



COUNCIL REPORT

DATE: September 12, 2023

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **Discontinuation of School Field Joint Use Agreement Between the City and Mountain View Whisman School District**

RECOMMENDATION

1. Authorize the City Manager to direct City staff to terminate the 2000 Joint Use Agreement between the City and Mountain View Whisman School District and determine the timing and actions necessary to have a transition in maintenance and scheduling responsibilities to the District for the school fields and facilities at the Bubb, Castro, Imai, Landels, Vargas, Monta Loma, Stevenson, and Crittenden Schools.
2. Affirm the City Council's continued commitment to the current agreements governing the Mountain View Sports Pavilion at Graham Middle School, Graham Middle School Maintenance Agreement, Mountain View Sports Center at Crittenden Middle School, and the easement agreement between the City and Mountain View Whisman School District for the City's use of land at Crittenden School for the extension of the Permanente Creek Trail providing a safe route to school.
3. Approve the Mayor sending a letter communicating these actions to the Mountain View Whisman School District Board of Trustees (Attachment 1 to the Council report).

BACKGROUND

The City of Mountain View has a long history of working with the Mountain View Whisman School District (MVWSD or District) to provide the community with access to open space, recreational facilities, and programs. This includes the shared use of gymnasiums, installation of the fields at Graham Middle School atop an underground reservoir, providing trail access to school sites, and implementing and funding shared programming, such as the Beyond the Bell after-school program.

One of the longest-standing collaborations provides the community with access to MVWSD open space through joint use agreements that have existed for over 60 years. The City currently pays approximately \$1.5 million per year in staff time and utility costs to maintain MVWSD school fields. The City also pays for capital improvements on publicly used school property, such as turf

replacement, sprinkler system upgrades, public restrooms, etc. In addition, City staff works to schedule school open space for youth and adult sports and organized community group use.

Joint Use Agreement History and Successor Negotiations

The City first entered into a Master Joint Use Agreement (JUA) in 1959 with what was then called the Mountain View School District (MVSD). The school locations associated with this agreement include Bubb, Castro, Cooper, Graham, Huff, and Slater (now Vargas). In 1960, the City entered into a very similar master joint use agreement with the former Whisman School District, which included Monta Loma, Theuerkauf, Whisman, Crittenden, former San Ramon, and Stevenson Schools.

Over the years, the JUA with MVSD has been updated twice since 1959, and the most recent agreement term is from September 26, 2000 to June 30, 2025. The 1960 JUA with the Whisman School District is no longer in effect with all site-specific agreements under that JUA having expired; however, the City has continued to maintain the fields and manage reservations as it did during the term. Through the election process in the year 2000, Measure C was passed, and the MVSD and Whisman School District were merged to form the Mountain View Whisman School District.

At various points in time, separate joint use, maintenance, and easement agreements have been entered into at Graham and Crittenden Middle Schools, including agreements for joint ownership of the gymnasiums at these locations. These agreements are further described in the Analysis section below.

In 2019, City and MVWSD staff began meeting to negotiate a new master JUA regarding school fields that would be a successor to the MVSD agreement that expires in 2025 and would formally incorporate the schools in the former Whisman School District agreement. In the meantime, the two agencies have acted implicitly as if the 2000 JUA applied to all school sites, with MVWSD providing public access and the City maintaining and managing rentals at all school fields. Due to COVID-19 impacts and other priorities, the discussions were limited until 2022, when the City and MVWSD began meeting again regularly to reach a new agreement.

MVWSD Stop to JUA Discussions

Considerable progress was made working through agreement terms until February 2023, when MVWSD staff communicated that the negotiations of the JUA would be paused. Shortly thereafter, the School Board heard an item at its March 2, 2023 meeting regarding District staff assumptions about the impact of housing growth from the Google North Bayshore Master Plan. During the presentation of this item, the Superintendent expressed a possible need to place portable units on school open space property (in particular, at Monta Loma Elementary open

space) to accommodate potential enrollment growth due to future housing development, and questioned the need for continued joint use of open space with the City. Since the February/March 2023 time frame, MVWSD staff has not reinitiated any communications with City staff on the negotiation of the JUA.

Furthermore, on May 3, 2023, the Superintendent sent a letter to the City's Parks and Recreation Commission providing input for the City's Parks and Recreation Strategic Plan. In this letter, the need to place portable buildings on school open space sites was reiterated. The Superintendent also raised concerns about the current JUA along with potential solutions. The suggested solutions included the District taking over the fiscal and administrative responsibility for maintaining the fields and managing field rentals (see Attachment 2).

MVWSD Actions at School Field Sites

The proposal in the May 3, 2023 letter from the Superintendent is consistent with other MVWSD independent actions, including the placement or proposed placement of fences on school fields notwithstanding City and community member concerns; the unilateral removal of City park signs and replacement with District school field signs; and the extension of the hours of dedicated school use of the fields at some school sites.

Fencing of School Sites

During the summer and early fall 2020, MVWSD began communicating to the community the District's interest to install perimeter fencing at school sites to increase campus security. Each school site was evaluated, and some locations were identified as needing minimal changes, such as adding gates to existing access points. Other school campuses were identified as needing a significant amount of perimeter fencing to meet the District's safety concerns.

Both the District and City received significant concerns from residents related to the proposed fencing, including and especially from the Monta Loma neighborhood. On February 23, 2021, the City Council provided feedback to the District regarding the proposed perimeter fencing project, stating the City's interests, concerns, and priorities specifically for Monta Loma School. The District formed a short-lived community working group and paused the placement of fencing at Monta Loma Elementary School.

