



**To:** Mayor and City Council

**From:** Michael Chandler, Assistant to the City Manager

**Subject:** Amend Master Fee Schedule – Senior Center Jazzercise Class Rental

**Date:** September 13, 2016

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**Recommendation**

Adopt a resolution to amend the City’s Master Fee Schedule by establishing a reduced rate of \$35 per class for the Martinez Adult Education’s rental of the Martinez Senior Center for Jazzercise.

**Background**

Martinez Adult Education, a component of the Martinez Unified School District (“MUSD”), began operating a variety of classes out of the Martinez Senior Center in the 1990’s. These classes were provided as a means of supplementing existing Senior Center classes at inexpensive rates. Due primarily to State funding cuts, the only remaining Martinez Adult Education class still offered at the Senior Center in 2016 was Jazzercise. This popular class is held in four 10-week sessions throughout the year with approximately 40 participants per session.

Following an emergency medical incident with a participant during one of the Jazzercise classes in May 2016, City staff reached out to MUSD staff to try and determine the status of an agreement between the parties for the class and confirm the City was covered as an additionally insured party. MUSD researched the issue and determined that the only agreement on file was a facility use agreement signed by the parties in 1994. Given the potential liability issues and the fact space was available to host the class on Martinez Adult Education grounds, MUSD informed the City in June 2016 it was pulling the Jazzercise class from the Senior Center and relocating it to Martinez Adult Education campus.

City staff has coordinated with MUSD and Martinez Adult Education representatives since June to sort out the various options for providing Jazzercise in Martinez, including the City directly contracting with a Jazzercise instructor. Subsequent research revealed that if the City pursued this arrangement the charge per class would be at a rate significantly higher than what Martinez Adult Education charges its participants. Due to scheduling issues, the class would also have to be held at the same times as the Martinez Adult Education Jazzercise classes, which would likely act as an additional deterrent to enrollment.

The current rental fees within the City's Master Fee Schedule for Martinez non-profit organizations' use of the Senior Center are \$45 per hour per section, with a security deposit of \$75 per section. The Jazzercise class requires 3 sections, which at present would qualify for a rental fee of \$135 per class and a security deposit of \$225 per class. The City, however, recognizes the value an affordable Jazzercise class offers its members and seeks only to recover the approximate cost of \$35 per class for its expense in providing custodial services to set up before and clean up after each class. As such, the City proposes revising page 18 of the Master Fee Schedule to establish a flat rate of \$35 per Jazzercise class. Although MUSD has indicated the City's custodial expense would be treated as a pass-through to the class participants, numerous Jazzercise participants have expressed their support to the Senior Center Supervisor for returning the class to the Senior Center, even at an additional cost.

The City and MUSD recognize the necessity of entering into a "Provisions of Use" rental application agreement similar to what other parties must use to reserve the Senior Center. Through this mechanism, the City would be held harmless and covered as an additional insured by MUSD.

#### **Fiscal Impact**

Given there are typically 30 Jazzercise classes offered during each 10-week session (with slight variations during holiday periods), the City's cost recovery of \$35 per class will generate approximately \$1,050 per session, or \$4,200 per year.

#### **Attachments**

- Resolution
- Exhibit A - Community Services Senior/Community Center (page 18 of Master Fee Schedule)

**APPROVED BY:**



Brad Kilger, City Manager

**RESOLUTION NO. -16**

**AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH A REDUCED RATE OF  
\$35 PER CLASS FOR THE MARTINEZ ADULT EDUCATION'S RENTAL OF  
THE MARTINEZ SENIOR CENTER FOR JAZZERCISE**

**WHEREAS**, Martinez Adult Education ("Adult Ed"), a component of the Martinez Unified School District ("MUSD") has had a longstanding partnership with the Martinez Senior Center ("Senior Center") through which the Senior Center has supplied its facility at 818 Green Street and Adult Ed has provided a variety of classes to seniors at affordable rates; and

