



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli

SUBJECT: SEE BELOW

DATE: June 8, 2020

Approved

Gregory S. Maguire

Date

6/12/2020

**SUBJECT: AUTHORIZATION TO NEGOTIATE AND EXECUTE PARKS,
RECREATION AND NEIGHBORHOOD SERVICES 2020-2021
AGREEMENTS**

RECOMMENDATION

Adopt a resolution authorizing the following, subject to the appropriation of funds by the City Council, and on such terms and conditions as deemed appropriate by the City Manager:

- (a) Authorize the City Manager to negotiate and execute all agreements, amendments, and extensions to accept funds for the Department of Parks, Recreation and Neighborhood Services identified in the "Compensation Paid to the City of San José" (Attachment A);
- (b) Authorize the City Manager to accept any funds exceeding the figures identified in Attachment A for the specified programs and purposes identified as "Compensation Paid to the City of San José," provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased grant funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs; and
- (c) Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2020-2021 agreements and amendments as identified in "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B) consistent with Adopted Budget amounts for the following City programs or services:
 - (1) After School Education and Safety;
 - (2) BeautifySJ:
 - (a) Neighborhood Grant Program;
 - (b) Fiscal Agent Agreement;
 - (c) Transitional Jobs Program (San José Bridge).
 - (3) Bringing Everyone's Strengths Together Grants;

- (4) Citywide Aquatics Program;
- (5) Neighborhood Center Partner Program;
- (6) County of Santa Clara Therapeutics Program;
- (7) Family Camp Facility Use Agreements;
- (8) First 5 of Santa Clara County;
- (9) Franklin-McKinley Children's Initiative;
- (10) Friends of PRNS Non-Profit Organizations;
- (11) Golf Course Agreements;
- (12) Grant Revenue Agreements;
- (13) Happy Hollow Park & Zoo:
 - (a) Education Programs;
 - (b) Private Events;
- (14) Leisure and Recreation Fee Class Vendor Agreements;
- (15) Leisure and Recreation Program, and Training and Development Facility Use Agreements;
- (16) Little League Agreement(s);
- (17) Mayor's Gang Prevention Task Force:
 - (a) Facility Use;
 - (b) Grantee, Grant Revenue, Evaluation, and related Sub-Contractor Agreements, where applicable;
 - (c) Memoranda of Understanding;
- (18) Mitigation Monitoring and Park Maintenance Support Services;
- (19) Park Concessionaires Agreements;
- (20) Recreation of City Kids Program;
- (21) Right-of-Entry Agreements;
- (22) Safe Summer Initiative Grants;
- (23) Senior Health and Wellness Grants;
- (24) Spartan Keyes Neighborhood Action Center Grant;
- (25) Sponsorship Agreements;
- (26) St. James / Urban Park Activation Grants; and
- (27) Summer Food Service Program.

OUTCOME

The City Manager will delegate to the Department of Parks, Recreation and Neighborhood Services Director the authority to apply for, negotiate and execute these agreements. This will reduce the transactional time needed to make funding available to recipients, and for the City to receive grant funds or other created revenue.

BACKGROUND

The City contracts with community-based organizations, school districts, and other agencies to assist with various programs that support the livability of neighborhoods, offer opportunities for individuals to enjoy life, and cultivate healthy communities through quality programs and dynamic public spaces.

In response to the City Council's request to streamline the City's administrative process of doing business, including contract development, the Department of Parks, Recreation and Neighborhood Services (Department) prepares this Council memorandum annually to seek authorization to apply for, accept, negotiate and execute agreements.

ANALYSIS

Delegation of Contract Authority to the City Manager (Attachment A)

In some cases, the contract amount to be paid or received by the City exceeds the City Manager's contract authority (currently \$320,000). By delegating this authority to the City Manager, the administrative process of making funding available to recipients will be shortened. Additionally, the entire organization will achieve efficiency gains by significantly reducing City Council and administrative staff time dedicated to preparing and reviewing memoranda for these agreements. The City Manager or designee may only exercise amendment or extension authority if the contract, as amended, is consistent with the 2020-2021 Adopted Budget, and provided that City Council has taken all appropriation actions necessary to fulfill the terms of the amendment or extension.

