

Lompoc City Council Agenda Item



City Council Meeting Date: February 5, 2013

TO: Laurel M. Barcelona, City Administrator

FROM: Mario Guerrero Jr., Recreation Manager
m_guerrero@ci.lompoc.ca.us

SUBJECT: Lompoc Parks, Recreation, and Pool Foundation Sub-Committee River Bend Bike Park Committee Proposal to Enter Into a Memorandum of Understanding (MOU) with the City for the Development of a Bike Park at River Bend Park Phase 3

Recommendation:

Staff recommends Council:

- 1) Accept the design and current conceptual maintenance and operational model for the development of River Bend Bike Park; and
- 2) Approve the MOU for construction of the River Bend Bike Park; and
- 3) Approve appropriations of \$50,000 from account 24510-80301 – AB1600 Park Improvements – River Bend Park Improvements for design and installation costs of a waterline and water meter onsite;
- 4) Approve General Fund appropriations in a new subaccount under Parks (18069 – River Bend Park – Phase 3) for park operations and oversight of volunteer force. Park operation costs anticipated by June 30, 2013, will include up to \$1,000 for water utility service charges. Future operational and oversight costs will be incorporated into the overall 2013-2015 budget;
- 5) Approve the concept of a Park Management Policy to define long-term maintenance responsibilities. Maintenance of the Park will rely on City volunteers and the Lompoc Valley Parks, Recreation, and Pool Foundation (LVPRPF) contractors to minimize General Fund expenditures. Direct staff to return to Council within 90 days for approval; or
- 6) Provide staff alternate direction.

Background/Discussion:

On June 13, 2012, the Parks & Recreation Commission approved the conceptual plan to use the Phase 3 portion of River Bend Park for a non-supervised drop-in Bike Park. On August 7, 2012, at the City Council meeting, a presentation was given by LVPRPF Sub-Committee "River Bend Bike Park Committee (Committee)" on a proposal for the development of a bicycle skills park at that same location. With a general consensus, Council approved the project in concept and directed staff to bring back to Council a formal agreement that covers all necessary considerations to move forward on the proposed project. Staff presented a project update to the Parks and Recreation Commission on January 9, 2013. Those meetings were publicly noticed to the surrounding residences to ensure all public comment could be heard.

Since those meetings, the original concept of the LVPRPF building, operating and maintaining the Bike Park at zero cost to the City needs to be revised due to the fiscal impact and liability coverage concerns for the LVPRPF. Since then, staff has worked with the Sub-Committee and had many meetings on how to make this project move forward and become a reality. During this time, the project has changed models several times due to project concerns (size of the park, water resources, liability, and maintenance).

The original size of the Bike Park was slated to be three to five acres. The original concept shared with the Parks and Recreation Commission and Council showed a park of approximately 3.95 acres. The proposal is now for a park of about 6.15 acres, an increase of 2.2 acres. The size increase was due to environmental restrictions and the desire to add all the features for three different ability levels. The larger size would be utilizing a portion of River Bend Park that could be used for two full-size or three youth-size soccer fields.

City Park Improvement Impact Fees have been requested to be used to provide new utility infrastructure to make water available for use of the Bike Park, as well as for future development of Phase 3. Approximately \$50,000 will be needed to secure water to the Phase 3 portion of the park and will provide a water line and water meter. LVPRPF will be responsible for installation of all irrigation infrastructure that is needed on-site for the Bike Park. The City is to pay all regular utility costs associated with the Bike Park.

The Committee and staff realized due to liability coverage concerns, the Bike Park would have to be owned and operated by the City in order to be covered under Government Code § 831.7, which protects public entities from injuries resulting from hazardous recreational activities. In order for the Bike Park to become a reality, LVPRPF will enter into a MOU with the City for the construction portion of the project only. LVPRPF will be responsible for providing and funding all design, permitting, construction and materials needed to complete the project. Once the project is complete, LVPRPF will turn the Park back over to the City for maintenance and

operations. LVPRPF will be responsible for contracting a limited number of services after construction, as specified in the MOU.

