

TOWN COUNCIL STAFF REPORT

Subject: Multi-Use Facility Location Options

Meeting Date: June 3, 2015

Written by: Daniel C. Holler, Town Manager
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Stuart Brown, Recreation Manager

RECOMMENDATION:

Provide direction to staff regarding the proposed relocation of the current Multi-Use Facility to Mammoth Creek Park West.

BACKGROUND:

On April 1, 2015 Town Council considered a recommendation from staff to relocate the current Multi-Use Facility to Mammoth Creek Park West. After staff discussion, Council directed staff to utilize previously authorized funds to continue due diligence for the proposed project, including a review of Mammoth Creek Park East. Town Council also designated the Recreation Commission as the lead advisory body and requested the Commission complete several tasks, including a community workshop, and to return to Town Council on May 6 for further discussion. The Recreation Commission tasks included:

- A. Review and Discussion of Proposed Relocation: At the regular meeting of the Recreation Commission on April 7, review and discuss the April 1 staff report and provide general comments and recommendations to staff and Town Council on the proposed relocation of the Facility to Mammoth Creek Park.
- B. Gather broad public comments regarding the proposed relocation of the Facility to Mammoth Creek Park. Provide reasonable public notice regarding the possible relocation and schedule an opportunity to engage the public.
- C. Engage and inform Mammoth Lakes Recreation on the scope of the project and discuss potential involvement.
- D. Work with staff on project due diligence, including preliminary planning, environmental, design, cost and schedule considerations.

On May 6, 2015 Town staff provided Council with an update regarding tasks A-D listed above and Town Council also received broad public input regarding the proposed relocation of the Multi-use Facility to Mammoth Creek Park west. Consensus direction

from Town Council was to continue the design work for the roof and to revise the budget numbers. The design should not preclude aesthetic additions. Council also directed staff to bring back an update including a list of issues and questions for Town staff to explain and answer at the June 3rd Council meeting.

ANALYSIS/DISCUSSION:

The Town Council developed a list of issues and questions for Town Staff:

- An explanation of the restrictions on school property.
- The difference between land that the Town already owned, land that the Town would need to acquire, and leased land.
- How environmental documents would mitigate light, noise, and traffic issues.
- How to achieve a multi-use facility, and not just an ice rink.
- Explain public and private view protection issues.
- Bring back estimates for different options.
- The differences in design need to be shown.
- The Recreation Commission and Mammoth Lakes Recreation Strategy Committee will work through the options and develop a recommendation.
- Show cost estimates for proposed amenities from the Plan Your Parks process.
- Ask the Mammoth Unified School District for a permanent home for the rink.
- Reach out to homeowners.

Staff has compiled information related to several of the items and are continuing to investigate and compile responses to the remaining questions. Information available as of this date is included in Attachment A.

OPTIONS ANALYSIS

Option 1: Provide direction to staff regarding the proposed relocation of the current Multi-Use Facility to Mammoth Creek Park West.

STAFFING CONSIDERATIONS

The relocation will need to be incorporated into the overall Public Works Program. This includes preparing plans and specifications and bidding out the project. The construction will be coordinated with the timing needed to relocate the buildings, fencing etc. Staffing for operations will be similar to the current Recreation Department operational budget.

FINANCIAL CONSIDERATIONS

The Town has set aside approximately \$825,000 for the initial roof project with the understanding additional funds could be raised by community efforts. As noted previously, the estimate for the roof, including foundation work and contingency, is \$987,000. The relocation will have additional costs. Based on the due diligence completed to date, cost of

the relocation may range from \$1,100,000 to \$1,300,000. The additional costs are anticipated to be funded primarily through an internal loan structure, with repayment to be made by funds currently used for lease payments. If approved, a more refined budget and funding option will be developed.

ENVIRONMENTAL CONSIDERATIONS

The site will require appropriate CEQA documentation. Following the development of the project scope an initial study will be completed to determine the level of CEQA required.

LEGAL CONSIDERATIONS

The site review has included the analysis of the USFS use permits and the constraints placed on the use of property under the permit.

