

TO: HONORABLE CITY COUNCIL

ATTN: POLICY AND SERVICES COMMITTEE

FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES

DATE: FEBRUARY 13, 2007 CMR: 145:07

SUBJECT: APPROVAL OF POLICY ADDRESSING AGREEMENTS FOR SHARED USE OF PARKLAND

RECOMMENDATION

In response to a Grand Jury finding and recommendation, staff recommends that the Policy and Services Committee review and recommend to Council approval of a policy addressing agreements for and public notification of shared use of dedicated parkland (Attachment A).

BACKGROUND

In the early 1980s, the PAUSD closed Terman Middle School because of declining enrollment and sold approximately 20 acres of the school property to the City. The City used approximately four acres for new housing, used approximately eight acres of former playgrounds as a dedicated public park, and leased the remaining eight acres and some of the former school buildings to nonprofit organizations.

In 2002, the City and the PAUSD negotiated an agreement that allowed PAUSD to re-acquire ownership of the approximately eight acres of the Terman site land and buildings which had not been dedicated as parkland. These were acquired in exchange for similar acreage at the PAUSD Cubberley High School site. The other approximately eight acres of Terman Park remained as dedicated parkland owned by the City; this land contains the Terman Park tennis and basketball courts and playing fields.

By agreement, the PAUSD was issued a City permit under Title 22 of the Palo Alto Municipal Code for use of portions of Terman Park during certain hours. In this agreement, Terman Middle School was given a “first call” for the use of the tennis courts and playing fields between the hours of 7:30am and 3:30pm on days when the school is in regular session. The PAUSD was also made responsible for leaving the tennis courts and playing fields free of litter and in good condition at the end of each school day. The PAUSD was restricted from routinely excluding members of the public from any dedicated courts, fields or parkland. However, the PAUSD was given the right to take reasonable actions to protect both its “first call” on the courts and fields, as well as the safety of the students.

On July 14, 2003, members of the Council discussed and agreed that members of the public wishing to use Terman Park facilities could sign in at the school office before accessing the park facilities and could check on the availability of fields or courts at that time. The Council enacted

Ordinance 4796 (Park Ordinance), which approved and adopted a plan for improvements and for restricted access at Terman Park.

DISCUSSION

In 2004, the Santa Clara County Grand Jury received a complaint that the City had not followed its Charter with regards to the transfer of dedicated parkland to another governmental agency. One of the findings of the Grand Jury was:

“An agreement was authorized under proper authority of the Council for the joint use of dedicated City park property with the PAUSD allowing exclusive use of four tennis courts contiguous to Terman Middle School and playing fields during certain hours of the school day. Subsequently, the City authorized the expansion and reconfiguration of two of those tennis courts into basketball courts. The process for defining and implementing the Joint Use Agreement appears to have evolved in an ad hoc fashion.”

The Grand Jury recommended that the City create, adopt and enforce a policy that any agreements to share dedicated parkland must explicitly specify the terms of use and the conditions for access by the general public. Further, it recommended that the agreement should include public posting of such use and access regulations at entrances of the shared parkland.

In a letter dated June 9, 2005, the City formally replied to the Grand Jury and agreed to adopt the recommendation.

RESOURCE IMPACT

There is no financial impact at this time; any costs for signage will be negotiated with agreements.

POLICY IMPLICATIONS

Adoption of the attached policy will complete the City’s commitment to the Grand Jury to develop a policy for shared use agreements.

ENVIRONMENTAL REVIEW

This recommendation is not a project under the California Environmental Quality Act.

ATTACHMENTS

Attachment A: Policy and Procedure, Public Notice of Shared use of Parkland

DEPARTMENT HEAD: _____

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CITY MANAGER APPROVAL: _____

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