



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Norberto Duenas

**SUBJECT: PARKS, RECREATION AND  
NEIGHBORHOOD SERVICES  
2011-2012 AGREEMENTS**

**DATE:** 05-31-11

Approved

Date

6/3/11

**COUNCIL DISTRICT:** Citywide

## **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 and amendments for the Department of Parks, Recreation and Neighborhood Services (PRNS) identified on Attachment A consistent with the 2011-2012 Proposed Budget;

(b) Authorize the City Manager to negotiate and execute agreements and amendments to accept grant funds identified on Attachment B;

(c) Authorize the City Manager to negotiate and execute a four-month extension of the agreement with the County of Santa Clara for the Senior Nutrition Agreement into the first four months of 2011-2012 and to accept grant funds for that period in amounts consistent with budgeted amount in the 2010-2011 agreement, until a new agreement for 2011-2012 is finalized with the County;

(d) Authorize the Director of Parks, Recreation and Neighborhood Services to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following grant programs:

1. Bringing Everyone's Strengths Together (B.E.S.T.)
2. Safe Summer Initiative Grant (S.S.I.G.)
3. Mayor's Gang Prevention Task Force Memorandums of Understanding

(e) Authorize the City Manager or designee to negotiate and execute 2011-2012 contracts and amendments consistent with Adopted Budget amounts for the following:

1. Children's Health Initiative
2. General Fund Grants (formerly known as Healthy Neighborhoods Venture Fund - HNVF)

(f) Authorize the City Manager to approve the Third Amendment to the Park Maintenance Agreement between the City of San Jose and Hitachi Technologies, Inc. to extend the term of maintenance agreement from June 30, 2011 to June 30, 2012 for the Ramac, Raleigh Linear Green and Charlotte Commons parks at no cost to the City.

### **OUTCOME**

By delegating to the City Manager and PRNS Director the authority to negotiate and execute these contracts, the process of making funding available to recipients will be expedited.

### **BACKGROUND**

The City contracts with community-based organizations, school districts, and other parties for various programs. The City also contracts with the County to receive funds for the provision of senior nutrition services and for the Grace Community Center program for mentally disabled adults. These programs provide services that support the livability of neighborhoods, offer opportunities for individuals to enjoy life, and strengthen communities of people within San José.

Additionally as part of the General Plan Amendment application (PDC04-031) for the Hitachi properties approved by Council on June 21, 2005, a maintenance agreement was created followed by two amendments to extend the maintenance at no cost to the City until such time that a Community Facility District can be created for the ongoing maintenance of Ramac, Raleigh Linear Green and Charlotte Commons parks. The current maintenance agreement expires June 30, 2011.

In response to the City Council's request to accelerate the City's administrative processes, including the contract process, PRNS prepares this Council memorandum annually to seek authorization to negotiate and execute agreements. This authorization will allow timely execution of 2011-2012 agreements.

### **ANALYSIS**

PRNS is seeking authority for the City Manager or their designee, to sign and execute agreements and amendments to the agreements covered by this memorandum. In a number of cases, the contract amount to be paid or received by the City exceeds the City Manager's contract authority. By delegating the contract authority to the City Manager or designee to negotiate and execute these agreements, the administrative process of making funding available to recipients will be expedited. Additionally, City Council and administrative staff time generally dedicated to prepare and review individual memos for these agreements will be significantly reduced. The City Manager or designee may only exercise such amendment authority if the contract, as amended, is consistent with the 2011-2012 Adopted Budget and further provided that

City Council has taken all appropriation actions necessary to fulfill the terms of the amended contract.

The proposed contracts (Attachment A) and compensation to be received by the City (Attachment B) for 2011-2012 are contingent on the adoption of the 2011-2012 Operating and Capital Budgets. In the event the amounts specified for these contracts are modified, the contracts shall reflect the amounts approved. In addition, the City Manager shall have the authority to accept any funds exceeding the figures identified in Attachment B for the specified programs and purposes identified as "Compensation Paid to the City" 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 for Council approval any required budgetary adjustments and appropriation actions necessary for such programs.

Furthermore, PRNS is seeking authority to designate the Director of PRNS with contracting authority to negotiate and execute contracts and amendments consistent with the 2011-2012 Proposed Budget for the B.E.S.T. and S.S.I.G. grant programs, and the Mayor's Gang Prevention Task Force Memorandums of Understanding.

We are also requesting authority for the City Manager or designee, to negotiate and execute contracts and amendments consistent with the 2011-2012 Proposed Budget for General Fund grants (formerly known as HNMF). The proposed budget recommends that Anti-Tobacco Settlement dollars, previously known as HNMF, would fund the Children's Health Initiative at \$2.1 million to continue support for health premiums for children, and provide General Fund grants for organizations for a total amount of \$400,000. Currently the Housing Department administers the HNMF funds. For 2011-2012, PRNS will administer the grant program. Such authority will apply to any grant amendments related to these programs subject to the 2011-2012 Adopted Budget and with the stipulation that the City Council has taken all appropriation actions necessary to execute the terms of the agreements. Approving these authorities will help reduce processing time that will lead to efficiency gains and the timely delivery of contracts and initial payments.

