



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### **REPORT TO PARKS AND RECREATION COMMISSION**

#### **SUBJECT**

First Amendment to the Agreement between the City of Sunnyvale and California Sports Center for the Management, Operation and Supervision of Public Swimming Programs at Fremont High School Pool

#### **BACKGROUND**

Since 2002 the California Sports Center (CSC) has operated the City's aquatics programs at the Fremont High School pool. The current agreement with CSC, approved in 2013 and valid through 2019 (with two three-year options to extend), outlines the responsibilities of CSC which include offering community aquatics programming, payment of utilities for the Pool Building, janitorial maintenance and replacement of specific fixtures located in the Pool Building. This Agreement also includes a provision stating that in the event the Pool Building is renovated, resulting in replacement of interior fixtures, CSC would be responsible for future repair and replacement costs for the new items as mutually agreed between CSC and the City after the repair and replacement is complete. In 2014, the Pool Building was renovated resulting in the replacement of interior features.

#### **EXISTING POLICY**

Sunnyvale Consolidated Plan CC-10.6: Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.

#### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" with 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 any commitment to any specific project which may result in a potential significant impact on the environment.

#### **DISCUSSION**

In 2014, renovations to the Pool Building were completed to repair deficient shower drains, inadequate air flow inside the two locker rooms, damage to building infrastructure as a result of these deficiencies, and the replacement of all interior fixtures such as faucet handles, shower heads, toilet fixtures, and lighting fixtures. Following the fixture replacement, and in accordance with the terms of the CSC's 2013 contract with the City, City and CSC staff met to discuss the allocation of responsibilities for the repair and replacement of these fixtures. Based on those discussions, it is proposed that the City maintain responsibility for the equipment that supplies water and electricity to the building, including preventative maintenance to ensure ongoing operations. However, CSC will be responsible for the maintenance of all interior fixtures with the exception of LED fixtures which requires City staff with higher level electrical experiences to conduct maintenance.

In addition to clarifying responsibility of fixture repair and replacement, the proposed amendment updates the language in various administrative requirements, and clarifies and codifies specific administrative practices and maintenance responsibilities as follows:

1. In order to allow for greater public review of potential changes to user fees and/or service hours, CSC will submit their proposed fees and schedule of general use to the City by October 15<sup>th</sup> of each year for review and approval for the following calendar year. CSC shall continue to provide in their proposal options such as punch cards and/or other discounted pricing strategies to ensure affordable access for Sunnyvale residents.
2. CSC shall be responsible for maintenance of door locks.
3. City will maintain appurtenant structures as required in the City's agreement with Fremont Union High School District.
4. CSC will provide custodial cleaning services in accordance with Attachment A of the amended agreement.
5. CSC needs to ensure that all its employees and contractors undergo a criminal background check and TB testing requirements.
6. CSC's insurance requirements are adjusted based on a recent risk assessment for providing services to children and youth.

### **FISCAL IMPACT**

The parties agree that the proposed amendment seeks to provide greater specificity with respect to the existing allocation of maintenance costs rather than a substantive change to the allocation. There is no additional funding request associated with this amendment.

### **PUBLIC CONTACT**

Public contact was made through posting of the Parks and Recreation Commission agenda on the City's official-notice bulletin board, on the City's website, and the availability of the agenda and report in the Office of the City Clerk.

### **RECOMMENDATION**

Recommend that the City Council Approve the proposed First Amendment to the Agreement Between the City of Sunnyvale and California Sports Center for the Management, Operation and Supervision of Public Swimming Programs at Fremont High School.

Prepared by: Nancy Grove, Community Services Manager

Reviewed by: Daniel Wax, Superintendent of Community Services

Reviewed by: Cynthia E. Bojorquez, Director, Library and Community Services

Reviewed by: Walter C. Rossmann, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. Placeholder for Use as Attachment for Report to Council
2. First Amendment to the Agreement Between City of Sunnyvale and California Sports Center for the Management, Operation and Supervision of Public Swimming Programs at Fremont High School.