

**Council Meeting: April 28, 2009****SUBJECT: Replacement of the Swim Pool Heater for the Columbia Middle School Pool, Pool Infrastructure Repairs, and Approval of Budget Modification No. 32****REPORT IN BRIEF**

The swim pool water heater for the Columbia Middle School Pool is not operational. By agreement, the repair or replacement of equipment for the Columbia Pool is the shared responsibility of the City and the Sunnyvale Elementary School District. The estimated cost to repair the 12 year-old heater is high enough that replacement is the more cost effective option. The School District agrees and has approved payment of 50% of the \$31,064 cost to replace the heater in accordance with the City/School District Agreement approved by City Council November 28, 2006.

In addition, there are other infrastructure repairs that need to be made at Washington, Lakewood, Sunnyvale and Columbia Pools including, but not limited to, installation of drain covers that are required in accordance with the new Federal regulations contained in the Virginia Graeme Baker Pool and Safety Act. The total cost for the additional infrastructure repairs and drain covers is \$15,768, of which \$1,650 will be reimbursed by the Sunnyvale School District. Currently, the pool infrastructure project has a balance of \$7,709. Staff is recommending that Council approve Budget Modification No. 32 to cover the replacement cost for the Columbia Middle School boiler and provide the additional resources required to meet the federally mandated drain cover installations and infrastructure repairs at the four City maintained and operated pool facilities.

BACKGROUND

The Columbia Middle School Pool, located at 739 Morse Avenue, was jointly developed by the City of Sunnyvale and the Sunnyvale Elementary School District in FY 1969/1970.

By original agreement, the City maintains all aspects of the Columbia Middle School pool and charges the District half of supply, labor, utility and materials cost related to maintenance of the pool.

The existing pool water heater was installed in 1997. Standard replacement or life expectancy for this type of equipment is approximately 10 years.

The Virginia Graeme Baker (VGB) Pool and Safety Act was signed into law in December 2007. The intent of the law is to increase safety in swimming pools and spas by establishing a federal standard for pool and spa drain covers and to ensure that pools and spas are equipped with proper safety devices. The State of California Department of Public Health is currently in the process of working toward adoption of the VGB Pool and Spa Safety Act; until then the City is required to meet Federal requirements for any pools that are in operation.

EXISTING POLICY

Open Space and Recreation Sub-Element: Goal 2.2A.

The City strives to provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the city to finance, construct, maintain, and operate these facilities now and in the future. It is the City's policy, therefore, to:

2.2.A.7. Conduct a cost/benefit analysis to determine whether the general community would be well-served during non-school hours by capital improvements to school-owned open space and/or recreational facilities. The cost/benefit analysis should take into account ongoing maintenance costs and responsibilities. When it is determined that the community would be well served by the capital improvement, the City will consider funding a share of the costs of those improvements proportionate to the City's use.

2.2.A.8. Support the acquisition or joint use through agreements with partners of suitable sites to enhance Sunnyvale's open spaces and recreation facilities based on community need and through such strategies as development of easements and right-of-ways for open space use, conversion of sites to open space from developed use of land, and landbanking.

Open Space and Recreation Sub-Element: Goal 2.2.B.

The City strives to develop and implement passive and active recreation and enrichment programs that: provide constructive opportunities for fitness, well-being, healthy coping and stress management; highlight cultural practices and traditions reflective of a diverse community; promote activities that foster interaction among diverse parts of the community; encourage creative expression, education, skill development, and personal enrichment; contribute to the creation of a healthy community; and promote community participation in recreation for all ages. It is the City's policy, therefore, to:

2.2.B.6. Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities, and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.

DISCUSSION

The City's pool infrastructure project was established to set aside annual funding to maintain pool equipment to insure uninterrupted and safe operation of the pools operated by the City. The \$20,000 set aside for infrastructure repair and replacement in FY 2008/2009 is not sufficient to cover the cost of the necessary repairs, therefore, additional funds are required to maintain and operate the four pools operated by the City. Three of these pools (Columbia, Sunnyvale and Lakewood Pools) are owned by the Sunnyvale Elementary School District and operated by the City for public use. The fourth pool is owned by the City and is located at Washington Park.

The swim pool water heater for the Columbia Middle School Pool is not operational. By agreement, the repair or replacement of equipment for the Columbia Pool is the shared responsibility of the City and the Sunnyvale Elementary School District. The Superintendent of the Sunnyvale Elementary School District has agreed that replacement of the pool boiler is necessary and that the District will meet their contractual obligations by paying 50% of the total purchase and installation costs.

Both City staff and the District considered repairing the existing heater; however, given the age of the equipment and the expected life span for this type of equipment, it was determined that it would be more cost effective to replace the heater at this time.