The proposed agreements for which compensation is paid to the City (Attachment A) for 2020-2021 are contingent on the adoption of the 2020-2021 Operating and Capital Budgets. In the event the amounts approved for these contracts are different than the amounts listed, the contracts will reflect the amounts approved.

In addition, the City Manager will have the authority to accept any funds exceeding the figures identified in Attachment A for the specified programs and purposes identified as "Compensation Paid to the City of San José" provided that the City Manager determines that the City is able to provide the services and comply with any additional requirements associated with the increased funds. The City Manager shall also bring forward to City Council any items that require approval for budgetary adjustments and appropriation actions necessary for such programs.

Delegation of Contract Authority to the PRNS Director (Attachment B)

The Department will coordinate with the City Attorney's Office and the City Manager's Office in developing and approving all agreements, and requests contract authority for the Director to negotiate and execute the agreements described below.

Facility Use:

The Department requests contract authority for the Director to negotiate and execute Facility Use contracts and amendments to offer programs at City and non-City sites for the following programs: Neighborhood Center Partner Program, Family Camp, After School Education and Safety, Recreation of City Kids, County of Santa Clara Probation Department's therapeutic services, and Department training and development programs.

Friends of PRNS Non-Profit Organizations:

A number of non-profit organizations have been created with the mission of sponsoring, enhancing, and financially supporting the Department and its programs. The Department requests authority for the Director to negotiate and execute agreements and amendments with the supportive non-profit organizations such as the Emma Prusch Farm Park Foundation, Friends of Family Camp, Guadalupe River Park Conservancy, Happy Hollow Foundation, San Jose Parks Foundation, and Youth Connections Foundation.

Golf Course Agreements:

The Department requests contract authority for the Director to negotiate and execute contracts and amendments, consistent with the 2020-2021 Adopted Budget, with the applicants selected to operate the Rancho del Pueblo and Los Lagos Golf Courses. The Department will conduct a Request for Proposals process to award contracts to lease and operate one or both golf courses.

Grant Programs:

The Department requests contract authority for the Director to negotiate and execute contracts and amendments, consistent with the 2020-2021 Adopted Budget, for the following grant programs: BeautifySJ, Bringing Everyone's Strengths Together (BEST), Franklin-McKinley Children's Initiative, Safe Summer Initiative, Saint James/Urban Park Activation, Senior Health and Wellness, and Spartan Keyes Neighborhood Action Center. This authority will also apply to any grant amendments related to these programs subject to the 2020-2021 Adopted Budget and with the stipulation that the City Council has taken all appropriation actions necessary to execute the terms of the agreements.

Due to the nature of the BeautifySJ Grant Program, the City will enter into a Fiscal Agent Agreement with United Neighborhoods of Santa Clara County for the amount of grant funds appropriated by City Council. Almost all BeautifySJ grantees are neighborhood associations, and not state-recognized entities, therefore the City contracts with United Neighborhoods of Santa Clara County to distribute grant funds to the associations and subsequently monitor grant funding during the grant cycle.

Grant Revenue:

The Department also requests contract authority for the Director to apply for, negotiate, and execute agreements for grants that staff identify throughout the year, which support the department's programs and objectives. These may include individual grant opportunities that are up to \$1,000,000. Such awards will only be received if the Director has determined the Department is able to provide the services and comply with any additional requirements associated with the grant funds. Examples of past grants that conform to these provisions include the U.S. Tennis Association NorCal Foundation H.I.T.S. (Honesty, Inspiration, Teamwork, Sportsmanship) Grant, the National Recreation and Parks Association (NRPA) Outdoor Recreation Legacy Partnership Program, and grants from government entities such as the State of California, the County of Santa Clara, City of Sunnyvale, and the U.S. Department of Justice.

Happy Hollow Park & Zoo:

The Department requests contract authority for the Director to negotiate and execute the agreements necessary for the implementation and ongoing support of Happy Hollow Park & Zoo programs, including:

1. Happy Hollow Education Program: This is a revenue-generating program that contributes to Happy Hollow Park & Zoo's cost-recovery model. The Department contracts with school districts and other entities as a requirement for allowing the Happy Hollow Education Program to conduct fee-based programs at non-City sites.
2. Happy Hollow Events: As part of Happy Hollow Park & Zoo's overall revenue-generating strategy, this program couples park reservations with catering provided by Happy Hollow Park & Zoo's food service. Delegating authority to the Director will allow the Department to enter into event agreements that include catering or entertainment components in the agreements.

