Scher, Shoreline Amphitheater/Bill Graham Presents; and, Charles Luckhardt and Emilio Pulido, concerned citizens.

The following individuals speak in support of the amphitheater as a use on the Fairgrounds property: Rick DiNapoli and Steve Wolford, concerned citizens; Dora Zamora, KSOL Radio; and, Lonnie Toensfeldt, Santa Clara County 4-H Youth Education.

Chairperson Alvarado reiterates that approval of the Revitalization Plan does not commit the Board of Supervisors to any specific development of the Fairgrounds

property. She continues by stating that approval of the master plan for the Fairgrounds allows the FMC Board of Directors and the community to begin dialogue about the elements within the master plan and to determine the need for public hearings and studies regarding noise and traffic. Chairperson Alvarado continues by speaking in support of the Revitalization Plan and the funds that will be generated by the Fairgrounds, which funds can be used for projects within the community. She notes the need to approve the Revitalization Plan, in concept, and to direct staff and the FMC Board of Directors to solicit development proposals, including one for a performing arts center. In addition, she comments on the need for staff to review the relocation of parking spaces from Tully Road, as is suggested in the Plan, and for staff to conduct a preliminary traffic study with the City of San Jose so that a baseline can be determined. Finally, Chairperson Alvarado speaks of the need to direct staff, consultants and the FMC Board of Directors to present this Plan to homeowners associations and other interested individuals and organizations that desire to review the Plan and provide input.

Supervisor Beall speaks in support of an analysis of the noise and traffic impacts of an amphitheater and expresses his commitment to the use of the Fairgrounds for affordable children and family-oriented activities. In addition, Supervisor Beall expresses his desire that, as part of the traffic study, staff evaluate how to maximize the use of public transit.

Supervisor Simitian expresses his inclination to vote in opposition to the Revitalization Plan, in concept, and comments on the need for greater public awareness and input relative to proposed uses for the site. He continues by expressing concern about the overall benefit to the public in contrast to the expense of revitalizing the property, and speaks of the need for clarity in defining "public benefit."

Supervisor McHugh expresses support for the Plan, noting that the Plan is conceptual and non-binding. He notes support for the goal of the Fairgrounds to become self-sustaining, however, not at the cost of the quality of life to the neighbors living and working in the surrounding neighborhoods. In response to an inquiry about the cost of a traffic or noise study, Mr. Wittenberg advises that the County is responsible for the cost. Brief discussion ensues among Supervisor McHugh, Mr. Wittenberg and Chairperson Alvarado on the need for minimizing costs for the studies, and on the need for Board approval relative to expenditures of funds. Further, in response to an inquiry by Supervisor McHugh relative to the process for open public discussion of the issues, Ms. Ravel advises that questions raised regarding traffic and noise will be discussed in public formats so that input can be obtained from the community and other interested parties. Supervisor McHugh continues to speak of the need for appropriate and adequate public noticing of discussions and hearings, and Chairperson Alvarado expresses agreement by commenting that a schedule of activities can be

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formulated with the FMC Board of Directors to ensure that the public is appropriately informed and notified. Supervisor McHugh states that, if public disclosure is part of the process, he will support approval of the Revitalization Plan, in concept.

Supervisor Gage expresses his desire for more information and input on the various issues and elements in the Plan, and Supervisor Simitian expresses agreement with the need for public discussion. Furthermore, Supervisor Simitian requests specific information from consultants on compatibility of proposed uses and raises concerns about the County as the lead agency in terms of the environmental assessment.

Supervisor Simitian continues by expressing confidence that any organizational conflicts or functions can be separated appropriately by staff. Finally, Supervisor Simitian requests that the Plan be amended to reflect language that does not preclude the goal of a positive cash flow for the County.

On motion of Supervisor McHugh, seconded by Supervisor Gage, it is ordered on roll call vote of four to one, Supervisor Simitian voting no, that Resolution be adopted approving, in concept, the amended Fairgrounds Revitalization Plan submitted by the Fairgrounds Management Corporation Board of Directors. Said Resolution, by reference hereto, is made a part of these minutes.

In addition, that the Administration be directed to develop modifications to the existing lease with the Fairgrounds Management Corporation to define respective roles and responsibilities of the Fairgrounds Management Corporation and the County of Santa Clara regarding implementation of the Plan.

Further, that the Administration be directed to prepare a public comment plan for report to the Board, and to submit for Board approval any studies exceeding \$50,000. Finally, that the Revitalization Plan be amended to include language relating to the generation of positive cash flow for the County.

Chairperson Alvarado requests a motion to direct staff to negotiate a contract with the A & M Consulting Group, as recommended, and on motion of Supervisor Gage, seconded by Supervisor Beall, it is unanimously ordered that the Administration be directed to negotiate an Agreement with the A & M Consulting Group for negotiation services and to develop concepts contained in the Fairgrounds Revitalization Plan, for report to the Board on June 24, 1998.

34. There is no report from County Counsel on legal issues.
35. On recommendation of the Clerk of the Board of Supervisors, as noted in memorandum dated June 1, 1998, and on motion of Supervisor Beall, seconded by Supervisor Gage, it is unanimously ordered on roll call vote of four to zero, Supervisor Simitian being absent, that Amended Conflict of Interest Code be approved for the