MAY 6, 2015 – TOWN COUNCIL MEETING: MULTI-USE FACILITY RELOCATION REQUESTED TASKS

1. Explanation of the restrictions on school property

- Use of the facility is specified only as “athletic and recreational ice skating and other educational and cultural purposes” that can be fully accommodated within the confines of the property.
- Reference to the “intent of the TOWN to request a separate agreement for the ultimate construction of a permanent multi-use recreation, education and cultural center on land owned by the DISTRICT, and MCOE and the Kern Community College District.”
- Town may not assign its rights or sublease the facility or any portion of the property to any organization without District approval. Allows the Town to use for special events etc.
- Town is responsible for addressing any parking issues – including enforcing parking in parking areas of the Library parking lot and directing users of the facility to the High School Parking Lot during non-school times. If it becomes an issue, the Town is solely responsible for the cost of construction required to provide additional on-site parking.
- The Town cannot charge a fee for parking at the facility.
- The Town is obligated to provide District and MCOE student’s pre-requested exclusive use of the facility between 7:30 – 10:30 a.m. on all days in which school is in session and non-exclusive use at any other time Monday – Friday for school classes, functions and sport. The Town is also obligated to provide non-exclusive access for students up to 1:30 p.m. There are no fees or costs associated with school classes, sports or school based special events.
- A maximum discounted admission fee, inclusive of equipment rental is limited at \$2.00 per student, per visit.
- Town is obligated to work with MCOE to design, construct and fund a sign that will identify the Library and the facility.
- The Town is obligated to perform all snow removal at its expense, in the Library parking lot, on the road leading to the Library parking lot, the drop-off circle, the driveway leading to the facility and the facility parking lot. The Town is also required to clear snow at its expense, in any used portion of the Mammoth High School parking lot during school weekends and school holidays to provide for “overflow” parking when necessary.
- Town is required to comply with all provisions of Education Code Sections 45125.1 and 45125.2.
- MUSD representatives provided Staff with a Memorandum dated February 15, 2007 regarding the “Sale of Alcoholic Beverages at Joint Use Facility.” The document stated that “in general, the sale or possession of alcoholic beverages on school grounds constitutes a misdemeanor...however, Section 25608 provides several exceptions whereby any person may acquire, possess, or use any alcoholic beverage in or on ant public schoolhouse, or on any grounds.” Recently the Superintendent of the School District advised staff that there is new law that allows alcoholic beverages under specific circumstances. Staff is investigating this new law and will provide Council with an update when the information has been received and interpreted.

2. The difference between land that the Town already owned, land that the Town would need to acquire, and leased land.

Should Town Council decide to pursue acquisition of any USFS lands as part of this project, staff offers the following as an outline of what would be involved:

Background: The National Forests were “reserved” from the public domain because they were found to be worthy of National Forest System status. This is why the Forest Service does not have any general “disposal” authorities, like the Bureau of Land Management does. There are basically three ways in which they can convey parcels out of National Forest System lands: a Sisk Act acquisition, a land exchange, or a Townsite Act.

Sisk Act:

The Sisk Act provides for acquisition of land by a public school authority or a State, county or municipal government. The main point of this act is that the land considered had to be under a special use permit on January 12, 1983 and can only be used for the purpose for which it was permitted. In exchange for the land, they can receive non-federal land, cash or a combination of both. Cash that is received is put into a Sisk Act fund to be spent on acquiring land at a later date.

Land Exchange:

Land exchanges require approximately equal value (within 25% - which can be off set with cash) of non-federal land to be conveyed. More information on land exchanges can be found in the Code of Federal Regulations at 36CFR 254, Subpart A.

Townsite Act:

More information on the Townsite Act can be found in the Code of Federal Regulations at 36CFR 254, Subpart B.

FSM 5500 - LANDOWNERSHIP TITLE MANAGEMENT; CHAPTER 5570 - SALES, GRANTS, AND SPECIAL ACTS

Amendment No.: 5500-2011-1; Effective Date: January 31, 2011

National Forest Townsite Act of July 31, 1958 (72 Stat. 483; 7 U.S.C. 1012a; 16 U.S.C. 478a) as amended by Section 213 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2760). This Act authorizes the Secretary of Agriculture to set aside and designate National Forest System land for townsite purposes. Areas so designated may be sold to any qualifying county, city, or other governmental subdivision.

