



## Agenda Report

19-825

Agenda Date: 7/16/2019

### REPORT TO COUNCIL

#### SUBJECT

Action on Adoption of Ordinance No. 2002 Approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 in Accordance with City Charter Section 714.1

#### BACKGROUND

On February 19, 2019, the Park & Recreation Commission reviewed and recommended Council approval of the proposed Montague Park Schematic Design Update (Plan) (Attachment 1). The Plan addresses all of the Project design principles:

- use research based principles for play and inclusionary/universal design;
- include the seven elements of play that will accommodate additional community use;
- retain Montague Park's history and integrate the proposed design elements with existing park features, trees and vegetation;
- consider asset lifecycle maintenance costs;
- support safe routes to Parks & Schools;
- support the City's sustainability and age-friendly goals;
- the community preference for a "nature" themed playground that is appropriate for ages 6-12 and 2-5, and provides required fall heights and safety zones, within site topography/constraints; and,
- comply with applicable grant guidelines to potentially qualify for playground equipment grant funds.

On March 19, 2019, the Commission had additional review and discussion of the revised playground designs and recommended approval of the preferred Montague Park Playground Schematic Design Option 2 by Landscape Structures (Attachment 2) which provides: (a) for ages 2-5, six elements of play (8 beginner level, 4 intermediate level, 2 advanced level; seven which are inclusive) that will serve a capacity of 60 children; and, (b) for ages 6-12, seven elements of play (4 beginner level, 6 intermediate level, 4 advanced level; of which 3 are inclusive), to serve a capacity of 75 children. The total playground capacity will be 135 children.

At the June 25, 2019 Council meeting, proposed Ordinance No. 2002 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, proposed Ordinance No. 2002 was published on July 3, 2019, and copies were posted in three public places. The Ordinance is before Council for final adoption (Attachment 3).

#### DISCUSSION

The recommendation for changes to the existing Montague Park may be subject to Measure R. In

November 2016, voters passed Measure R, which added Section 714.1 Protection of Parkland and Public Open Space to the City Charter. Measure R prohibits selling, leasing, or otherwise disposing of parkland for a period of one hundred eighty (180) days or more, and also prohibits its use from changing, being abandoned, or discontinued without such sale, lease, disposal or changed use having first been authorized or ratified by a two-thirds majority vote of the electorate during a general municipal election for that purpose. Measure R also prohibits changes in park use for over 180 days without a majority vote of the electorate and substantial building, construction, reconstruction or development upon dedicated parkland except pursuant to ordinance subject to referendum. The referendum process is set forth in the Elections Code.

The Montague Park Schematic Design Update and Playground Schematic Design Option 2 may be considered as “substantial building, construction, reconstruction, or development” of the existing park and playground. The approval of the schematic design will require an ordinance in order to comply with Measure R and is being introduced tonight for the Council’s consideration. It does not include a sale, lease, disposal, or change in use requiring a majority vote of the electorate. City Council introduced the ordinance approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 on June 25, 2019 and it is now back for adoption in accordance with City Charter sections 808 and 812.

### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15301 “Existing Facilities”, 15302 “replacement or reconstruction”, and 15303 “new construction or conversion of small structures” as the activity consists of the operation, repair, maintenance, permitting or minor alteration of existing public facilities or topographical features involving negligible expansion of use beyond that existing at the time of the lead agencies determination.

### **FISCAL IMPACT**

The Project’s approved budget allocation is \$3.19 million. The estimated construction costs for the Project as presented in the proposed schematic design is approximately \$1.6 million. The remaining Project funds are budgeted for Project design, administration, and permitting including mobilization, general conditions, bonding, escalation, permits, insurance, and City Project administration. Additional/alternate park building improvements identified in the proposed Project for kitchenette cabinets and equipment, and sliding door replacement are estimated to be in the amount of \$130,000 and are unfunded at this time. If approved, additional funding would be requested at award of construction bid. Current park maintenance activities are included in the Parks & Recreation Department’s annual operating budget.

### **COORDINATION**

This report has been coordinated with the City Attorney’s Office.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public

information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Adopt Ordinance No. 2002 Approving the Montague Park Schematic Design Update and Playground Schematic Design Option 2 for the Montague Park Rehabilitation Project.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Montague Park Schematic Design Update Plan
2. Montague Park Schematic Design Update and Playground Schematic Design Option 2
3. Ordinance No. 2002