Mayor's Gang Prevention Task Force (Task Force):

The Department requests contract authority for the Director to negotiate and execute the agreements necessary for the implementation of the Task Force's Strategic Work Plan. This includes:

1. Memoranda of Understanding for partner agency participation in Task Force Technical Team meetings;
2. Facility Use agreements with school districts or other entities for providing Task Force services;
3. Agreements with subcontracted agencies to implement Task Force programs;
4. Agreements with consultants to evaluate Task Force and BEST programs and services; and
5. Grant revenue agreements with public and private entities.

Park Concessionaires:

The Department requests contract authority for the Director to negotiate and execute agreements for concessionaires in City parks and community centers. The Department will establish a pool of pre-qualified concessionaires to sell food products, merchandise, or other concession services.

All concessionaires will be issued special permits and are required to follow all environmental and public health requirements. Locations, hours, and types of concessions will be determined by mutual agreement between the Department and the concessionaire.

Services and Programs:

The Department requests contract authority for the Director to negotiate and execute agreements for the After-School Education and Safety (ASES) Program; Citywide Aquatics Program; First 5 of Santa Clara County Consulting Services; Leisure and Recreation Fee Class Vendors; Little Leagues; Mitigation Monitoring and Park Maintenance Support Services; and the Summer Food Service Program. A description of each is provided below.

1. ASES Agreements: The ASES Program is funded by the State's ASES Grant, which is awarded to school districts to provide comprehensive after school programming. School districts may select the City of San José as the ASES service provider and an agreement is needed.
2. BeautifySJ Initiative: As part of the BeautifySJ Initiative's Transitional Jobs Program Grant, the Department will continue its agreements with Downtown Streets Team and Goodwill Industries. This program employs homeless individuals to support the City's blight reduction efforts related to litter and trash.
3. Citywide Aquatics Program: The Citywide Aquatics Program offers affordable aquatics services to our residents by providing programming, operations, and maintenance at six aquatics facilities, two of which are currently operated by a qualified provider. The Department has an established pool of qualified providers through 2024. The program plays a significant role in increasing the availability of services and programming at aquatics facilities.
4. First 5 of Santa Clara County Consulting Services: The City will collaborate with First 5 of Santa Clara County to evaluate the City's preschool program, curriculum, and classroom-based staffing.
5. Leisure and Recreation Fee Class Vendor Agreements: The City has an ongoing Request for Qualifications process to qualify and select vendors that will provide fee-based recreation leisure classes at City community centers. All vendor agreements are 100 percent supported by participant fees. Vendors that provide recreational and leisure programming play a significant role in Department revenue generation efforts.
6. Little League Agreements: The Department contracts with many local Little Leagues for their use of fields at City parks. As part of the agreements, the leagues compensate the City for their use of the space, support the maintenance of the fields, and contribute minor capital funds for improving the fields.
7. Mitigation Monitoring and Park Maintenance Support Services: The Department will contract with one or more consulting firms selected through a competitive procurement to monitor environmental mitigation areas in parks. Agreements will include support for maintenance and consulting services to evaluate environmental impacts of bioswales and mitigation areas in parks.
8. Summer Food Service Program: The Department will participate in the Summer Food Service Program to ensure that low-income children continue to receive nutritious meals when school is not in session. Meals will be provided at Department programs,

with services provided by the City or subcontracted meal providers. Costs for these services are reimbursed from the U.S. Department of Agriculture and/or the California Department of Education.

Sponsorships:

The Department requests contract authority for the Director to negotiate and execute agreements to create partnerships with foundations, corporations, businesses, individuals, and organizations that enhance the Department's ability to provide quality public spaces and recreational opportunities for San José residents and visitors.

CONCLUSION

As a result of actions taken by the City Council in previous years to delegating to the City Manager and the Department of Parks, Recreation and Neighborhood Services Director the authority to apply for, negotiate and execute agreements, the Department has realized significant savings in the completion time of many of its annual agreements. As an example, the Department completes agreements due at the beginning of each new fiscal year on July 1 in a seamless and timely manner. The Department achieves this by not rushing to complete and present a bulk of agreements to the City Manager's Office or City Council each May and June, and instead continuing to process them as they arise throughout the year.