5571.2 - Townsite Act

National Forest System land in the 11 contiguous western states and Alaska may be set aside and designated as a townsite upon receipt of proper application from a governmental subdivision, including proof that there is a need to use the land for the stated purpose (FSH 5509.11, sec. 22 and see 36 CFR, Subpart B).

Regional foresters may convey the designated land at fair market value for townsite purposes upon determination that:

- The land is suitable for community purposes.
- The community may use the land without creating undue risk of resource damage to adjoining lands.
- It is possible to use the land without creating sanitary problems or endangering public health.
- The land is not necessary for more important Federal purposes.

Proceeds from a Townsite Act go to the general treasury and is not available to the Forests for acquisition of other land.

All land conveyances are discretionary actions. It would be up to the authorized officer to determine if the Forest Service would entertain a land conveyance, and which authority they would use. In all instances, the cost of the Federal land is based upon fair market value. And all of these involve processing costs, which would be borne by the applicant. All proposals are routed to a Regional Land Adjustment Team that takes the lead of processing proposals; any land conveyance would need to be put on their program of work. This is somewhat of a competitive process, as they service all of the Forests in California.

3. How environmental documents would mitigate light, noise and traffic issues.

Mitigation measures are identified during the CEQA/Environmental Documentation process. Once a complete project description is available, staff reviews the project and determines areas that need to be studied related to potential environmental impacts. Special studies and additional research are then pursued. During this process, staff and environmental consultants are engaged and in the end, if possible, the preliminary design can be modified to eliminate or mitigate impacts. The final environmental documents will provide details as to specific mitigation measures, if required. It is not reasonable to presuppose what those potential impacts or possible mitigation measures may be. As an example, however, should it be found that certain lighting may be an impact, one possible mitigation measure might be to shield the lights so they light is directed downward.

4. How to achieve a Multi-use Facility and not just an ice rink

The Mammoth Lakes Multi-use Facility is owned and operated by the Town of Mammoth Lakes through a partnership with the Mammoth Unified School District and Mono County Office of Education. The facility is located at 416 Sierra Park Road adjacent to the new Mammoth Lakes Library and opposite the Mammoth High School near the corner of Meridian Boulevard and Sierra Park Road.

During winter months the facility operates as an ice rink. From mid-June to the end of the September the facility welcomes guests to the Mammoth RecZone, which provides a variety of recreational activities. Seasonally, the facility hosts several programs, events and activities. Below is the facilities operating calendar.

2014/15 ANNUAL OPERATING CALENDAR

JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
ICE RINK	ICE RINK	CLOSED	CLOSED	CLOSED/EVENTS	RECZONE
JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
RECZONE	RECZONE	RECZONE	EVENTS	ICE RINK	ICE RINK

MAMMOTH ICE RINK

From Thanksgiving to the end of February, the Multi-use Facility operates as the Mammoth Ice Rink. The Ice Rink is an outdoor facility with lights and parking offering public skating sessions, pick-up hockey (home to the Mammoth Lakes Youth hockey), Learn to Skate programs for adults or youth, an exciting Youth Figure Skating Program, and lunch-time Broomball. Amenities include skate sharpening, skate rentals and snack and beverage services. The facility employs 7 seasonal staff and is supervised by a Recreation Supervisor.

2014/15 WINTER RATES

PER ENTRY	Skate & Rentals	Skate Only	5 Skate Pass & Rentals	5 Skate Pass Skate Only
Adults (16+)	\$12.00	\$8.50	\$51.00	\$36.00
Youth (5-15 yrs), Snr. (65+). Military	\$9.50	\$6.00	\$41.00	\$26.00
Kids (4 & under)	\$3.50	Free with paid adult	\$17.50	Free with paid adult

** Kids 4 and under must skate with an adult at all times.

The Mammoth Ice Rink accepts cash, Visa/MC and personal checks accepted (with valid Drivers License).

