



Agenda Report

18-825

Agenda Date: 7/17/2018

REPORT TO COUNCIL

SUBJECT

Action on an Amendment to Joint Use Agreement with Santa Clara Unified School District for Buchser Tennis Court Project and Related Budget Amendment

BACKGROUND

In July 2015, Council authorized the City Manager to negotiate and execute a fifty-year Joint Use Agreement with the Santa Clara Unified School District (SCUSD) for the Buchser Middle School Tennis Courts on Bellomy Street. According to the Agreement, dated July 23, 2015, SCUSD and City would “reach a mutually acceptable scope of work and cost sharing arrangement to improve the Tennis Courts” (Attachment 1).

DISCUSSION

SCUSD has developed a Division of State Architect and SCUSD Board approved project which provides seven completely new tennis courts in a new configuration, 50 off street parking spaces for the school and adjacent athletic fields use, County Special Education Program drop off/pick up zone, relocation of portable classrooms, ADA accessibility upgrades and refurbishment of physical education areas (Attachment 2). SCUSD has indicated that the handball courts were not a suitable campus facility due to safety concerns and will be removed; alternative school and park sites were not supported by SCUSD or community. The cost-sharing arrangement between City and SCUSD is limited to the tennis courts and a portion of the parking spaces.

On June 6, 2018, the City received a funding contribution request in the amount of \$591,400 (Attachment 3) pursuant to the Joint Use Agreement between the City and SCUSD for a 50% share of cost to construct 7 tennis courts and 16% of the parking lot (8 spaces) to support the community use of the tennis courts (“Tennis Court Project”). SCUSD will be responsible for the balance of funding for the rest of SCUSD’s project, estimated to be \$3,110,600. In response, the City proposes amending the joint use agreement to include details of the Tennis Court Project and the cost-sharing arrangement with SCUSD in the total not to exceed amount of \$591,400 to be paid in two installments: \$200,000 in FY 2018-19; and, \$391,400 in FY 2019-20. Given the current construction cost escalation, SCUSD desires to begin construction before Fall 2018. SCUSD is amenable to the City contribution over two fiscal years. The nexus for City allocation of Mitigation Fee Act funds to this project is based on the fact that the tennis court facility is construction of a new community wide recreational asset whose community use is assured by a long-term (50 year) facility use agreement.

ENVIRONMENTAL REVIEW

The Council action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve commitment to a specific project which may result in potential significant impact on the environment. The SCUSD Buchser Tennis Court project being considered for funding contribution 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 in 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

Appropriation of funds in the amount of \$591,400 from Mitigation Fee Act Funds provides funds to SCUSD for the Buchser Tennis Court Project.

BUDGET AMENDMENT

	2017/18 Current	Increase/ (Decrease)	2017/18 Revised
<u>Fund 532 - Parks and Recreation</u>			
<u>Revenues</u>			
Mitigation Fee Act	\$0	\$591,400	\$591,400
<u>Expenditures</u>			
Park Improvements (532-3001)	\$1,087,672	\$591,400	\$1,679,072

COORDINATION

This report has been coordinated with the Finance Department and 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>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Authorize the City Manager to execute an Amendment to the Joint Use Agreement, subject to final approval by the City Attorney's Office, with Santa Clara Unified School District to share the cost of the construction of the Buchser Tennis Court Project and Approve an appropriation of Mitigation Fee Act funds in the amount of \$591,400.

Reviewed by: James Teixeira, Director of Parks & Recreation

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Joint Use Agreement with SCUSD for the Buchser Middle School Tennis Courts
2. SCUSD Buchser Tennis Courts Project Illustration 2018

3. SCUSD Request for Contribution for Funding the Buchser Middle School Tennis Court Construction Project