



CONTRA COSTA COUNTY CIVIL GRAND JURY REPORT NO. 1711

"Alamo Parks Planning and Development"

BOARD OF SUPERVISORS' RESPONSE

FINDINGS – *California Penal Code Section 933.5(a) requires a response to the designated findings of the Grand Jury.*

F1. There is no comprehensive long-term plan for the use of Alamo CSA R7 funds.

Response: Disagree. The Alamo Municipal Advisory Council (MAC) has carefully considered and planned for the use of this money and made recommendations to the Board of Supervisors accordingly.

Each quarter, the County Service Area (CSA) R-7 budget is reviewed with the Alamo MAC and the Special Districts division of the County Public Works Department. On an annual basis, a budget plan for maintenance and upkeep of existing parks is prepared by the Special Districts division of the Public Works Department and presented to the Alamo MAC. Ultimately, the annual budget plan is incorporated into the County Recommended Budget for consideration and approval by the Board of Supervisors.

Given the recent level of CSA R-7 funding committed to park construction and capital improvements, future revenue will only be sufficient to fund ongoing maintenance of existing park facilities and to sponsor future recreation activities. There currently is no need for any greater detailed long-term plan.

F2. The residents living around Livorna Park were instrumental in the park's creation.

Response: Partially Disagree. Most homes surrounding Livorna Park did not exist at the time of its development. The Alamo residents who were instrumental in the creation of Livorna Park were the members of the CSA R-7. The members had been looking for land to purchase to create a community park in Alamo. As part of the development of the Alamo Estates subdivision, the developer donated the land, which ultimately became Livorna Park. Subsequently, the park was developed using CSA R-7 funding for the benefit of all Alamo residents. Had the Park only been created for the benefit of residents within the Alamo Estates subdivision, CSA R-7 funds would not have been utilized. Rather, an alternative governance model, such as a Homeowner's Association, would have been tasked with the oversight and funding of ongoing maintenance.

- F3. At the inception of Livorna Park, its design, size, amenities and parking facilities were all in accordance with the County's General Plan and designed to limit the activities at that park.**

Response: Partially Disagree. The original design of Livorna Park included a sport court, gazebo, large playground and sand volleyball court, which was developed in consultation with the CSA R-7 Committee and then existing neighbors. Several community meetings were held to discuss the development and design of the Park. Ultimately, the size of the Park was the primary factor limiting recreational activities.

- F4. Livorna Park is currently being used in a manner that exceeds its original purpose and use.**

Response: Disagree. Livorna Park was designed as a community park. Although smaller than other community parks operated by the County, the parcel of land donated by the developer was the largest piece of land that became a feasible alternative to a community park. The amenities currently offered in the park have been available since its inception, with the exception of the bocce ball courts, which replaced the original volleyball court. Additionally, the original playground equipment has been upgraded. Summer concerts have been held at the park since 1998.

- F5. The events held at Livorna Park have increased in size and frequency since its inception.**

Response: Partially Agree. The first large-scale, community activities and concerts were authorized in 1998. While we do not keep strict attendance counts, it is likely that attendance has increased at these community events consistent with the growth of the Alamo community. The Alamo MAC has been responsive to the concerns of neighbors and has requested that amplifiers be turned lower during concerts and that concerts end before dark. The Alamo MAC also agreed that during the month of August there would be no CSA R-7 sponsored community events in the Park.

- F6. The events held at Livorna Park are not consistent with that of a quiet neighborhood park.**

Response: Partially Disagree. There is no general plan designation defining a "quiet neighborhood park." There is no prohibition from having a community concert or movie at a County park the size of Livorna Park. Although the General Plan defines a neighborhood park as being between 3-7 acres, or 6-8 acres with a playground, from its inception this park was never intended to be for the exclusive use of the neighbors immediately surrounding the park, but for the entire Alamo community. The seven Alamo MAC/CSA R-7 sponsored community events that take place each year do not create an undue burden on neighbors. The events have been very positively received by the community and very few complaints have been received historically.

