



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Angel Rios, Jr.

SUBJECT: SEE BELOW

DATE: May 21, 2018

Approved

Date

5-31-18

**SUBJECT: AUTHORIZATION TO NEGOTIATE AND EXECUTE PARKS,
RECREATION AND NEIGHBORHOOD SERVICES 2018-2019
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); and
- 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 2018-2019 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 Grant Program;
 - 3) Bringing Everyone's Strengths Together Grants;
 - 4) Citywide Aquatics Program;

- 5) Community Center Reuse Program;
- 6) County of Santa Clara Therapeutic Program;
- 7) Family Camp Facility Use Agreements;
- 8) Friends of PRNS Non-Profit Organizations;
- 9) Grant Revenue Agreements;
- 10) Happy Hollow Park and Zoo:
 - a) Education Programs;
 - b) Private Events;
- 11) Homeless Response Team;
- 12) Leisure and Recreation Fee Class Vendor Agreements;
- 13) Leisure and Recreation Program Facility Use Agreements;
- 14) Little League Agreement(s);
- 15) Martial Cottle Community Garden;
- 16) Mayor's Gang Prevention Task Force:
 - a) Grant Revenue;
 - b) Related Sub-Contractor Agreements, where applicable;
 - c) Facility Use;
 - d) Memoranda of Understanding;
 - e) Evaluation Consultant Agreements;
- 17) Park Concessionaires Agreements;
- 18) Recreation of City Kids Program;
- 19) Safe Summer Initiative Grants;
- 20) Senior Health and Wellness Grants;
- 21) St. James / Urban Park Activation Grants; and
- 22) Summer Food Service Program.

OUTCOME

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

EXECUTIVE SUMMARY

The purpose of this memorandum is to request that Council adopt a resolution authorizing the following:

1. 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), as well as accept funds exceeding the figures for the specified programs and purposes identified, 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; and
2. Authorize the Director of Parks, Recreation and Neighborhood Services to apply for, accept, negotiate and execute 2018-2019 agreements and amendments as identified in the "Delegation of Contract Authority to Department of Parks, Recreation and Neighborhood Services Director" (Attachment B), consistent with the Adopted Budget amounts for the specified City programs and services.

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 strengthen communities of people within San José.

In response to the City Council's request to quicken the City's administrative pace 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. By delegating this authority to the City Manager, the administrative process of making funding available to recipients will be improved. Additionally, efficiency gains for the entire organization will be achieved 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 2018-2019 Adopted Budget, and further, 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 2018-2019 are contingent on the adoption of the 2018-2019 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 respectfully requests contract authority for the Director of Parks, Recreation and Neighborhood Services (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 City Leisure and Recreation Programs at non-City sites, for the following programs: Community Center Reuse, Family Camp, After School Education and Safety, Recreation of City Kids, Santa Clara County Adult Probation Department's therapeutic services, and general Facility Use agreements with school districts and other entities.

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.

Grant Programs:

The Department requests contract authority for the Director to negotiate and execute contracts and amendments, consistent with the 2018-2019 Adopted Budget, for the following grant programs: BeautifySJ, Bringing Everyone's Strengths Together, Safe Summer Initiative, Saint James/Urban Park Activation, and Senior Health and Wellness. This authority will also apply to any grant amendments related to these programs subject to the 2018-2019 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 grants that are up to \$290,000, and 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 and the National Recreation and Parks Association (NRPA) Outdoor Recreation Legacy Partnership Program.

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 Program; Citywide Aquatics Program; Homeless Response Team; Leisure and Recreation Fee Class Vendors; Little Leagues; Martial Cottle Community Garden; and the Summer Food Service Program. A description of each is provided below.

1. After School Education and Safety Agreements: The After School Education and Safety Program is funded by the State's After School Education and Safety 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. Citywide Aquatics Program: The Citywide Aquatics Program offers affordable aquatics services to our residents by providing programming, operations, and maintenance at six aquatics facilities, four of which are currently operated by qualified providers. 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 aquatic facilities.
3. Homeless Response Team: The Department and the Santa Clara Valley Water District will continue a joint agreement to provide funding for additional Park Rangers to serve on the Homeless Response Team.
4. 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.

5. 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.
6. Martial Cottle Community Garden: The proposed agreement will authorize the City to develop and operate a community garden on Santa Clara County parkland within Martial Cottle Park. The County is providing the land at no cost and providing \$200,000 toward the construction of the garden.
7. 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.

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.

PUBLIC OUTREACH

The only program that requires Council action due to the use of public funds equal to \$1 million or greater is the BEST grant program. The BEST program is primarily managed through the City's web-based platform known as WebGrants. This memorandum will be posted to the City's website for public viewing for the June 12, 2018 City Council Meeting.

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.

HONORABLE MAYOR AND CITY COUNCIL

May 21, 2018

Subject: Parks, Recreation and Neighborhood Services 2018-2019 Agreements

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CEQA

BeautifySJ Grant Program

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

Martial Cottle Community Garden

Exempt, Section 15304 Minor Alterations to Land, File No. PP14-050

All Other Agreements

Not a Project, File PP17-003, Services that involve no change to the environment. All agreements cited in this memorandum, except for the BeautifySJ Grant Program and Martial Cottle Community Garden, have services that involve no change to the environment.

/s/

ANGEL RIOS, JR.

Director of Parks, Recreation and
Neighborhood Services

For questions, please contact Avi Yotam, Administrative Services Division Manager, at (408) 535-3573.

Attachment(s):

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 CMO**

AGREEMENT	DESCRIPTION	2018-2019 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 \$310,000.
County of Santa Clara Agreement for Senior Nutrition Program	Joint provision of a nutrition program for seniors.	City estimates receipt of up to \$1,750,000

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	2018-2019 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
Community Center Reuse Agreements	Reuse agreements with service providers to deliver services in community center reuse facilities.	Up to a total of \$15,000 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
Grant Revenue Agreements	Grant revenue agreements to support the goals and objectives of the Department.	Up to \$290,000 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 \$290,000 per agreement paid to the City
Homeless Response Team	Joint agreement between City and Santa Clara Valley Water District to fund additional Park Ranger staff.	Up to \$250,000 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

Martial Cottle Community Garden	Agreement to develop and operate a community garden on County parkland within Martial Cottle Park.	Up to \$200,000 paid to the City
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 \$500,000 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
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
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
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 \$50,000 paid to the City and up to \$50,000 paid by the City to subcontractors

Agreements Paid By the City

AGREEMENT	DESCRIPTION	2018-2019 CONTRACT AUTHORITY
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 Fiscal Agent Agreement	Fiscal Agent agreement with United Neighborhoods of Santa Clara County.	Up to \$400,000 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
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 Facility Use Agreements	Agreements with school districts and other entities, for the use of non-City facilities to support department programs, 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 \$300,000 per agreement paid by the City
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
St. James/Urban Park Activation Grants	Grant agreements to activate parks.	Up to \$100,000 per agreement paid by the City