

REPORT OF GENERAL MANAGER

NO. 04-83

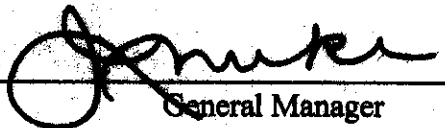
DATE March 17, 2004

C.D. VARIOUS

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: APPROVAL OF ONE (1) MASTER AGREEMENT REGARDING JOINT USE BETWEEN THE CITY OF LOS ANGELES AND THE LOS ANGELES UNIFIED SCHOOL DISTRICT; AND APPROVAL OF THREE (3) SITE-SPECIFIC JOINT USE AGREEMENTS FOR PROPOSED PROPOSITION K PROJECTS AT DAYTON HEIGHTS ELEMENTARY SCHOOL, CRENSHAW HIGH SCHOOL AND HALE MIDDLE SCHOOL

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 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board:

1. Approve the proposed Master Agreement Regarding Joint Use (substantially in the form on file in the Board Office) between the City of Los Angeles (City) and the Los Angeles Unified School District (LAUSD), for the joint operation, improvement, and maintenance of various facilities at LAUSD sites for a term of thirty-five (35) years based upon guidelines established by the L.A. For Kids Steering Committee and the Council and subject to review by the Mayor, in accordance with Executive Directive No. 16, approval of the City Council through its Proposition K approval process, and of the City Attorney as to form;
2. Approve three (3) site-specific joint use agreements (substantially in the form on file in the Board Office) between the City and LAUSD for proposed Proposition K projects at Dayton Heights Elementary School, Crenshaw High School, and Hale Middle School, subject to review by the Mayor, City Council, and City Attorney and conditioned upon LAUSD receiving the award of funding of the site-specific Proposition K applications;

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3. Direct the Board Secretary to expeditiously transmit this report, the Master Agreement Regarding Joint Use (Agreement), and the three (3) site-specific joint use agreements forthwith to the Mayor and concurrently to the City Attorney and the L.A. For Kids Steering Committee for review and recommendation to the City Council; and,
4. Authorize the Board President and Secretary to execute these agreements following receipt of the necessary approvals.

### SUMMARY:

On October 15, 2003, the Board of Recreation and Park Commissioners adopted Board Report No. 03-332 that established a procedure for negotiating and executing Joint Use Agreements (JUAs) between the City and LAUSD. The process enumerated in the referenced Board Report is based upon the policy and procedures adopted by the Proposition K L.A. for Kids Steering Committee at their meeting of October 3, 2003.

The Master Agreement delineates points of consensus between the City and LAUSD regarding prospective joint use operations at various LAUSD facilities for which Proposition K funding was requested pursuant to the recently promulgated competitive Request for Proposals (RFP) cycle.

At this time, three (3) Site Specific JUA project proposals submitted by LAUSD have been recommended for funding by the Regional Volunteer Neighborhood Oversight Committees (RVNOCs) and are under review by the (Prop K) L.A. For Kids Steering Committee. The terms and conditions specified in the Master Agreement are applicable to each of the three school facilities. The individualized, site-specific joint use agreements address public use and access issues that are unique to each of the three schools.

The three (3) schools for which LAUSD submitted proposals that remain viable in the competitive process and the site-specific Prop K projects are as follows:

- (1) **Hale Middle School – CD 3** – application for gymnasium upgrades and repairs. According to the on-site facility manager, the gym is used extensively by community groups via Civic Center permits (*Proposition K funding request = \$44,020; RVNOC Recommended Funding = \$44,020*). Pursuant to the terms of the site-specific JUA, the parties have proposed that City's use of the facility would include use of the renovated gymnasium for basketball programs from Shadow Ranch and Woodland Hills Recreation Centers during the hours of 6 – 10 p.m., Monday through Friday, and weekends 9:00 a.m. to 9:00 p.m.