- F7. The County General Plan indicates that a 4.4-acre park, the size of Livorna Park, should only have trees, grass, shrubs, benches, tables and walks. Amenities suitable for much larger parks have been added over the years.**

Response: Disagree. While the General Plan may include that advisory guideline, from its inception, Livorna Park was developed with the majority of the current

amenities in place today. The exceptions would be those amenities previously discussed in the response to F4 above, including replacement of a more active and noise producing amenity (the sand Volleyball Court) for a quieter, more passive use amenity (Bocce Ball).

F8. The MAC has recommended changes and activities that run contrary to Livorna Park's initial purpose.

Response: Disagree. Livorna Park was not built to only serve residents of the Alamo Estates subdivision. Rather, its initial purpose was to serve as a gathering place for all Alamo residents. All Alamo property owners paid for the development of the park and continue to pay for its maintenance through CSA R-7.

F9. The MAC has not sufficiently considered the impact of recommended changes and activities to Livorna Park on the residents of the surrounding neighborhood.

Response: Disagree. All Alamo MAC decisions regarding the use of CSA R-7 money are made at a publicly noticed meeting in full compliance with the Ralph M. Brown Act. Contrary to the attached report, Alamo MAC meeting agendas are posted downtown at Andrew H. Young Park, at Livorna Park, online on the County's website (both on the homepages of Supervisor Andersen and the County Public Works Department), and notice is emailed to anyone who requests receipt of the meeting agendas. More recently, Alamo MAC agendas are being posted on the social media site, Nextdoor.com. The Alamo MAC has afforded an opportunity to neighbors to provide input into all capital improvement decisions impacting Livorna Park since inception.

F10. A sign at the Miranda Avenue entrance to Livorna Park was changed to increase park hours to 10 pm without consulting with the neighbors.

Response: Agree. County Public Works staff changed the signs to be consistent with County Ordinance Code § 1110-2.802, which covers all County owned parks and prohibits anyone from being in a County park between 10 pm and 6 am.

F11. Hap Magee Park is larger than Livorna Park and has more parking.

Response: Agree. Although Hap Magee Park is larger than Livorna Park, there are a wide variety of amenities already in place, including a house, two cottages, a barn, a large children's playground and splash area, two dog parks, a labyrinth, and a community garden. In addition, ownership of Hap Magee Park is shared with the Town of Danville and activities are limited pursuant to a Joint Exercise of Powers Agreement.

F12. The Alamo MAC moved building bocce courts forward at Livorna Park without fully addressing residents' concerns or obtaining strong community support.

Response: Disagree. The Alamo MAC obtained community support for building bocce ball courts by conducting a survey mailed to every property owner in Alamo. The survey results were printed in the town's monthly newspaper, Alamo Today, which enjoyed wide readership in Alamo at the time. Property owners answering the survey expressed a strong preference for bocce ball courts as a needed amenity for

Alamo parks. The assertion that this survey was flawed is false and the only "out of town voters" in this survey were property owners in Alamo, who ultimately pay taxes supporting Alamo parks.

All discussion of the creation of bocce ball courts at Livorna Park was held in publicly noticed Alamo MAC meetings, held in full compliance with the Ralph M. Brown Act. Several community members did attend the meetings and participate in the discussions. For example, decisions such as whether or not to light the courts for evening play were made in response to community input received at the meetings.

F13. The MAC does not adequately solicit input from Alamo residents to determine the needs of the community prior to recommending actions to the BOS.

Response: Disagree. The Alamo MAC makes every effort possible to encourage Alamo residents to attend MAC meetings and participate. Alamo MAC meeting agendas are posted downtown at Andrew H. Young Park, at Livorna Park, online on the County's website (both on Supervisor Andersen's Alamo webpage and the County Public Works department's Alamo Parks and Recreation webpage), and notice is emailed to anyone requesting receipt of meeting agendas. More recently, Alamo MAC agendas are being posted on the social media site, Nextdoor.com.

Alamo MAC meetings are held on the first Tuesday of each month at the Alamo Women's Club, which has sufficient capacity for community members to attend and provide input. Meeting attendance varies depending upon the topic. When it is anticipated that community interest could exceed the meeting capacity of the Alamo Women's Club, meetings are typically moved to local elementary school multipurpose rooms to accommodate the larger groups.

F14. The MAC widely and actively promotes concerts, movies and other events at Livorna Park.