EVALUATION AND FOLLOW-UP

No additional follow-up actions with Council are expected at this time. Staff will monitor the impact of these actions and report any issues to the Council as needed.

CLIMATE SMART SAN JOSE

The recommendation in this memo has no effect on Climate Smart San José energy, water, or mobility goals.

PUBLIC OUTREACH

The only programs that require Council action due to the use of public funds equal to \$1 million or greater are the BEST grant program and the Mitigation Monitoring and Park Maintenance Support Services agreements. The BEST program is primarily managed through the City's web-based platform known as WebGrants. The Department posted its Mitigation Monitoring and Park Maintenance Support Services Request for Proposal on the City's BidSync web-based platform from October 9, 2019 to November 22, 2019. This memorandum will be posted to the City's website for public viewing for the June 23, 2020 City Council Meeting.

HONORABLE MAYOR AND CITY COUNCIL

June 8, 2020

Subject: Parks, Recreation and Neighborhood Services 2020-2021 Agreements

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COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Budget Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

CEQA

BeautifySJ Grant Program

Categorically Exempt, CEQA Guidelines Section 15301, Existing Facilities, File No. PP17-039.

All Other Agreements

Not a Project, File PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program, have services that involve no change to the environment.

/s/

JON CICIRELLI

Director of Parks, Recreation and
Neighborhood Services

For questions please contact Dave DeLong, Acting Administrative Services Division Manager, at (408) 535-3573.

Attachments:

A – Compensation Paid to the City of San José

B – Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood
Services Director

ATTACHMENT A

**Compensation Paid to the City of San José
Delegation of Contract Authority to the City Manager's Office**

AGREEMENT	DESCRIPTION	2020-2021 CONTRACT AUTHORITY
County of Santa Clara - Behavioral Health Services Department	Joint provision of mental health services with City's Therapeutic Services.	City estimates receipt of up to \$620,000
County of Santa Clara Agreement for Senior Nutrition Program	Joint provision of a nutrition program for seniors.	City estimates receipt of up to \$2,000,000

ATTACHMENT B
Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director

Agreements Paid to the City (Revenue Agreements) and Agreements with No Monetary Exchange		
AGREEMENT	DESCRIPTION	2020-2021 CONTRACT AUTHORITY
After-School Education and Safety Agreements	Grant revenue agreements to provide after school recreation programs and facility use agreements with school districts.	Up to \$600,000 per agreement paid to the City
Citywide Aquatics Services Agreements	Agreements with service providers to deliver services in City owned pools.	Up to a total of \$50,000 per agreement paid to the City
County of Santa Clara - Adult Probation Department	City providing facility(s) to County to conduct peer support groups through its "Family of Friends" Program.	Up to \$22,800 per year paid to the City
Family Camp Facility Use Agreements	Agreements with other entities for the use of the facilities at Family Camp.	Up to \$25,000 per agreement paid to the City; no limit on in-kind donations
Golf Course Agreements	Agreements with companies to lease and operate Rancho del Pueblo Golf Course and Los Lagos Golf Course.	Up to \$500,000 per agreement paid to the City
Grant Revenue Agreements	Grant revenue agreements to support the goals and objectives of the Department.	Up to \$1,000,000 per agreement paid to the City
Happy Hollow Education Programs	Agreements with school districts or other entities to allow Happy Hollow Park & Zoo to conduct and receive revenue for programs on non-City property.	Up to a total of \$5,000 per agreement paid to the City
Happy Hollow Private Events	Revenue agreements to reserve areas of Happy Hollow Park & Zoo and provide catering or other amenities.	Up to \$320,000 per agreement paid to the City
Little League Agreements	Agreements with local Little Leagues for the use of playing fields, concession, and storage areas at City Parks.	Up to \$5,000 per agreement paid to the City
Mayor's Gang Prevention Task Force Facility Use Agreements	Facility Use agreements with non-City agencies to provide space for urgent MGPTF programming.	No monetary exchange

