



# AGENDA REPORT

**Department:** Library and Community Services  
**Prepared by:** Joyce Ryan, Library & Community Services Director  
**Meeting Date:** Tuesday, February 7, 2023  
**Approved by:** Brad Raulston, City Manager

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**SUBJECT:**

Approval of Agreement with EXOS Community Services LLC for Las Palmas Pool Operations

**RECOMMENDATION:**

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, authorizing the Mayor to Execute a Service Agreement between the City of National City and EXOS Community Services, LLC, to provide Aquatic Programs and Services at Las Palmas Pool located at 1800 East 22<sup>nd</sup> Street."

**BOARD/COMMISSION/COMMITTEE PRIOR ACTION:**

Not Applicable.

**EXPLANATION:**

EXOS Community Services, LLC has provided aquatics programs and services at Las Palmas Pool since 2015. They have continued in that role since then, with the exception of a short period of closure due to COVID.

On October 19, 2021, the City Council approved the emergency repairs to Las Palmas Pool. The pool widening project was approved on February 1, 2022, and the new Las Palmas Pool Wellness Center was approved at the February 15, 2022 meeting. During this time, EXOS staff have contributed valuable information and insight into pool operations, assisting staff and consultants with their knowledge.

The most recent agreement with EXOS Community Services LLC was approved by City Council on June 16, 2020 following a closure due to COVID. The First Amendment to the Agreement was approved by City Council on June 15, 2021 extending the term of the agreement to June 30, 2022. The Second Amendment to the Service Agreement approved by City Council on June 21, 2022 extended the term to December 31, 2022.

Staff are anticipating the reopening of the pool in Spring 2023. The continued service of EXOS will ensure a smooth transition to the new pool operation. Due to the pool widening, there are additional opportunities for programming and revenue generation. Staff are recommending a longer agreement as this allows EXOS to better serve the community by providing consistent programming and compete for lifeguard staff during a nationwide lifeguard shortage.

The proposed new agreement with EXOS includes a few modifications to the City's standard contract. These modifications include limiting EXOS's indemnity obligations to negligent performance of its obligations and the inclusion of a mutual liability cap. As EXOS provides world-class services on an international basis, and, as a much larger organization than it was in 2018,

it can no longer assume the risks it has historically assumed under the prior contract. Given that EXOS's scope of work is limited to programming and the City is responsible for maintenance of the public facility the proposed modifications are reasonable.

**FINANCIAL STATEMENT:**

Revenues and expenditures for pool operations were included in the FY23 budget.

**RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:**

Parks, Recreation and Library

**ENVIRONMENTAL REVIEW:**

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378; PRC 21065.

**PUBLIC NOTIFICATION:**

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

**ORDINANCE:**

Not Applicable

**EXHIBITS:**

Exhibit A – Service Agreement between City and EXOS Community Services

Exhibit B – EXOS Community Services – Las Palmas Pool Budget FY23

Exhibit C – Second Amendment to Service Agreement for City and EXOS Community Services  
July 1, 2022 – December 31, 2022

Exhibit D – Resolution