



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Community Services

Meeting Date: June 19, 2023

Report #:2306-1601

TITLE

Approval of Amendment Number 3 to the Agreement With Palo Alto Unified School District (PAUSD) for PAUSD Athletic Field Brokering and Maintenance Cost-sharing to Extend the Term to June 30, 2024, with an Optional Extension for an Additional Six Months; CEQA status – categorically exempt (Regulation 15301).

RECOMMENDATION

Staff recommends that City Council approve and authorize the City Manager to execute Amendment No. 3 (Attachment A) to the Agreement¹ Between the City of Palo Alto and the Palo Alto Unified School District of Santa Clara County Concerning the Public Use, Brokering and Maintenance of District-Owned Athletic Fields, Tennis Courts, and Basketball Courts Jointly Used By School Students and the General Public (Agreement) to extend the term to cover the period July 1, 2022 through June 30, 2024, with an optional extension of an additional six months.

EXECUTIVE SUMMARY

The City and PAUSD have partnered since 1995 for the maintenance of select school athletic fields for joint school and community use of the fields through a cost sharing agreement. The initial agreement has been modified and renewed multiple times with revisions to capital improvements, revenue sharing of field brokering fees, and priority use dates and times. The partnership provides field maintenance and facilitates field use during school and athletic activity hours and community use during late afternoon, evenings, and weekends.

City and PAUSD staff have met several times over the past year to discuss extending the terms and prioritization of tennis court hours. Both parties have come to an agreement on Amendment No. 3 to extend the partnership through June 30, 2024, with an optional six-month extension

¹ City Council June 25, 2018; SR 9278; Agreement as Attachment B
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/id-9278.pdf>

BACKGROUND

Beginning in 1993, the City and PAUSD staff met to discuss a possible partnership for the maintenance and public use of PAUSD athletic fields. In 1995, the City and PAUSD entered into an Agreement for the City to maintain select PAUSD athletic fields for both school and community use with both parties contributing an equal share of the costs. The Agreement also included an equal cost share for capital improvements to athletic fields. The agreement has since been revised several times and no longer includes a cost share for capital improvements. The cost of capital improvements is now fully incurred by PAUSD.

The Agreement encompasses the maintenance and brokering of the athletic fields at 13 elementary schools and three middle schools, and tennis courts at five PAUSD schools. The City manages the brokering of PAUSD athletic fields and tennis courts for public community use outside of school activity hours. Revenue received from renting PAUSD athletic fields and courts is shared between both parties with the City retaining 60% and PAUSD retaining 40% of revenue.

The Agreement provides for the continued maintenance of school district fields at all PAUSD elementary schools, as well as the fields at Jane Lathrop Stanford (JLS) and Frank S. Greene, Jr. (Greene) Middle Schools. The maintenance of turf areas includes mowing, edging, de-thatching, reseeding, aeration, and maintenance of irrigation heads, valves, and controllers. The fields at Ellen Fletcher (Fletcher) Middle School are not part of this agreement as these fields are dedicated parkland (Terman Park) and are maintained in a manner consistent with City Park maintenance standards.

The Agreement also provides for the maintenance of tennis courts and basketball courts at JLS, Greene, and Fletcher Middle Schools, and at Henry M. Gunn and Palo Alto High Schools. This work includes periodic sweeping of the court surfaces and washing during the summer months. The City brokers the fields, tennis courts, and basketball courts in accordance with the Council-approved Field Use Policy². This policy is intended to ensure residents, both youth and adults, have fair access to PAUSD and City-owned fields and athletic facilities. The criteria incorporated into the Field Use Policy helps ensure Palo Alto youth and non-profit sports clubs have top priority access to field space for practice and competition.

The City places a high priority on the maintenance and safety of school playing fields to ensure the community has access to athletic fields and courts for physical fitness and recreation. This Agreement will continue the City's commitment to provide quality turf and court surfaces.

