



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: August 20, 2019

Subject

Updated Joint Use Agreement between the City of Cupertino and Cupertino Union School District (CUSD) pertaining to maintenance and improvements of certain open space areas within specific school sites for reimbursement of authorized Clean Water and Storm Protection Fees.

Recommended Action

- 1) Authorize the City Manager to execute an updated Joint Use Agreement between the City of Cupertino and CUSD; and
- 2) Authorize expenditures in the amount of \$8,705.80 from the Non-Point Source Fund to reimburse CUSD for Clean Water and Storm Protection Fees associated with certain open space areas within specific school sites.

Background

On April 15, 1991, the City of Cupertino entered into a Joint Use Agreement (JUA) with (CUSD) pertaining to the maintenance and improvements of open space areas within certain school sites. As the JUA was set to expire on December 31, 2016, the JUA was updated and extended by the City Council on November 16, 2016.

Prior to the authorization of the new Clean Water and Storm Protection Fees (Clean Water Fees) on July 16, 2019, the City Council had directed staff in May 2019 to bring back an amendment of the JUA to include cost sharing of the City's new Clean Water Fees with CUSD. The direction received was to amend the JUA so that open space locations within the JUA would receive Clean Water Fee reimbursement on a per acre basis.

Discussion

The City maintains a total of 45.82 acres of joint use sports fields at nine CUSD school sites. The following table lists each open space area by school site, the acreage of each area, and the calculated amount of the Clean Water Fee associated with each site. For fiscal year 2019-20 the reimbursement amount is \$190 per acre. As the Clean Water Fees may increase a maximum of 3% per year (if authorized by the City Council), future reimbursements will be calculated accordingly.

OPEN SPACE AREAS MAINTAINED BY CITY	AREA (Acre)	2019 Reimbursement
Collins Elementary School	2.51	\$476.90
Eaton Elementary School	4.58	\$870.20
Faria Elementary School	4.18	\$794.20
Garden Gate Elementary School	2.97	\$564.30
Lincoln Elementary School	3.10	\$589.00
Regnart Elementary School	4.12	\$782.80
Stevens Creek Elementary	3.14	\$596.60
Hyde Middle School	7.87	\$1,495.30
Kennedy Middle School	13.35	\$2,536.50
Total	45.82	\$8,705.80

The updated JUA language related to this reimbursement can be found in Section 6. Consideration between the Parties, paragraph e, of the agreement.

As part of the updated JUA, CUSD requested a change related to Section 5. Usage of Facilities, paragraph A. Hours of operations at Hyde and Kennedy Middle Schools are proposed to change from 8am – 4pm to 7am – 4pm. The City’s Parks & Recreation Department is in agreement with the requested change.

There are no other proposed changes to the JUA.

Sustainability Impacts

No sustainability impacts.

Fiscal Impact

Approval of the amendment to the JUA will result in a reduction of \$8,705.80 to the Non-Point Source Fund to allow for cost sharing with CUSD. No new appropriations are needed. This amount may increase up to 3% annually if: 1) actual costs incurred support an increase; 2) the proposed increase is independently audited; and 3) the proposed increase is authorized by the City Council.

Prepared by: Jo Anne Johnson, Public Works Project Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Red-lined version of the November 16, 2016 JUA

B – Clean copy version of the proposed JUA