**WHEREAS**, due to funding constraints, the only remaining Adult Ed class offered at the Senior Center in 2016 was Jazzercise; and

**WHEREAS**, Jazzercise is a popular class held four times per year in 10-week sessions of three classes per week, with approximately 40 participants per session; and

**WHEREAS**, the parties realized in May 2016 that no current agreement for Adult Ed's use of the Senior Center was on file, and the City may not be properly protected under its current arrangement with MUSD against liability exposures which could arise from the Jazzercise class; and

**WHEREAS**, given these concerns, Adult Ed elected to relocate the Jazzercise class to its campus in June 2016; and

**WHEREAS**, since that time, the parties have held numerous discussions in an attempt to find a solution to returning the Jazzercise class to the Senior Center; and

**WHEREAS**, the Jazzercise class requires 3 sections of the Senior Center for a period of one hour; and

**WHEREAS**, the current rental rate for non-profits' use of the Senior Center is \$45 per section per hour, with a \$75 security deposit per section; and

**WHEREAS**, the City recognizes the value the low-cost Jazzercise class has provided participants for many years and is willing to offer a significant subsidy to continue that practice; and

**WHEREAS**, the City seeks only to recover the approximate cost the City incurs for its custodial support of the class at a flat rate of \$35 per class; and

**WHEREAS**, the City and MUSD both believe this reduced flat rate of \$35 per class is not only fair and reasonable, but also modest enough that if passed through to the class participants as indicated by MUSD, it would not impose an undue burden on the participants such that the class would be unaffordable to interested eligible persons.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of Martinez adopts the proposed fee amendments shown in red (specifically, rental rate of \$35 per class for Martinez Adult Education Jazzercise Class) by Exhibit A in the attached and incorporated page from the Community Services Senior/Community Center Fee Schedule, amending page 18 of the City's Master Fee Schedule.

**BE IT FURTHER RESOLVED** this Resolution shall become effective on September 21, 2016.

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**I HEREBY CERTIFY** the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of Martinez at a Regular Meeting of said Council held on the 21<sup>st</sup> day of September, 2016, by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK  
CITY OF MARTINEZ

Exhibit A

**CITY OF MARTINEZ**  
**COMMUNITY SERVICES – SENIOR/COMMUNITY CENTER**  
*Fees effective May 21, 2015, amended by Resolution No. 066-15*

**SENIOR CENTER MEMBERSHIP**

Martinez/Non-Residents: \$10/year

**SENIOR/COMMUNITY CENTER RENTAL**

Capacity: 50 for dining (per section – 3 sections)  
 80 for assembly (per section – 3 sections)

<b>Rental Component</b> (current rates)	<b>Cleaning/ Security Dep.</b> (refundable)	<b>Martinez Resident &amp; Non-profit Org.</b>	<b>Non-Martinez Individual &amp; Non-profit Org.</b>	<b>Corporate (Local &amp; Non-Martinez)</b>	<b>Martinez Adult Education Jazzercise Class</b>
Per Section	\$75	\$45/hr	\$60/hr	\$80/hr	\$35/class (3 sections)
Kitchen	\$100	\$25/hr*	\$25/hr*	\$25/hr*	n/a
Alcohol served	\$100	n/a	n/a	n/a	n/a

\*If food is served, kitchen must be rented entire time of rental.

Minimum Rental: 4 hour minimum on Friday, Saturday, Sunday and holidays  
 2 hour minimum on other days

Deposits: Due upon application and confirmation of date

Policy regarding sale of alcoholic beverages: A license from the Alcoholic Beverage Control Board is required if alcohol is sold. In addition, licensed security personnel must be provided by the facility user. Appropriate permits and verification of security personnel are required upon payment of final fee.

Cancellations: Rental fees will be refunded. A portion of the deposit will be withheld according to the following schedule:

31 days or more prior to scheduled date	10% of deposit
15 to 30 days prior to scheduled date	20% of deposit
1 to 14 days prior to scheduled date	30% of deposit