

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE HENRY SCHMIDT PARK
MASTER PLAN UPDATE IN ACCORDANCE WITH CITY
CHARTER SECTION 714.1**

WHEREAS, the Henry Schmidt Park (“Park”), located at 555 Los Padres Blvd. was dedicated as 8.50 acres of parkland (APN 294-05-018) in 1977;

WHEREAS, in 2018 the Facility Condition Index Report rated the Park site as “critical”, the building as “poor”, and the playground was given a rating of “D”;

WHEREAS, the Park was prioritized for rehabilitation and funding for the Henry Schmidt Park Playground Rehabilitation Project #3195 (“Project”) was approved by Council in the City’s Biennial Capital Improvement Program (CIP) FY2022/23;

WHEREAS, the Park Master Plan Update will include renovation, expansion, relocation, new construction, and preservation of existing park amenities;

WHEREAS, the voters of the City of Santa Clara passed Measure R in 2016, which added section 714.1 to the City Charter, which prohibits substantial building, construction, reconstruction, or development of parks and recreation facilities except pursuant to ordinance subject to referendum;

WHEREAS, the Park Project improvements constitutes as substantial building, construction, reconstruction and/or development, and is subject to Measure R; and,

WHEREAS, the City Council desires to approve the Park Project improvements by ordinance in accordance with City Charter section 714.1.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SANTA CLARA, AS
FOLLOWS:**

SECTION 1: That the City Council hereby approves the building, construction, reconstruction and/or development in accordance with the Henry Schmidt Park Master Plan Update and the Playground Schematic Design, attached hereto and incorporated by this reference, and in accordance with City Charter section 714.1.

SECTION 2: Savings clause. The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 3: This Ordinance shall not be codified in the Santa Clara City Code.

SECTION 4: Effective date. This ordinance shall take effect thirty (30) days after its final adoption; however, prior to its final adoption it shall be published in accordance with the requirements of Section 808 and 812 of “The Charter of the City of Santa Clara, California.”

PASSED FOR THE PURPOSE OF PUBLICATION this ____ day of _____ 2023, by the following vote:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST:

NORA PIMENTEL, MMC
ASSISTANT CITY CLERK

CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Henry Schmidt Park Master Plan Update
2. Playground Schematic Design