In order to keep Sunnyvale and Columbia Middle School pools open and to reopen Washington and Lakewood Pools for the summer, the City is required to meet the terms of the Virginia Graeme Baker (VGB) Pool and Safety Act, which was signed in to law in December 2007. The City is required to purchase four Drain Cover Permits; three off the shelf drain covers and to hire a consultant to design and construct an acceptable drain cover for Washington Pool. The City could decide to close pools; however, closures would result in substantial loss in revenue and services in the summer aquatic programs which would be much higher than the cost to purchase the required drain covers.

The pool infrastructure repairs and equipment are for minor, but necessary work at the Washington, Lakewood, Columbia and Sunnyvale Pools to keep them operational and to meet County Health Code requirements.

FISCAL IMPACT

The total cost of replacing the broken pool heater, completing other repair work and purchasing new drain covers is estimated to be \$49,173, including 5% contingencies. Of this amount, the Sunnyvale School District will reimburse the city for \$17,182. Another \$7,709 is available in the existing Swim Pools Infrastructure project (#825850).

To fund the remaining \$24,282, staff recommends de-funding an existing project, Cover for Waiting Bench at Community Center (825181). This is a lower-priority project that has sufficient funds to cover the cost of the necessary work at the pool sites. Budget Modification No. 32 has been prepared to appropriate an additional \$41,464 to the existing budget of project 825850 to cover the costs of the necessary repairs; recognize \$17,182 in revenues from the Sunnyvale School District; and de-fund project 825181 to cover the additional funding required for the Swim Pools Infrastructure project.

**BUDGET MODIFICATION NO. 32
FISCAL YEAR 2008/2009**

	<u>Current</u>	<u>Increase (Decrease)</u>	<u>Revised</u>
Infrastructure Renovation and Replacement Fund/General Fund Assets			
<u>Revenues:</u>			
1109 - Sunnyvale School District Reimbursement	\$0	\$17,182	\$17,182
<u>Expenditures:</u>			
Project 825850 - Swim Pool Infrastructure	\$7,709	\$41,464	\$49,173
Project 825181 - Cover for Waiting Bench at Community Center	\$29,800	(\$29,800)	\$0
<u>Transfers In:</u>			
Project 825850 - Swim Pool Infrastructure	\$7,709	\$24,282	\$31,991
Project 825181 - Cover for Waiting Bench at Community Center	\$29,800	(\$29,800)	\$0
Park Dedication Fund			
<u>Transfers Out:</u>			
Project 825850 - Swim Pool Infrastructure	\$7,709	\$24,282	\$31,991
Project 825181 - Cover for Waiting Bench at Community Center	\$29,800	(\$29,800)	\$0
<u>Reserves:</u>			
Park Dedication Fund 20-Year RAP	\$6,445,478	\$5,518	\$6,450,996

Purchasing will solicit three quotations to replace the boiler for the Columbia Pool as required by Section 2.08.060 of the Sunnyvale Municipal Code and will issue a Purchase Order to the lowest responsible bidder.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk, Senior Center, Community Center, and on the City's Web site.

ALTERNATIVES

1. Replace the existing swim pool water heater at the Columbia Middle School swim pool, implement drain cover upgrades to meet Federal Law requirements, allocate funds to repair pool infrastructure at four pools and approve Budget Modification No. 32.
2. Other action as determined by Council.

RECOMMENDATION

Staff recommends Alternative 1, replace the existing swim pool water heater at the Columbia Middle School swim pool, implement drain cover upgrades to meet Federal Law requirements, allocate funds to repair pool infrastructure at four pools and approve Budget Modification No. 32.

The City did receive a cost estimate of \$9,296 to repair the existing heater. Given the age of the boiler and the cost to replace it City and District staff and the City's contracted swim pool heater maintenance provider recommend replacement of the entire unit. Although the replacement cost is \$31,064, the City will be reimbursed for 50% of this cost by the Sunnyvale School District.

The rationale is that the existing heater at the Columbia Middle School swim pool has reached its life expectancy and should be replaced at this time. While repair may extend the life of the swim pool boiler an additional year or two, it is anticipated that the boiler would still need to be replaced within the next year or two and the City and School District would have invested nearly \$10,000 into a piece of equipment that was not worth the investment. In addition, replacement at this time will preclude having the boiler break down during the prime swim season causing disruption to public programs.

The City is required to comply with Federal Law and make the necessary repairs and changes to the pool drain covers at Columbia, Sunnyvale, Lakewood and Washington Pools to meet the VGB Pool and Safety Act.

If the City follows its plan in making necessary replacements of pool infrastructure equipment and performing preventative maintenance, this will increase the lifespan of equipment and not interrupt revenue generating programs due to pool closures.

Reviewed by:

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