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- (2) **Crenshaw High School – CD 8** – application for the development of an “Athletic Field Complex” at the high school, including funding for running track upgrading, security fencing (to secure the campus but facilitate public access and use of the proposed Prop K-funded improvements), upgrading the football field, and adding an electronic scoreboard (*Proposition K funding request = \$1,102,969; RVNOC Recommended Funding = \$641,000*). Note that the recommended funding amount will necessitate modifications to the scope of work delineated in LAUSD’s Proposition K proposal and funding request. Pursuant to the terms of the Site Specific JUAs, the parties have proposed that the City’s use of the facility would include the use of the track and the football/soccer field at the “Athletic Field Complex” periodically throughout the year, with specific dates to be negotiated annually and arranged via Civic Center permits issued by LAUSD. Additional facilities at Crenshaw (not related to the Proposition K grant request) that the Department of Recreation and Parks will utilize, via Civic Center permit requests, are the baseball field and the basketball gymnasium.
- (3) **Dayton Heights Elementary – CD 13** – application for a fenced, handicapped accessible children’s playground and 18,000 square feet of green space for passive and informal active recreational use. This will, in effect, become a neighborhood park during non-school hours in a park-poor, densely populated area (*Proposition K funding request = \$1,065,595; RVNOC Recommended Funding = \$324,000*). Note that the recommended funding amount will necessitate modifications to the scope of work delineated in LAUSD’s Proposition K proposal and funding request. Pursuant to the terms of the site-specific JUA, the parties have proposed that the City’s use of the facility would be limited to 5:00 p.m. – 7:30 p.m. (M-F) and 9:00 a.m. – 5:00 p.m. (Sa-Su) between May 1<sup>st</sup> and Labor Day. Between Labor Day and May 1<sup>st</sup>, the City would utilize the facility on weekends only, between the hours of 9:00 a.m. and 5:00 p.m. Any other times for City use will be requested via a Civic Center permit.

The Master Agreement is for a term of 35 years to satisfy site access and public benefit requirements for any site-specific JUA that might be approved for funding award. The terms of each individual school agreement is dictated by the amount of Proposition K funds awarded. Per the RFP, the site-specific joint use term can range from five (5) years for a funding award up to \$49,999 to thirty (30) years for an award of \$1,000,000 or more.

The Agreements address the following:

- (1) The use of the defined joint use areas by the school during its exclusive use period, during a potential shared City-school use period for collaborative or joint programming, and the City and/or public use period during which the defined premises are exclusively for public access and utilization.

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- (2) The site specific agreements refine and elaborate on the hours of use at each respective facility and how that facility will accommodate school and public time;
- (3) Maintenance, repair, and improvement responsibilities, in general, of the respective parties to the Agreement;
- (4) Restroom access and maintenance protocols;
- (5) Sharing of utility costs;
- (6) Indemnification and insurance requirements, acknowledging that each party to the Agreement is self insured, however, recognizing that risk management needs to be assessed and evaluated on a site-specific basis depending upon the type of facilities and activities that will be occurring at each campus under joint use;
- (7) Acknowledgement that a CEQA (California Environmental Quality Act) analysis has been performed and appropriate finding would be required before Council may approve the Joint Use Agreement.
- (8) Each site-specific JUA addresses the planned public uses of the identified portions of each facility subject to the agreement. Included in the site-specific agreement will be hours of use, parking accommodations for staff and the general public, any maintenance requirements that are appropriate and necessary due to the types and intensity of public access and anticipated use, and any other matters that are unique to the specific facility.

Subsequent to Recreation and Parks Commission approval (on March 17, 2004) and preliminary Proposition K L.A. For Kids Steering Committee approval (on March 18, 2004) of the Master Agreement and the three site-specific Joint Use Agreements (substantially in the form on file), a final decision will be made by the Prop K L.A. For Kids Steering Committee and the City Council regarding the approval (or disapproval) and funding level of each of the three proposed LAUSD projects. Implementation of each site-specific agreement is contingent upon funding approval and the joint use term is contingent upon the amount of funds awarded.

The City and LAUSD recognize and acknowledge that, prior to undertaking the activities set forth in the Master JUA and the Site Specific JUA, the LAUSD must perform and complete and certify the adequacy of the environmental review in accordance with the California Environmental Quality Act (CEQA). The City and LAUSD further recognizes that, as a result of the information obtained by means of the CEQA process, the parties may decide to modify, condition, or disapprove the activities set forth in the Master and Site Specific JUAs. Nothing in the Master and Site Specific JUAs shall

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limit or hinder the parties to exercise their independent judgement and discretion with respect to these activities. In particular, the parties' obligations under the Master and Site Specific JUAs are subject to, and shall not arise until, after completion of the CEQA process.

As for compliance with the California Environmental Quality Act (CEQA), the Los Angeles Unified School District has completed Categorical Exemptions for the proposed expansion and renovation of school facilities. Staff has further determined that the approval of the Joint-Use Agreement is also exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 1 (14) of the City CEQA Guidelines, which allows for joint use of the school facilities that result in no change or a negligible change in the previously existing use of the facilities.

The City and LAUSD reserve the right to modify the site specific agreements as to term and scope based upon future funding decisions to be made by the City. It is anticipated that project approvals will be finalized in June 2004, and funding availability will commence on or after July 1, 2004.

This report was prepared by Gene Dudley, Senior Management Analyst II, of the Department's Real Estate Group.