

# Agenda Report

December 3, 2018

**TO:** Honorable Mayor and City Council

**FROM:** Department of Public Works

**SUBJECT: APPROVAL OF MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR THE CONSTRUCTION OF A NEW RESTROOM AT THE JOHN MUIR HIGH SCHOOL SOUTH SPORTS FIELDS**

## **RECOMMENDATION:**

It is recommended that the City Council:

1. Find the project proposed herein to be categorically exempt under the California Environmental Quality Act (CEQA) Guidelines in accordance with Title 14, Chapter 3, Article 5, Section 15061(b)(3), the General Rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and Section 15378(b)(4), definition of "project" does not include certain government funding mechanisms; and
2. Approve a Memorandum of Understanding and Agreement (MOU) between the City of Pasadena (City) and the Pasadena Unified School District (District) for the partial funding of construction of a new restroom at the John Muir High School South Sports Fields for a total City contribution amount not-to-exceed \$300,000.

## **BACKGROUND:**

Having identified a shortage of suitable sports field space, the City entered into a joint use agreement with the Pasadena Unified School District (District) in FY 2014 to renovate the soccer field and construct a new restroom at Muir High School for shared use by both parties. The City agreed to implement and contribute the total development cost of the proposed improvements as outlined by Addendum Number 15 to City/School District Joint Use Agreement (Construction and Use of John Muir High School South Field, Agreement Number 13,991-15, executed on June 17, 2014) in exchange for the following prescribed City use of Muir South and a portion of the adjacent parking lot: Weekdays from 5:00 pm to 9:00 pm (summer to be adjusted annually per summer school use); and, Saturdays and Sundays from 8:00 am to 10:00 pm.



In FY 2015, City Council fully funded the Soccer Field and Restroom – Muir High School capital project, and in FY 2016, the City completed the soccer field renovations, including new sports lighting, accessibility improvements and site furnishings. In FY 2018, the City Council budgeted an additional \$300,000 for the construction of a small freestanding restroom which has not been completed.

The City designed a pre-fabricated restroom structure approved by the District; however, the State Department of Architect (City does not hold jurisdiction on public school properties) would not approve a pre-fabricated structure. To facilitate the acquisition of jurisdictional approvals/permits required by the State Department of Architect, the City and the District desire to enter into the subject MOU to assure an expeditious implementation of a permanent restroom structure at John Muir High School. The District agrees to design and construct the new restroom structure, and the City agrees to contribute financial support in the amount of \$300,000 towards construction of the restroom in exchange for the continued use of Muir South Sport Fields and this new restroom.

The key terms of this MOU are as follows:

1. The District shall be responsible for coordinating and shall pay for the total development cost of all aspects of implementing the construction of a new restroom at Muir South, including but not limited to environmental clearance, design, permitting, Division of State Architect (DSA) review and approval, bid advertising, award of construction contract, and construction management.
2. The District shall complete the construction of the restroom in its entirety, including punch-list items and make the new restroom available for use by the City by December 30, 2019.
3. The City agrees to contribute a one-time payment of \$300,000 of financial support to the District towards the construction cost of the restroom upon District's award of a construction contract. No additional payments will be made to the District regardless of the total development cost of the restroom. Any surplus from City-contributed funds shall be returned to the City within sixty (60) days of construction completion.
4. The term of this MOU shall commence on the date of execution through fulfillment of both party obligations, but no later than December 30, 2019. The District shall return the City-contributed funds of \$300,000 in entirety to the City should the District not be able fulfill its herein prescribed responsibilities or choose to terminate this MOU, regardless of costs accrued by the District as part of its total development cost of the restroom.

The District Board approved the MOU on November 15, 2018.

**COUNCIL POLICY CONSIDERATION:**

This MOU is consistent with the City Council's goals to improve, maintain and enhance public facilities and infrastructure and support and promote the quality of life and local economy, and ensure public safety.

**ENVIRONMENTAL ANALYSIS:**

This MOU is exempt from CEQA review pursuant to State CEQA Guidelines section 15061(b)(3). The MOU is covered by the general rule that CEQA applies only to projects which have the potential for causing significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to the provisions of CEQA.

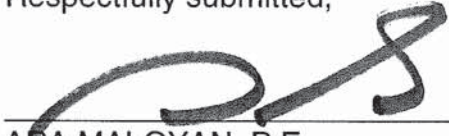
This MOU is also exempt because it is not a "project" pursuant to State CEQA Guidelines Section 15378(b)(4), which states that "project" does not include a government funding mechanism/fiscal activity that does not commit to any specific project which may have a potentially significant environmental impact. This MOU does not approve of construction of the restroom, and is only a funding mechanism/fiscal activity of the City that will allow PUSD to proceed with design, permitting and environmental review of the restroom. The construction of a restroom within an existing sports field in a highly urbanized area is not expected to have any potentially significant environmental effect. The specific design and subsequent construction of the proposed restroom will be subject to appropriate project-level environmental review during the design phase that is to be implemented by the District.



**FISCAL IMPACT:**

The total cost of this action will be a \$300,000 City-contribution in Residential Impact Fee (RIF) funds. Funding for this action will be addressed by utilization of existing budgeted RIF appropriation in the Soccer Field and Restroom – Muir High School (budget account 78055) CIP project. It is anticipated that all of the cost will be spent in FY 2019 and FY2020.

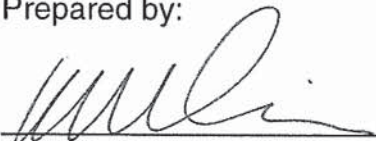
Respectfully submitted,



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Prepared by:



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Approved by:



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STEVE MERMELL  
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