

Agenda Report

TO: CITY COUNCIL

DATE: AUGUST 23, 2004

FROM: CITY MANAGER

SUBJECT: AMEND CONTRACT #18,162 BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE DISBURSEMENT OF \$437,000 FOR SCHOOL FIELD IMPROVEMENT PROJECTS TO INCLUDE LANGUAGE AND TERMS REQUIRED BY THE RESOURCE AGENCY OF THE STATE OF CALIFORNIA TO BE ELIGIBLE FOR \$264,000 FROM PROPOSITION 12 SAFE PARKS ACT OF 2000 PER CAPITA ALLOCATION

RECOMMENDATION:

It is recommended that the City Council amend Contract #18,162 between the City of Pasadena and the Pasadena Unified School District for the disbursement of \$437,000 for school field improvement projects to include language and terms required by the State of California to be eligible for \$264,000 from Proposition 12 Safe Parks Act of 2000 per capita allocation.

BACKGROUND:

On July 21, 2003, the City Council approved the contract between the City of Pasadena and the Pasadena Unified School District for the disbursement of \$437,000 to improve eight selected school playing fields within the Pasadena Unified School District. The allocated and reserved funds for these projects included \$173,000 from the settlement of litigation with the Bank of America and \$264,000 from Proposition 12 Safe Parks Act of 2000 per capita allocation. The State of California Resource Agency, Department of Parks and Recreation, has notified the City of Pasadena that contract #18,162 requires two amendments in order to be eligible for funds:

- 1) **Section 5. TIME OF PERFORMANCE:** The current City/School contract has a termination date of June 30, 2013. However, the terms of the agreement must be for a minimum of ten years from the date of application. Therefore, the new termination date should be June 30, 2014.
- 2) **Section 6. TERMINATION:** The current City/School contract states that either party may terminate the agreement by giving the other party one hundred eighty days written notice of intent to terminate. However, the State of California requires that the contract can be terminated only by mutual consent or for cause, and the contract should reflect this change. The mutual consent agreement ensures the State of California that the School District, which is not eligible for the per capita program, will abide by the same contract provisions that the City must abide by, as the eligible applicant of the per capital grant program.

To date PUSD has completed two of the field improvement projects and three more projects are scheduled for completion by the end of the calendar year. No reimbursement of funds can be made to the School District for the construction of the field improvements until these contract

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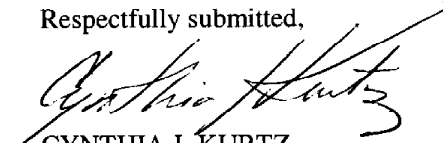
amendments have been approved. Delaying the ability of PUSD to request reimbursement of funds may create a hardship on the District and may further delay proceeding with completion of the remaining projects.

The Pasadena Unified School District Board of Education will also be required to approve these contract amendments. This item is expected to be considered at the Board's September 14, 2004 meeting.

FISCAL IMPACT:

Amendment of Contract #18,162 between the City of Pasadena and the Pasadena Unified School District to include language and terms required by the State of California Resource Agency, Department of Parks and Recreation, will allow the City to be eligible for \$264,000 in funds from Proposition 12 Safe Parks Act of 2000 per capita allocation.

Respectfully submitted,



CYNTHIA J. KURTZ,
City Manger

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Approved by:



Patricia A. Lane, Director
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ATTACHMENT