

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF SANTA CLARA,  
CALIFORNIA, APPROVING THE MONTAGUE PARK  
SCHEMATIC DESIGN UPDATE AND PLAYGROUND  
SCHEMATIC DESIGN OPTION 2 IN ACCORDANCE WITH  
CITY CHARTER SECTION 714.1**

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

**WHEREAS**, the Montague Park (“Park”) site located at 3595 MacGregor Avenue (APN 101-09-27) was purchased in 1966 and dedicated as parkland on June 28, 1970;

**WHEREAS**, the funding for the Montague Park Rehabilitation Project (“Project”) was approved by City Council in the Capital Improvement Project Budget (CIP #3184) in 2016;

**WHEREAS**, the Project proposes improvements as set forth in the Montague Park Schematic Design Update and Playground Schematic Design Option 2, includes installation of a new covered group picnic area, loop pathway, fitness area, natural themed playground for ages 2-5 and 6-12 based on research based best practices and inclusion of all elements of play, site furnishings, bathroom (addition to recreation building), and landscaping and trees, among other items (“Park Project Improvements”);

**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 a 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 FURTHER ORDAINED BY THE CITY OF SANTA CLARA, AS  
FOLLOWS:**

**SECTION 1:** That the City Council hereby approves the building, construction, reconstruction and/or development of Montague Park in accordance with the Montague Park Schematic Design Update and Playground Schematic Design Option 2, 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.

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**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 25<sup>TH</sup> day of June, 2019, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST:

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NORA PIMENTEL, MMC  
ASSISTANT CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Montague Park Schematic Design Update
2. Playground Schematic Design Option 2