



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: February 21, 2023

Subject

Consider adoption of a resolution establishing the Commemorative Bench Dedication Policy and waiving the commemorative fee for Marilyn Francesco.

Recommended Action

Adopt Resolution No. 23-XXX (Attachment A) establishing the Commemorative Bench Dedication Policy and allow a one-time waiver of the policy for Marilyn Francesco.

Reasons for Recommendation

On October 17, 2017, the City Council adopted Resolution No. 17-102 to establish a Donation Policy for accepting donations and providing guidelines to govern the management and disposition of donations. The guidelines were created to ensure that monetary donations were legal, supported a public purpose and were consistent with City of Cupertino values. Although the Donation Policy included a Park and Public Improvement Donation, it did not include a specific guideline related to the donation of a bench to commemorate or recognize a person.

Staff brought an item to the Council on May 3, 2022, for consideration to approve an installation of a plaque requested by Marilyn Francesco on a bench at Memorial Park in memory of Robin Andy. The Council did not approve the recommendation and directed staff to bring back a proposed policy and procedure for consideration of requests for donation of objects on City property, including potential locations for memorial plaques.

The attached draft Commemorative Bench Dedication Policy will serve as a guide for the acceptance and placement of commemorative benches at parks or public areas within the City.

Staff conducted research to determine the number of previously approved memorial benches and found two instances since 2015 where a memorial bench with plaque was approved by Council. The first instance was on June 2, 2015, when the City Council accepted a bench with a plaque in memory of Mrs. Virginia Logan, at Memorial Park, adjacent to the Cupertino Senior Center. The second was on September 6, 2016, when

City Council accepted a donation of a bench with a plaque in memory of Erik Chen to be placed at Creekside Park.

Staff also performed research on the Commemorative Bench Dedication Policy by reviewing policies of multiple neighboring agencies: Mid-Peninsula Open Space, Town of Los Gatos, San Mateo County, City of Palo Alto, City of Saratoga, and City of Los Altos. Specifically, the evaluation compared the terms and cost of the benches to ensure the City's proposed policy is comparable to the neighboring agencies.

The draft policy includes information related to the general rules and regulations, procurement and installation of benches, location of benches, term of dedication, cost, and approval process.

The following provides a brief description of each of the categories.

General Rules and Regulations

This section provides information related to the prohibition of dedicating a bench other than to commemorate or recognize a person. In addition, the rule stipulates that only one bench shall be dedicated to any single person or family.

Procurement and Installation

The City will purchase the bench and plaque as well as perform the installation. The installation date will be recorded in the City's CMMS (Computerized Maintenance Management System) software, also known as CityWorks.

Bench Locations

The applicant will be required to coordinate with City staff to determine the bench location so as to not interfere with normal park use or maintenance operations and so that it is positioned to maximize and benefit an area.

Dedication Term

The dedication term is proposed to be 10 years with an option to allow the applicant to contribute an additional donation for another 10-year term for a total maximum term of 20 years.

Cost

The cost to install the bench and plaque along with maintenance for the duration of 10-years is \$5,000. If the applicant chooses to extend the term to 20-years, an additional \$2,500 will be collected after the expiration of the original 10-year term. These costs are meant to be cost recovery for the City and may be adjusted every five-years by the Consumer Price Index (CPI) at the City Council's discretion.

Approval Process

The applicant will be required to apply for City's review and meet with City staff on site to determine the appropriate bench location. The plaque may be inscribed with a brief commemorative statement as specified in the policy. Once approved, staff will order the bench and plaque and perform the installation upon receiving payment from the applicant.

One-Time Waiver

Staff is recommending Council to waive the fee and the bench installation requirement for the applicant, Marilyn Francesco, since her application was previously brought to Council for consideration on May 3, 2022, and the applicant has already purchased a plaque. Further, this plaque would be placed on an existing bench if the waiver is approved.

Sustainability Impact

No sustainability impacts.

Fiscal Impact

No fiscal impacts for establishing the Commemorative Bench Dedication Policy. The one-time waiver of the fee would result in the City not collecting the \$5,000 fee; however, Marilyn Francesco has already purchased a plaque that meets the requirements of the policy, and installation of the plaque would require less than 1 hour of staff time to install on an existing bench.

California Environmental Quality Act

No California Environmental Quality Act impacts for establishing the Commemorative Bench Dedication Policy.

Prepared by: Jimmy Tan, Assistant Director of Public Works

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed and Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Draft Resolution

B – Draft Commemorative Bench Dedication Policy