The proposed MOU establishes a framework for a productive working relationship so the design and construction of the Bike Park is done with quality and in a timely manner. The MOU clearly defines the process and role of each party to ensure compliance, completion and on-going commitments that need to be fulfilled. A few key elements to ensure the success of the project are as follows:

- Design Professional - LVPRPF shall have the park designed by Hilride Progression Development Group, LLC (Hilride) and ensure Hilride provides adequate insurance coverage for liability that may result from design of the River Bend Bike Park Project.
- Construction Oversight - LVPRPF shall engage Hilride to oversee the volunteer training, management and construction of the River Bend Bike Park Project.
- Indemnification and Insurance - LVPRPF shall ensure all contractors it hires or uses for the Bike Park (i) indemnify City, LVPRPF and each of their officers, employees and agents from any and all liability that may arise from that contractor's (or any of the contractor's officer's, employee's, agent's or subcontractor's) acts or omissions regarding that contract and (ii) carries general liability insurance in a minimum single-limit amount of \$2,000,000. LVPRPF shall provide a designer or an engineer's estimate as to the cost of the improvements to be installed.
- Volunteers - The parties understand individual volunteers may not be protected by the above referenced indemnities and insurance coverage for potential liability that could result for those volunteers' actions or inactions related to any construction activities of the River Bend Bike Park Project. LVPRPF shall inform each of those volunteers of that risk.

Park Management Policy:

Since the original concept of LVPRPF maintaining and operating the BMX Bike Park has changed, staff is now recommending the Bike Park be maintained by a specific River Bend Bike Park volunteer program. LVPRPF will also be responsible for contracting for a limited number of services as specified in the MOU. City General Fund contributions will be minimized by developing a Park Management Policy that specifies roles and responsibilities for City volunteers for the ongoing operation and maintenance of the park. The Policy will also detail consequences and authorized staff to take certain actions when responsibilities are not met. Staff will be returning to the Council for formal adoption of that policy within 90 days. The parameters of the volunteer program will be derived from Hilride's maintenance and operation plan, which is part of the MOU. There will be daily, monthly and annual maintenance obligations. If certain

obligations are not met and the volunteer program does not provide for proper maintenance and operation of the park, then staff will be authorized to take actions specified in the Policy, up to and including closing the Park and requiring LVPRPF to remove all the improvements. A few key elements that will be in the Park Management Policy to ensure the success of the project are as follows:

- Head Volunteer - To manage the core group of volunteers that perform daily, weekly, monthly and annual duties.
- Volunteer Phone Hotline – This will allow the public to express concerns about the park and be addressed promptly.
- Operations Plan – This will ensure all maintenance elements are clearly stated and roles, responsibilities, timelines are defined.
- Implementation – This will define the actions staff can take when volunteer maintenance is not in compliance with the Operations Plan. The goal will be to bring the Park back into compliance, but will address the circumstances that will lead to Park closure and removal.
- Volunteer Live Scans – This will ensure the core volunteer group that maintains the park will undergo a background check.

Fiscal Impact:

- Impact Fees – Approximately \$50,000 will provide a water line and meter to service the Bike Park, as well as other portions of River Bend Park's Phase 3.
- City Utilities – Approximately \$1,000 annually, likely beginning in the current fiscal year.
- City Staff – Approximately 10 hours weekly for maintenance, operations and oversight of volunteer force. This additional use of resources will likely begin after the current fiscal year and can be budgeted along with the overall 2013-2015 budget preparation process.

Conclusion:

Council is requested to consider the proposed MOU for a Bike Park at River Bend Park Phase 3. If Council approves the MOU, then direct staff to continue working with the LVPRPF and its Sub-Committee throughout the construction of the project. Approval of the MOU will allow the City to commence installation of the water infrastructure needed to service the project. Within 90 days, staff will bring back to Council for review and approval, a Park Management Policy.

Respectfully submitted,

Mario Guerrero Jr., Recreation Manager

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Kevin McCune, Public Works Director

Teresa Gallavan, Economic Development Director & Assistant City Administrator

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Laurel M. Barcelona, City Administrator

Attachments: 1) [MOU for Project Construction](#)