At its August 17, 2023 meeting, the Superintendent presented options for installing fencing at Monta Loma Elementary School, and a follow-up special Board meeting was held on August 28, 2023 to consider three fencing options with different amounts of open space left open for community access during the school day. The District also held a community input meeting on August 24, 2023 and took input at the Monta Loma Neighborhood Association ice cream social.

The School Board is scheduled to make a decision on which fencing option to install at its September 7, 2023 meeting.

The existing JUA states that if the District seeks to install facilities or equipment in the “Park Area” of school sites, then the District shall confer with the City to obtain the City’s comments. Unfortunately, the City was not invited to have input on the three proposed Monta Loma fencing design options, and City staff was advised there was no need to help provide community feedback opportunities.

Removal and Replacement of City Park Signs

On August 8, 2023, upon arrival to work at school sites, City park crews saw MVWSD staff removing City park signs and replacing them with School District field signs. For example, a sign that once said “City of Mountain View Bubb Park” now says “Mountain View Whisman School District Bubb Elementary Field.” City signs were taken down at all schools with open space. The following pictures below show a few of the new signs the District installed.





Although the topic of signs had been discussed during the JUA negotiations, no conclusion or decision had been reached, and the City was not given any opportunity to engage on the ultimate decision to replace the existing signs or the wording of the new signs.

In addition to changing the large signs at these school sites, at the August 17, 2023 MVWSD Board of Trustees meeting, the presentation related to Monta Loma fencing included proposed new signage. These smaller signs provide the public with additional guidelines and rules, such as no public access during school hours, no alcohol, drugs or smoking permitted, and contact information. Similar signage is currently available and has both the MVWSD logo and City logo on it. The new proposed signs have been designed by the District with no City review or input and do not include the City logo.

ANALYSIS

Given these actions and communications by MVWSD, the City accepts the proposal in the Superintendent's May 3, 2023 letter to the Parks and Recreation Commission for the District to assume financial and operational responsibility for the maintenance and scheduling of its school fields. In order to effectuate a transition in these responsibilities, staff anticipates the following steps and considerations, including:

1. Sending a formal letter from the Mayor to the MVWSD Board of Trustees communicating the City's intent to accept the District's proposal and discontinue joint use of the District's fields (included in this report as Attachment 1).
2. Sending a formal letter from the City Manager to the Superintendent formally terminating the 2000 JUA between the City and the former Mountain View School District.
3. Coordinating with MVWSD staff to develop a transition plan for the District to take on school field maintenance and scheduling responsibilities for the school fields and facilities at Bubb, Castro, Imai, Landels, Vargas, Monta Loma, Stevenson, and Crittenden Schools, which are covered by either the current JUA with the former Mountain View School District and the expired JUA with the Whisman School District.
4. Engaging school field user groups to communicate about and seek their input into the transition throughout the process.
5. Identifying opportunities to accommodate more youth sports and other user groups on City-owned fields and developing schedules accordingly.
6. Reassigning City parks crews to existing and new parks and the maintenance of the Castro Pedestrian Mall and broader downtown area to enhance levels of service and address unmet needs in these areas.
7. Assessing community needs for parks, open space, and recreation programs and developing creative strategies for achieving the City's park land goals through the Parks and Recreation Strategic Plan, including the identification and purchase of land for new parks.
8. Redirecting savings from maintenance and capital improvements of school fields to the purchase of land and expansion of City parks throughout Mountain View, focusing in particular on underserved areas and neighborhoods.

9. Affirming the City's commitment to continued collaboration and shared use at the following sites governed by separate joint use agreements, including:
 - a. Mountain View Sports Pavilion at Graham Middle School, which is co-owned by the City and MVWSD and which is maintained at the City's expense in accordance with a Master Agreement executed in 1984 and a subsequent Maintenance Agreement executed in 2003.
 - b. Graham Middle School fields for which the above-referenced Maintenance Agreement provides for the City to construct and maintain the school fields in exchange for the placement of an eight-million-gallon water reservoir under a portion of the football field.
 - c. The Mountain View Sports Center at Crittenden Middle School, which is co-owned by the City and MVWSD and which is maintained at the shared expense of the two agencies.
 - d. An easement agreement between the City and MVWSD for the City's use of land at Crittenden Middle School for the extension of the Permanente Creek Trail which provides a safe route to school for students.
10. Engaging MVWSD staff in discussion regarding the preferred approach for maintaining and scheduling the use of the separately owned but adjoining parcels of land enjoyed by the public as contiguous recreation space at Cooper and Whisman Parks.
11. Engaging MVWSD staff in discussion about maintenance responsibilities for the City-owned parcel of land at Stevenson Elementary and the District administration building, on which there is a publicly used tennis court and a District parking lot.

With Council's approval of staff's recommendations, City staff will engage MVWSD to determine additional steps and considerations.

FISCAL IMPACT

The City spends approximately \$1.5 million in staff and utility costs to maintain MVWSD fields each year and also programs capital projects as needed for school field improvements. Based on the Five-Year Capital Improvement Program (CIP) adopted by Council in June 2023 and past experience, the City's capital investments to maintain and renovate the school fields and related facilities averages approximately \$450,000 per year. Existing staff would be reassigned to other parks maintenance responsibilities to help with unmet needs and improve levels of service.