Response: Partially Disagree. While initially there was widespread distribution of Livorna Park event schedules in surrounding communities (such as Danville and Walnut Creek), publicity has been scaled back once it was determined that event capacity was being reached each year. Publicity for these events appeared in the recently discontinued Alamo Today (local publication), and continue to be advertised in Supervisor Andersen's newsletter and through postings at the local parks.

RECOMMENDATIONS - *California Penal Code Section 933.05(b) requires a response to the designated recommendations of the Grand Jury.*

R1. The Board of Supervisors should consider developing a written, long-term plan for the CSA R7 funds.

Response: The recommendation has been implemented. Each quarter, a report is provided to the Alamo MAC by the Special Districts division of the Public Works Department regarding the maintenance and upkeep of existing parks. Similarly, on an annual basis, a budget plan for maintenance and upkeep of existing parks is prepared by the Special Districts division of the Public Works Department and presented to the Alamo MAC. Ultimately, the annual budget plan is incorporated into

the County Recommended Budget for consideration and approval by the Board of Supervisors. Given the fact that future CSA R-7 funds will be committed to the maintenance and upkeep of existing facilities and recreational activities, there currently is no need for any greater detailed long-term plan.

- R2. The Board of Supervisors should consider instructing the MAC to use some of its CSA R7 funds to perform a survey of residents to ensure that long term plans for Alamo parks reflect the needs and concerns of the community.**

Response: **This recommendation will not be implemented because it is not warranted or is not reasonable.** There will not be sufficient funds for the establishment of new parks and current CSA R-7 funding has been programmed for the maintenance and upkeep of existing parks and to sponsor recreation activities. However, in the future, should a park bond or grant (for example, the East Bay Regional Park District Measure WW) make park funding available to Alamo, the Alamo MAC will seek public input on how to best spend those funds and make a recommendation to the Board of Supervisors

- R3. Prior to funding any park projects, the Board of Supervisors should consider ensuring that improvements or land purchases are in accordance with the proposed long-term CSA R7 plan and the County's General Plan.**

Response: **The recommendation has been implemented.** Prior to the purchase or development of a park or capital improvements in an existing park, County Public Works staff reviews the project for consistency with the County's General Plan.

- R4. The Board of Supervisors should consider replacing the new sign at the Miranda Avenue entrance of Livorna Park to match the other existing sign, which indicates park hours from sunrise to sunset.**

Response: **The recommendation will not be implemented because it is not warranted or is not reasonable.** Signage around Livorna Park has already been replaced to be consistent with County Ordinance Code § 1110-2.802 and other County parks and which prohibits park use between 10 pm and 6 am.

- R5. The Board of Supervisors should consider directing the MAC to hold large events at Hap Magee Park, rather than Livorna Park.**

Response: **The recommendation will not be implemented because it is not warranted or is not reasonable.** Hap Magee park is operated jointly by the Town of Danville and Contra Costa County under a Joint Exercise of Powers Agreement. The Board of Supervisors and/or the MAC cannot unilaterally decide to hold any events, including concerts, at Hap Magee Ranch Park. The Town of Danville has the right to approve or veto any concerts or events and has stated that they would not agree to any large-scale, community events at this park. Further, in the Hap Magee Ranch Park Master Plan, approved in May 1988 by the Joint Planning & Operation Committee, Danville Parks and Leisure Services Commission, and the County Service Area R7A Advisory Committee. It states "General use of the park at night should be prohibited."

- R6. To ensure that the MAC's recommendations are supported by the community, the Board of Supervisors should consider instructing the MAC to provide a history of community outreach efforts and feedback to support their recommendations.**

Response: **The recommendation has been implemented.** Each year, the Alamo MAC files an annual report with the Board of Supervisors describing its activities, pursuant to the Better Government Ordinance. Alamo MAC meeting agendas are posted downtown at Andrew H. Young Park, at Livorna Park, online on the County's website (both on Supervisor Andersen's Alamo webpage and the County Public Works department's Alamo Parks and Recreation webpage), and notice is emailed to anyone requesting receipt of meeting agendas. More recently, Alamo MAC agendas are being posted on the social media site, Nextdoor.com. Further, Supervisor Andersen's office provides staff support to the Alamo MAC, and, accordingly, the Supervisor's office is aware of the community input received on all recommendations forwarded by the Alamo MAC.