² City of Palo Alto Field and Court Use Policy

<https://www.cityofpaloalto.org/files/assets/public/community-services/facility-rentals/reservations-community-centers-fields/field-and-tennis-court-reservations/field-court-policy-22.pdf>

ANALYSIS

In the fall of 2019, City and PAUSD staff met to discuss renewing the Agreement (Amendment No. 1³). City and PAUSD staff agreed to extend the Agreement through December 31, 2021, with an option for a two-year extension. On December 9, 2019, City Council approved an extension of the Agreement (Amendment No. 2). City staff later learned that PAUSD staff did not bring Amendment No. 2 to the PAUSD Board for approval. While this matter was being resolved, both the City and PAUSD honored the terms of the Agreement and Amendment No. 2.

PAUSD staff later agreed to update Amendment No. 2 to extend the term to cover the period July 1, 2019 through June 30, 2022, with an optional 24-month extension, and brought Amendment No. 2 to the PAUSD Board for their approval on February 8, 2022. City Council approved the updated Amendment No. 2⁴ on February 14, 2022.

City and PAUSD staff met multiple times from March 2022 to May 2023 to discuss extending the Agreement. Though the Agreement expired on June 30, 2022, both the City and PAUSD honored the terms of the Agreement while negotiations continued. In May 2023, City and PAUSD staff came to mutually agreeable terms for an Amendment No. 3 to the Agreement. Amendment No. 3 retains the same scope of work and service level performed by City staff. The maintenance costs are shared equally between the City and PAUSD. The revenue share remains at 60% to City and 40% to PAUSD.

Amendment No. 3 extends designated hours and dates for PAUSD to have priority use of four of the seven tennis courts at Palo Alto High School. PAUSD priority use of courts number 1, 2, 3, and 4 extends from 4:00pm to 7:00pm weekdays during the following date periods. The select four courts are identified on the map attached to the Amendment:

- June 5, 2023 – August 4, 2023
- November 20, 2023 – November 24, 2023
- December 25, 2023 – January 5, 2024
- June 3, 2024 – June 28, 2024

The period covered by Amendment No. 3 is July 1, 2022 through June 30, 2024, with an optional six-month extension. PAUSD staff intends to bring Amendment No. 3 to the PAUSD Board for approval on June 6, 2023. If City Council approves Amendment No. 3 of the Agreement, staff will

³ City Council June 25, 2018; SR 9278; Amendment No. 1 as Attachment A

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmrs/year-archive/2018/id-9278.pdf>

⁴ City Council February 14, 2022 SR 13899; Agenda Item #4; Amendment No. 2 as Attachment A

<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/city-council-agendas-minutes/2022/20220214/20220214pccsm-amended-linked-final.pdf>

collaborate with PAUSD and return to City Council in 2024 with a recommendation to extend the Agreement with an amendment or approve a new Agreement.

FISCAL/RESOURCE IMPACT

Amendment No. 3 extends the terms of the existing agreement for two years (July 1, 2022 to June 30, 2024). The annual maintenance cost is approximately \$1.0 million, and the costs are split equally between the City and PAUSD. The revenue remains shared at 60% to the City and 40% to PAUSD. The total shared revenue varies and has been approximately \$45,000 annually. The amendment maintains the level and scope of services and cost share of actual expenses as established in the original contract. The only financial impacts to the City from this action are the result of updated labor costs for continuing these services, which are included in the FY 2024 Operating Budget of the Community Services Department. Funding for subsequent years of the agreement is subject to City Council approval and appropriation of funds through the annual budget process.

STAKEHOLDER ENGAGEMENT

City and PAUSD staff met multiple times to discuss Amendment No. 3 to the Agreement and have a mutual interest in continuing this partnership. If Council approves Amendment No. 3, staff will communicate with the tennis community the reduced access to certain courts at Palo Alto High School.

ENVIRONMENTAL REVIEW

This amendment is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 (existing facilities) of the CEQA guidelines.

ATTACHMENTS

Attachment A: PAUSD Athletic Field Brokering and Maintenance Cost-sharing Agreement
Amendment No. 3

APPROVED BY:

Kristen O'Kane, Community Services Director