2014/15 WINTER SCHEDULE

The facility operates 7-days a week (weather permitting), opening at 11:30am Monday-Friday and at 8:00 am on weekends for programmed hockey sessions. During holiday periods the facility opens at 11:30am and closes at 9:30pm

MAMMOTH RECZONE

The Mammoth RecZone is the coolest place to hang out in summer! The facility is an outdoor venue (with shade, lights, and concessions) located in the heart of Mammoth Lakes offering fun on skates, blades, boards, nets, hoops and on ramps. General admission is only \$2.00 for youth (\$3.00 for adults) and includes access to volleyball, badminton, basketball, horseshoes, bean bag toss, blongoball, washer toss, skate ramps and more. Roller/inline skates are also available for rental.

The facility is heavily utilized in the summer by the Parks and Recreation Department for camp programs, and is available for birthday parties or family gatherings on wheels. In the fall, the facility is programmed for street hockey, adult dodgeball and hosts several seasonal community events including the Halloween Skate Party, Skate with Santa, and the East Coast New Year's Eve Party. The Mammoth RecZone can be reserved for the exclusive use for only \$50/hr. or per day (8-hours) for \$200 by reservation only, subject to availability.

2015 SUMMER SCHEDULE

Activity*	Mon.	Tues.	Wed.	Thur.	Fri.	Sat.	Sun.
Scheduled Operating Hours					3:00 to 9:00PM	3:00 to 9:00PM	3:00 to 9:00PM
Available for party rental or for a special event**	12:00 to 9:00PM	12:00 to 9:00PM	12:00 to 9:00PM	12:00 to 9:00PM	12:00 to 3:00PM	12:00 to 3:00PM	12:00 to 3:00PM

*subject to change, weather permitting

**Reservations required

2015 SUMMER RATES

PER Admission	Adult 16+	Youth/Snr. Military	Child <4	MUSD/MCOE student
Admission	\$3.00	\$2.00	FREE	\$2.00
Skate Rentals + Admission	\$6.00	\$4.00	\$3.00	Included
5 Skate Pass with Rental	\$30.00	\$20.00	\$15.00	\$10.00

* Roller skates, inline skates, scooters, skate boards (No bikes allowed) – helmets and proper safety equipment recommended.

** Kids 4 and under must skate and/or play roller hockey with an adult at all times.

***Fees are based on entry to the facility and include use of all activities and skate rental.

5. Explain public and private view protection issues

Town regulations, such as the General Plan and Town Code, only include policies and regulations that protect public views (i.e., views from streets, sidewalks, and public places). Private views (e.g., views from private units, such as businesses and residences) are not considered during project analysis.

6. Bring back estimates for different options

Staff is continuing to refine previously provided cost estimates. This effort includes gathering of topographic and utility information related to the Mammoth Creek Park site.

7. The differences in design need to be shown

Staff continues to research various facility design alternatives.

8. The Recreation Commission and Mammoth Lakes Recreation Strategy Committee will work through the options and develop a recommendation.

A special meeting of the Recreation Commission has been scheduled on Monday, June 8, 2015 from 5:00-7:00 p.m. in Suite Z. In attendance will be the Mammoth Lakes Recreation (MLR) Board to participate in a design charrette for Mammoth Creek Park West. The purpose of the charrette is to understand what facilities could be placed on the site and what facilities would we have to forgo by placing the Multi-use Facility on MCP west.

9. Show cost estimates for proposed amenities from the Plan Your Parks process

Staff is researching data from other recently constructed facilities and will provide rough per square foot based cost estimates.

10. Ask the Mammoth Unified School District for a permanent home for the ice rink

Closed session was conducted on May 20, 2015 (No reportable action). Meeting scheduled with MUSD/MCOE representatives on June 4, 2015.

11. Reach out to homeowners

Prior to the April 30, 2015 site presentation at Mammoth Creek Park, Town staff mailed a letter/map to 237 property owners located in close proximity to the park. In addition, 1,100 emails were distributed to Town e-News, Recreation this Week and Plan Your Park Subscribers. In the last month, the Town has received over 30 emails/letters from citizens regarding the project that were distributed to council and have been collated and sorted for future correspondence.