Consultant agreements that require compliance with Municipal Code Section 4.12.320 and 4.12.33 Local and Small Business Preference have not been included in this memorandum.

#### **EVALUATION AND FOLLOW-UP**

Not applicable.

#### **POLICY ALTERNATIVES**

Not Applicable.

### **PUBLIC OUTREACH/INTEREST**

- ✓ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

While the majority of the contracts listed on the Attachment A are below the \$1 million threshold, there are two grant programs that meet Criteria 1. The B.E.S.T. and the former HNMF grant applications processes are managed through WebGrants, the City's online grant management system. In addition, all grant opportunities are advertised in the San Jose Mercury News.

Additionally, the grant award to be received from the County of Santa Clara for the City's Senior Nutrition Program and subsequent agreement may exceed \$1.2 million which, by definition of Criteria 1, requires website posting. To meet this requirement, this Council memorandum will be posted to the City's Website City Council Agendas and Synopses for public viewing for the June 21, 2010, City Council Meeting.

### **COORDINATION**

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

### **FISCAL/POLICY ALIGNMENT**

Not applicable.

### **COST SUMMARY/IMPLICATIONS**

Funding for the agreements cited in Attachment A and for the County of Santa Clara Mental Health Services item on Attachment B, is included in the 2011-2012 Proposed Operating Budget. As required for the other items on Attachment B, the City Manager shall also bring forward for Council approval any required budgetary adjustments and appropriation actions necessary for such programs.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

**Attachment A: Compensation Paid by the City of San José**

- Grace Baptist Church, Not a Project, File PP10-066(e) Lease of Existing Space;
- Kids Love Soccer, Not a Project, File PP10-066(e) Consultant Services
- Children's Health Initiative, Not a Project, File PP10-066(e) Services that involve no change to the environment;
- Hitachi Technologies, Mixed Use Transit Village, EIR, Resolution No. 72772;
- B.E.S.T., Not a Project, File PP10-066(e) Services that involve no change to the environment;
- General Fund Grants, Not a Project, File PP10-066(e) Services that involve no change to the environment;

**Attachment B: Compensation Paid to the City of San José**

- Alum Rock School District, Not a Project, File PP10-066(e) Services that involve no change to the environment;
- COPS Urban Violence Grant, Not a Project, File PP10-066(e) Services that involve no change to the environment;
- County of Santa Clara – Mental Health Services, Not a Project, File PP10-066(e) Services that involve no change to the environment;
- First 5 of Santa Clara County, Not a Project, File PP10-066(e) Services that involve no change to the environment;
- County of Santa Clara Agreement for Senior Nutrition Program, Not a Project, File PP10-066(e) Services that involve no change to the environment;

/s/

NORBERTO DUENAS  
Deputy City Manager/Acting Director of  
Parks, Recreation and Neighborhood Services

For questions please contact Zulma Maciel, Program Manager, at 408-793-4175.

Attachment A: Compensation Paid by the City of San Jose

Attachment B: Compensation Paid to the City of San Jose

**ATTACHMENT A**

<b>Compensation Paid by the City of San José</b>		
<b>AGREEMENT</b>	<b>DESCRIPTION</b>	<b>PROPOSED 2011-2012 BUDGET</b>
Grace Baptist Church	City leases space from Grace Baptist Church providing a therapeutic recreation program for adults with mental disabilities with a one year extension option subject to annual appropriation of funds.	\$136,000
Kids Love Soccer	Approval to execute a two-year (April 2012 – March 2014) vendor agreement to teach soccer classes and conduct soccer camps at various fields throughout San José.	\$500,000
Children's Health Initiative	Funding provides health insurance to approximately 1,700 children whose families have income at or below 300% of the federal poverty level.	\$2,100,000
Hitachi Technologies, Inc.	One year extension of Parks agreement for maintenance of Ramac, Raleigh Linear Green and Charlotte Commons parks	0
B.E.S.T.	Support for the Mayor's Gang Prevention Task Force	\$1,700,000
General Fund Grants (former H.N.V.F.)	Provide for transitional funding to current H.N.V.F. Grantees	\$400,000

**ATTACHMENT B**

<b>Compensation Paid to the City of San José</b>		
<b>AGREEMENT</b>	<b>DESCRIPTION</b>	<b>PROPOSED 2011-2012 BUDGET</b>
Alum Rock Union School District	City is the service provider for After School Education and Safety (ASES) grant money in the S. J. A. S. program.	City is reimbursed for expense receipt of up to \$530,000
COPS Urban Violence Grant	To apply for a Grant to implement a gang intervention model similar to the Boston Call-Ins, to provide wrap around services to individuals willing to transform, and to provide parenting skills to parents of high-risk youth.	\$500,000 over 2 years
County of Santa Clara – Mental Health Services	Joint provision of mental health services at City’s Grace Community Center.	City estimates receipt of up to \$451,000
First 5 of Santa Clara County	Partnership agreement with the FIRST 5 of Santa Clara County to provide parent and child enrichment programs, services and activities through community centers for families and children ages 0 to 5. This funding is expected to be used over the course of 2 years.	First 5 will provide funding to the City in the amount of \$500,000
County of Santa Clara Agreement for Senior Nutrition Program	Joint provision of a nutrition program for seniors.	City estimates receipt of up to \$1,215,000