



Legislation Details (With Text)

File #: 19-179 **Version:** 1

Type: Consent Calendar **Status:** Passed

File created: 2/5/2019 **In control:** City Council/Public Financing Authority

On agenda: 3/4/2019 **Final action:** 3/4/2019

Title: Approve and authorize execution of a License Agreement with the Ocean View School District (OVSD) of Orange County for use and maintenance of neighborhood parks on school properties

Attachments: 1. Att 1 - OVSD License Agreement

Date	Ver.	Action By	Action	Result
3/4/2019	1	City Council/Public Financing Authority	approved	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Fred A. Wilson, City Manager

PREPARED BY: Chris Slama, Interim Director of Community Services

Subject:

Approve and authorize execution of a License Agreement with the Ocean View School District (OVSD) of Orange County for use and maintenance of neighborhood parks on school properties

Statement of Issue:

There is a need to approve a License Agreement between the City of Huntington Beach (City) and Ocean View School District for use and maintenance of neighborhood parks on school properties.

Financial Impact:

Not applicable. No new funding is required as a result of this revised agreement.

Recommended Action:

Approve and authorize the Mayor and City Clerk to execute the "License Agreement Between the City of Huntington Beach and the Ocean View School District of Orange County for Use and Maintenance of Neighborhood Parks on School Properties."

Alternative Action(s):

Do not approve agreement between City and Ocean View School District and direct staff accordingly.

Analysis:

Since 1985, the City of Huntington Beach has had a single, joint use agreement (Agreement) between the City and various elementary school districts, including the Westminster School District

(WSD), the Fountain Valley School District (FVSD), the Huntington Beach City School District (HBCSD), and the Ocean View School District (District). In addition to various conditions associated with the use of park parcels and park amenities, the previous Agreement included outdated language pertaining to the composition of the Community Services Commission.

The revised agreement eliminates all language related to the composition of the Community Services Commission and more accurately reflects the current joint use terms and conditions for use of the park parcels. Specifically the agreement pertains to a total of eight school properties as listed below:

- (1) Circle View Elementary School, located at 15720 Willet Lane,
- (2) Glen View Elementary School, located at 6721 Glen Drive,
- (3) Harbour View Elementary School, located at 16600 Saybrook Lane (excluding the tennis courts which shall not be part of the Harbour View Park Parcel),
- (4) Haven View Elementary School, located at 16041 Waikiki Lane,
- (5) Lake View Elementary School, located at 17461 Zeider Lane,
- (6) Marine View Middle School, located at 17442 Frans Lane,
- (7) Pleasant View Elementary School, located at 16650 Landau Lane,
- (8) Robinwood Elementary School, located at 5180 McFadden Avenue.

The term of the agreement shall be for ten (10) years from the effective date of the agreement and may be extended upon mutual, written consent of both parties. The terms of the new agreement will maintain the general conditions of past agreements; however, more specifically address the park improvements. As referenced in Section 3.4, should the District cause one or more of the park parcels to be removed or excluded, and if, as of the date of such termination the City has installed or constructed facilities, equipment, or other amenities or improvements, the District shall be required to reimburse the City for the then fair market value of such improvements. The only City improvements that qualify for such reimbursement shall be those that are installed or constructed by the City after the effective date of this agreement.

Other specific key responsibilities of the city are summarized below.

Sections 4.3.3 and 4.3.4 require the City to comply with the permitted use hours in accessing the park parcels, as well as complying with the District's standard student safety policies and procures.

Section 5.2, discusses the City's continued obligation to maintain the eight neighborhood parks located on District property, including such things as weekly maintenance of the park parcels, such as mowing, trimming, pruning, planting, fertilizing, weed control, building and landscape collection and disposal of green waste, etc. City is also responsible for undertaking and completing any repairs, replacements, or other remedial measures that are required at any of the park parcels as a result, in whole or in part, of the use of any of the park parcels or any of the park amenities.

Other obligations require the City to immediately notify the District of any damage caused to any of the park parcels or to any of the park amenities. The City shall also be responsible for the regular and routine cleanup of each of the park parcels. The City and the public shall be permitted to use the park parcels and park amenities during the hours from 5:00 a.m. to 10:00 p.m. seven days a week, twelve months a year.

Section 5.3.1 of the agreement specifies that the District intends to install fencing to surround and enclose the exclusive school use areas from the park parcels and park amenities over the next several years. Section 5.3.2 further requires the District to give reasonable advance notice to the City to use one or more of the park parcels and park amenities for their educational programs or activities or to allow other public or private entities to reserve and use certain park parcels for special events of a temporary nature.

With respect to the Pleasant View Park Parcel, the yellow-shaded area shown on Exhibit "G" of Attachment 1 (hereinafter referred to as the "Excluded Area"), which, in the past, has been considered part of that Park Parcel, will need to be removed and excluded from that Park Parcel. The Excluded Area is subject to a temporary construction easement (the "TCE") required by the Orange County Transportation Authority for the construction of improvements to Interstate 405. The Excluded Area includes those portions of the land that are described and depicted in Exhibits A1 and A2 of the TCE, copies of which are attached as Exhibits G-A1 and G-A2, respectively. Accordingly, the Excluded Area shall no longer be considered part of Pleasant View Park Parcel, nor shall it be part of, or otherwise covered by, the License. In the future, however, the District, in its sole discretion, and upon written notice to the City, may elect to restore and make all or any portion of the Excluded Area a part of Pleasant View Park Parcel once again, in which event, all or such designated portion of the Excluded Area shall be deemed to be automatically part of that Park Parcel and covered by the License.

Both parties agree that this new agreement more accurately memorializes our intention to work collaboratively, and provides the necessary parameters to move forward with a productive partnership.

Environmental Status:

Not applicable.

Strategic Plan Goal:

Improve quality of life

Attachment(s):

- 1) License Agreement Between the City of Huntington Beach and Ocean View School District of Orange County for Use and Maintenance of Neighborhood Parks on School Properties