



Legislation Details (With Text)

**File #:** 17-716      **Version:** 1      **Name:** Lease with EBMUD for Chabot Park  
**Type:** Staff Report      **Status:** Filed  
**In control:** City Council  
**On agenda:** 12/18/2017      **Final action:** 12/18/2017  
**Enactment date:**      **Enactment #:**

**Title:** Staff Report for a Resolution to Authorize the City Manager to Enter into a Lease Agreement with East Bay Municipal Utility District (EBMUD) for Chabot Park and for City Council Appropriation Approval of \$154,000 to Fund the Lease Agreement Requirements using the 2017-18 General Fund Economic Uncertainty Reserves (provides for ongoing operation and general maintenance of Chabot Park, maintenance of trees, and implementation of a Tree Hazard Evaluation Plan)

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
12/18/2017	1	City Council	Approved	

Staff Report for a Resolution to Authorize the City Manager to Enter into a Lease Agreement with East Bay Municipal Utility District (EBMUD) for Chabot Park and for City Council Appropriation Approval of \$154,000 to Fund the Lease Agreement Requirements using the 2017-18 General Fund Economic Uncertainty Reserves (provides for ongoing operation and general maintenance of Chabot Park, maintenance of trees, and implementation of a Tree Hazard Evaluation Plan)

**SUMMARY AND RECOMMENDATIONS**

Staff recommends the approval of a lease with EBMUD that will allow the City of San Leandro to access Chabot Park. Staff further recommends City Council approve an appropriation of \$154,000 to fund the lease agreement requirements using the 2017-18 General Fund Economic Uncertainty reserves to meet the requirements of the new lease agreement.

**BACKGROUND**

The City of San Leandro entered into an agreement with East Bay Municipal Utility District (EBMUD) for the use of Chabot Park in June 1950. This agreement allowed the City and the community to use the Park for various recreational activities such as picnics, volleyball, barbeques, disc golf, and children’s activities. Chabot Park is also the link to trails in the surrounding Lake Chabot area. During the summer, Chabot Park is the location of the City’s Chabot Day Camp/Tiny Trees, Little Trees, and Big Trees. Generations of San Leandrans participated in these programs as participants and camp counselors.

The lease ended with EBMUD’s retrofit of Chabot Dam in May 2016. As a result, the Recreation and Human Services Department (RHS) relocated summer camp to Roosevelt School and temporarily re-named the program to Camp Hooty-Hoo. The relocation of the camp from a natural park setting to a school required new programming to engage the children and youth. The Camp was displaced for

two summers (2016 and 2017). Staff was only able to accommodate 100 children during each summer instead of the usual 200, therefore enrollment was cut in half. The loss of revenue is \$110,589 for that duration.

Approval of the proposed lease will allow the summer camp to relocate back to Chabot Park beginning in the summer of 2018.

The City's adopted Capital Improvement Program budget also invests \$1.25 million in the park beginning in 2018. Staff will replace and upgrade two existing playgrounds with new equipment and locate the new playground where the current amphitheater is located, adjacent to the picnic area. Additionally, the City will demolish the current amphitheater and place a new one in a natural setting amongst the redwoods adjacent to and behind the restrooms. The play equipment will be updated, expanded, and located so that adults can keep an eye on the children while at play. The new amphitheater will be located in a setting that uses the redwood trees as a natural background for the stage.

**Analysis**

The most recent lease was executed in July of 2011 for a period of five years (2016). This lease required a payment of \$2,000. Approximately 2.5 months ago, the City was presented with a new lease from EBMUD. The terms were significantly different than the original lease. Staff from RHS and Public Works met with EBMUD and agreed on the following major terms of the 2017 lease:

2011

2017

\$2,000 lease payments \$4,000 annual lease payment with a 3.5% annual increase. A late fee payment (10 days beyond due date) of 10%.

5-year term

20-year term.

City is responsible for maintenance of Chabot Park and to submit an operating plan for approval by EBMUD.

City must develop and submit a Tree-Hazard Evaluation Program and maintain trees in accordance therewith.

Maintenance Operating Plan

The City will be responsible for general maintenance of Chabot Park including the playground, field, bridge, road, restrooms, trashcans, horseshoe pits, fence and pathways. Additionally, staff will be responsible for adding gravel to the parking lot; clearing ivy off the trees, spreading woodchips; cutting down weeds and fallen tree limbs; inspecting and repairing irrigation, graffiti removal and inspecting the park for hazards.

Ongoing Tree Maintenance

The City will now be required to maintain the trees at Chabot Park. EBMUD will require the development and implementation of a Tree Hazard Evaluation Plan. Ongoing maintenance of the trees must be in accordance with the plan. Since this is a new requirement, Public Works must retain

an arborist to develop such a plan. However, the fiscal impact of the ongoing maintenance of these trees is unknown until the evaluation is completed by Public Works. The trees at Chabot Park include extremely large trees and can be costly to trim, cut and/or remove. Public Works will develop and submit a plan to EBMUD within eight months, which is the time allotted under the proposed lease.

### Next Steps

If the City Council elects to approve the lease agreement, it will subsequently be sent to the EBMUD Board of Directors for their approval. City staff estimates that the public can be re-opened for public access shortly after execution of the agreement.

### Permits and/or Variances Granted

None at the moment, but staff anticipates that the requisite Building Permits will be obtained for the various structures and equipment to be constructed that require Building Permits.

### Board/Commission Review and Actions

A General Plan Conformity Finding will be brought to the City of San Leandro Planning Commission in January 2018.

### Legal Analysis

The City Attorney's Office reviewed, and assisted with the negotiations of the lease presented to the City Council.

### Fiscal Impacts

The Tree Hazard Evaluation Plan will cost approximately \$50,000 to \$75,000. Public Works estimates the cost of the ongoing maintenance from \$50,000 to 100,000. These costs may differ from year-to-year as conditions in the park may change with the environment.

### Budget Authority

The costs attached to this lease were unanticipated and therefore unbudgeted. Staff is requesting the City Council approve an appropriation of funds from the 2017-18 General Fund economic uncertainty reserves of \$154,000 to the following accounts:

- Public Works 010-33-001 for \$150,000
- Recreation and Human Services 010-61-019-5630 for \$4,000

### **ATTACHMENT(S)**

#### Attachment(s) to Staff Report

- None

**Attachment(s) to Related Legislative Files**

- Attached to Resolution:
  - Lease Agreement with East Bay Municipal Utility District (EBMUD)

**PREPARED BY:** Jeanette Dong, Director, Recreation & Human Services