



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approval of a Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District

BACKGROUND

In 1989, the City entered into its first comprehensive Open Space Agreement with the Cupertino Union School District. This agreement required the City to maintain the school open space property at its sole expense. In exchange, the District allowed the City to provide public recreational use of the sports fields and open space during non-school hours including permits for exclusive use of the sports fields. The agreement encompassed 29.5 acres of total open space at 5 school campuses including Nimitz, Serra, West Valley and Stockmeir Elementary Schools and Cupertino Middle School. The recreational use of public school properties is enabled by Education Code Section 10910 which provides, in part, that the District may grant use of their properties to other public agencies (including the City) for community recreation whenever such use will not interfere with the use of such facilities for the public school system.

The agreement was for a term of 25 years and could have terminated on June 30, 2014. On June 28, 2012 the City notified the District in writing that it was interested in initiating a process to review the agreement and amend as needed or create a new agreement to the benefit of both parties, as well as for the community. The goal was to accomplish the review and implement a new or revised agreement on or before the expiration date of June 30, 2014. Although both parties had been working in good faith to provide a new agreement by that time, it became evident that more time was needed and on May 19, 2014 the City sent a side letter to the District with the intent to provide additional time to reach consensus on a new operating agreement. By signing the side letter, both parties agreed that the existing agreement would continue in place for a period of an additional six months or such time as a new agreement had been considered and approved by City Council and the Board of Education.

EXISTING POLICY

General Plan Land use and Transportation - Open Space

Goal LT 8 Adequate and Balanced Open Space: Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community need and the ability of the city to finance, construct, maintain, and operate these facilities now and in the future.

Policy LT 8.8: Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of ways for open space use, conversion of sites to open space from developed use of land, and land

banking.

Policy LT 9.3: Encourage School Districts to make available school sites in and around Sunnyvale for community open space and recreation programs.

ENVIRONMENTAL REVIEW

The proposed agreement will not result in a direct physical change in the environment and is, therefore, exempt (Guideline 15378). The School District will conduct CEQA analysis in its capacity as lead agency for any projects on their property.

DISCUSSION

The term of the proposed agreement (Attachment 1) is for ten years with an option for a 5-year extension with mutually agreed upon terms and conditions. The following is a comparison of the two agreements on major subject areas:

Property Transfer, Payments and Maintenance Costs

The previous agreement required the District to transfer 9.4 acres of property at the Ortega School site to the City where it became part of Ortega Park. The City compensated the District with a payment of \$600,000. There will be no property transfers included in the proposed agreement or payments from the City to the District. Maintenance costs were the sole responsibility of the City and totaled approximately \$300,000 for fiscal year 2012/13. In the proposed agreement the District will reimburse the City annually for water costs as detailed in the Fiscal Impact section. Historically, water costs have been between 15-25 percent of total maintenance costs.

Site Plans and Capital Improvements

Both agreements contain site plans showing the property line, open space facilities limits and capital improvement zones within the facilities limits. Site plans for the proposed agreement are presented as Exhibits A through E of Attachment 1. Site plans for the preceding agreement included 29.5 acres of open space facilities and the proposed agreement includes 28.7 acres of open space facilities. Site plan changes at Cupertino Middle School account for the reduction in acreage with 0.3-acre between the east side of the new multi-purpose building and the eastern property line of the school and 0.5-acre between the lit ball field and Bernardo Avenue being removed. The area next to the building was removed because it has insignificant recreational value and the area off Bernardo Avenue was removed to provide for a new parking lot that had been planned to be located off Helena Drive but was relocated by the District at the request of adjacent neighbors.

Previously, the City was solely responsible for all costs associated with the capital improvement of the open space at all five sites. The proposed agreement does not include any planned capital improvements and any future project costs would be at the sole expense of the initiating party. Existing service levels as provided for in the approved operating budget will be able to sustain site conditions that meet quality standards. Capital improvements planned by the District within capital improvement zones require notification to the City but not approval by Council whereas capital improvements within facilities limits but outside of capital improvement zones require Council approval. All capital improvements proposed by the City, regardless of their location within facilities limits, must be approved by the Board of Education.

Open Space and Building Facilities Use

Use priority remains the same as the District will have use priority of open space facilities between

the hours of 8:00 a.m. and 4:00 p.m. on scheduled school days and those hours will be extended to accommodate other school interscholastic activities as needed. The City will have use priority at all other times and will administer public exclusive use permits in accordance with the City's permit policies. The City issued permits for 7,200 hours of exclusive use of District sports fields in fiscal year 2012-13.

Previously, the City did not have priority use of any District buildings. The proposed agreement provides for City use of the existing gymnasium at Cupertino Middle School after District's use for all school activities and events and after community groups who are currently using the gymnasium on a regularly scheduled basis. City use will be for directly operated Library and Community Services Department programs only (e.g. youth recreation programs including the Sunnyvale Youth Basketball League). Additionally, the District will provide priority use to the City of the new multi-purpose building at Cupertino Middle School after District's use for all school activities and events beginning in the 2015-16 school year. The City will acquire permits at no cost except for custodial care for all use of District buildings.

The Parks and Recreation Commission considered this item at its August 13, 2014 meeting (RTC 14-0697) and voted 3-0 (one commission member absent) to recommend Alternative 1: Recommend that Council Approve Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1. Commissioners agreed that the open space was critical and the agreement set a positive precedent for future joint-use agreements. They also appreciated the addition of the future use of the gymnasium facility; felt the water cost fee contribution by the District was a reasonable addition and that the process and plan were well vetted.

FISCAL IMPACT

If approved, the District would reimburse the City each January for the term of the agreement for water costs associated with the maintenance of the open space at the five school sites. The initial payment of \$60,000 would be required in January 2015 and be increased by 4 percent each year thereafter with the payments for the term of the agreement totaling \$720,365 and placed in the General Fund.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

The Park and Recreation Commission considered this item on August 13, 2014 at its regularly scheduled meeting.

ALTERNATIVES

1. Approve the Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.
2. Provide other direction as Council deems appropriate.

COMMISSION/STAFF RECOMMENDATION

Alternative 1: Approve the Joint Field Use Agreement for Open Space at Multiple Sites within the Cupertino Union School District as presented in Attachment 1.

The 1989 joint use agreement has provided the Sunnyvale community with critically needed open space and sports fields for 25 years. The facilities have been maintained at a service level consistent with City parks and as such, have effectively met the recreational needs for students and public drop-in and permitted use. Approval of this agreement will ensure that the open space facilities and sports fields will continue to be available to the community for the next 10 and possibly 15 years and also provide for much needed building use for City programs.

The Park and Recreation Commission voted 3-0 (one commission member absent) to recommend Alternative 1. Commissioners agreed that the open space was critical and the agreement set a positive precedent for future joint-use agreements. They also appreciated the addition of the future use of the gymnasium facility; felt the water cost fee contribution by the District was a reasonable addition and that the process and plan were well vetted.

Prepared by: Scott Morton, Superintendent of Parks and Golf

Reviewed by: Lisa Rosenblum, Director, Library and Community Services

Reviewed by: Kent Steffens, Director, Public Works

Reviewed by: Robert A. Walker, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Agreement between the City of Sunnyvale and Cupertino Union School District pertaining to the use, maintenance and improvement of certain open space areas and buildings within certain school sites.
2. Excerpt of the August 13, 2014 draft meeting minutes of the Parks and Recreation Commission