Mayor's Gang Prevention Task Force Grant Revenue and related Sub-Contractor Agreements	Grant revenue agreements for the Mayor's Gang Prevention Task Force.	Up to \$1,000,000 per agreement paid to the City
Mayor's Gang Prevention Task Force Memorandum of Understanding Agreements	MOU for agency participation in MGPTF Technical Team meetings.	No monetary exchange
Neighborhood Center Partner Program Agreements	Agreements with community partners to deliver services in neighborhood and community center facilities not regularly operated by the department.	Up to a total of \$15,000 per agreement paid to the City
Park Concessionaires Agreements	Concessionaire agreements with vendors to provide concessions in City parks.	Up to a total of \$100,000 per agreement paid to the City
Right of Entry Agreements	Agreements with municipalities and other entities to complete mandatory site improvements on City property.	No monetary exchange
Sponsorship Agreements	Agreements with public and private entities to accept in-kind and/or direct financial support for department programs and services in exchange for sponsorship opportunities	Up to a total of \$320,000 per agreement paid to the City
Summer Food Service Program	Agreements with the California Department of Education to participate in the program and agreements with subcontractors to administer the operation of the program.	Up to \$75,000 paid to the City and up to \$75,000 paid by the City to subcontractors

Agreements Paid by the City		
AGREEMENT	DESCRIPTION	2020-2021 CONTRACT AUTHORITY
BeautifySJ Fiscal Agent Agreement	Fiscal Agent agreement with United Neighborhoods of Santa Clara County.	Up to \$400,000 paid by the City
BeautifySJ Grant Memorandum of Understanding Agreements	Memoranda of Understanding with resident-based groups to build community and beautify public spaces.	Up to \$5,000 per agreement paid by the City
BeautifySJ Initiative Agreements	Continuation of Transitional Jobs Program, to support the City's blight reduction efforts related to litter and trash.	Up to \$600,000 per agreement paid by the City
Bringing Everyone's Strengths Together (BEST) Grant Agreements	Grant agreements that support the efforts of the Mayor's Gang Prevention Task Force.	Up to a total of \$3,250,000 paid by the City
First 5 of Santa Clara County Agreement	Consulting agreement for preschool evaluation services.	Up to \$50,000 paid by the City
Franklin-McKinley Children's Initiative	Grant agreement to support place-based summertime educational, enrichment, and recreational opportunities for Santee neighborhood youth ages 6-14 and their families	Up to \$40,000 paid by the City
Friends of PRNS Non-Profits	Agreements with non-profit organizations created to support the Department.	Up to \$350,000 per agreement paid by the City
Leisure and Recreation Fee Class Vendor Agreements	Vendor agreements to provide recreation and leisure classes.	Up to \$500,000 per agreement paid by the City
Leisure and Recreation Program, and Training and Development Facility Use Agreements	Agreements with school districts and other entities, for the use of non-City facilities to support department programs, trainings, classes, and camps.	Up to a total of \$25,000 paid by the City
Mayor's Gang Prevention Task Force & BEST Evaluation Consultant Agreements	Agreements with evaluation consultants to assess MGPTF and BEST-related programs and services.	Up to \$500,000 per agreement paid by the City
Mayor's Gang Prevention Task Force Grantee Agreements	Grant agreements with organizations performing work determined by grants awarded to the City by another entity.	Up to \$600,000 per agreement paid by the City
Mitigation Monitoring and Park Maintenance Support Services Agreements	Environmental consulting service agreements to monitor and evaluate the establishment and success of	Up to \$3,100,000 per agreement paid by the City

	environmental mitigation areas, provide maintenance services, and prepare annual reports.	
Recreation of City Kids Agreements	Facility Use agreements with school districts to offer the after-school program at their sites.	Up to a total of \$100,000 paid by the City
Safe Summer Initiative Grant Agreements	Grant agreements that support summer activities and programming for youth	Up to a total of \$500,000 paid by the City
Senior Health and Wellness Grant Agreements	Grant agreements to improve health and wellness for seniors ages 60 and up.	Up to a total of \$600,000 paid by the City
Spartan Keyes Neighborhood Action Center Grant Agreement	Grant agreement to oversee the provision of a variety of neighborhood-based services in the Spartan-Keyes community.	Up to a total of \$110,000 per year, paid by the City
St. James/Urban Park Activation Grants	Grant agreements to activate parks.	Up to \$100,000 per agreement paid by the City