



## Re: Public Records Request - Brea Dam

18 messages

David Curlee <dcurlee@gmail.com>

Wed, Aug 19, 2015 at 12:48 AM

To: Hugo Curiel <HugoC@ci.fullerton.ca.us>

Cc: Joe Felz <JoeF@ci.fullerton.ca.us>, Alice Loya <AliceL@ci.fullerton.ca.us>

Hugo/Alice/Joe:

Thanks for your phone call today, Hugo. I want to reiterate something I said on the phone: I don't hate any of you guys. Really, I don't. Some of the documentation I'm asking about below may not exist. It's possible only one of you is aware of such documents, so having Mr. Felz in on the conversation may be helpful given his prior role in Parks & Rec.

1. First part is the **Annual Plans** submitted by American Golf, and the **Approvals** of those Annual Plans. Alice, you sent me a file that covered the yellow text below, for the 2015 year. I'm still interested in documents covered by the **green** highlighted text. That way, I have both a complete Annual Plan, and the Approval issued for it. If no Approval(s) exist because the City failed to review the Annual Plan for 2015 (or any earlier year since 2010), then just say so.

### 3.2 Annual Plans.

3.2.1 Preparation. AGC will submit to City at least sixty (60) days in advance of each Operating Year (except for the first Operating Year for which the Annual Plan shall be submitted prior to the Commencement Date) an "Annual Plan" consisting of (a) a budget which shall include for the ensuing year (or portion thereof) estimates covering the projected revenues of the Facility (broken down on a line item basis) and the projected expenditures for (i) property operation and maintenance, (ii) Capital Improvements which constitute normal repairs, replacements, and alterations, (iii) Furnishings and Equipment and Operating Inventory, (iv) advertising, sales, and business promotion and (v) employee Compensation and (b) an operating/business plan for the Facility setting forth in detail a marketing and promotions plan, a schedule of proposed golf charges, an operating schedule (which shall include hours of operation and staffing levels) and a maintenance plan. City acknowledges that the budget will not constitute a guarantee of the actual revenues or expenses of operating the Facility. The parties

03674-00081/1753550.8

4

Fullerton Golf Course Management Agreement  
12/01/10, Page 5 of 23

understand that, as provided in Section 10.1, budgets for Major Capital Improvements will be treated separately and will not form part of the Annual Plans.

3.2.2 Approvals. Each Annual Plan shall be subject to the prior written approval of City, which approval shall not be unreasonably withheld. It is contemplated by the parties that the Annual Plan will be agreed upon by the parties not later than thirty (30) days following delivery of the Annual Plan by AGC to City. If City fails to either approve the Annual Plan within said 30-day period or to advise AGC of its objections to the Annual Plan within such period, then City shall be deemed to have approved the Annual Plan as submitted. In the event of a dispute with regard to an Annual Plan, the parties shall use good faith efforts to resolve such dispute. Pending the resolution of such dispute, AGC shall continue to manage and operate the

2. Next part is the **Profit & Loss Statements** which Alice should have received from American Golf. These are required by the contract, both monthly and annually. I would like to request copies of all of them for the FY14-15 year if you have them.

6.5 **Reports to City.** AGC will deliver, or will cause the accounting firm described in Section 6.7 below to deliver, to City the following forecasts and statements:

03674-00081/1753550.8

13

---

Fullerton Golf Course Management Agreement  
12/01/10, Page 14 of 23

(a) at least sixty (60) days in advance of each Operating Year (except the first Operating Year), an estimated profit and loss statement and an estimated cash flow projection for the ensuing Operating Year;

(b) within twenty (20) days after the end of each calendar month, a profit and loss statement showing the results of operation of the Facility for such month and for the year to date; and

(c) within forty-five (45) days after the end of each Operating Year, a profit and loss statement showing the results of operation of the Facility for such year. If requested by City, and at City's expense, the year end financial statements shall be accompanied by an opinion rendered by an independent certified public accounting firm.

3. I'm pretty sure Alice confirmed that no amendments or revisions exist for the December 2010 Management Agreement with American Golf. Can anyone confirm this?

4. Alice sent me the contract and a number of amendments for Golfer's Paradise (next to the Auto Club on Harbor Blvd). This is good, and I'm grateful for that. **But missing from the assortment is the contract amendment(?) that Mr. Felz negotiated in August 2008.** Negotiations were mentioned at the August 19, 2008 City Council meeting without any explanation.

5. Alice sent me what I've termed "invoice bundles" from American Golf for the months of December 2014 and June 2015. The exact file names were as follows: **12 2014 60111 Billing.pdf** and **06 2015 - 60111 Expenses Billing.pdf**. These consist of an invoice for payment, with copies of bank paperwork, utility bills, and payroll reports.

In my followup records request dated 8-10-2015, I asked for the remaining months of the FY2014-15 year. So, I'm requesting the equivalent invoice bundles for the months of **July, August, September, October, November 2014** plus **January, February, March, April, May 2015 -- and any additional receipts, invoices, statements for FY2014-15 that were not included in those bundles.** If no other additional documentation exists, just say so.

I do have other files to request, and other questions to ask, but I don't want to overwhelm you any more than I have already. The above items only cover what remains outstanding from my prior records requests.

Thank you for your time,

David Curlee

To: David Curlee <dcurlee@gmail.com>

Cc: Mea Klein <MeaK@ci.fullerton.ca.us>, Hugo Curiel <HugoC@ci.fullerton.ca.us>

Mr. Curlee,

Attached is some of the documents requested in the email below for the Fullerton Golf Course. The items covered under the yellow and green highlighted sections below – i., ii., iv. and v. are included in the [2015 Fullerton GC Annual Comparison and Plan](#) spread sheet I sent you previously. There have been no changes that warranted any other document except for the inventory that was lost in the fire earlier this year and the water maintenance plan in response to the new drought requirements. I attached the new inventory sheet and drought plan. City staff approved and accepted the plans. **City Council approved the budgeted plan which was included in the City operating and CIP budget.**

There are no amendments to the management contract with American Golf Corp.

I have not included the detailed monthly operating payment invoices because each file is 4 to 6 MB. Please let me know how you would like to receive them – paper copies to be picked up, CD to be picked up, or separate email for each month.

I also included the expired 2008 agreement with Golfers Paradise.

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O 714.738.6587 | F 714.738.6599**

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

**From:** David Curlee [mailto:[dcurlee@gmail.com](mailto:dcurlee@gmail.com)]

**Sent:** Wednesday, August 19, 2015 12:49 AM

**To:** Hugo Curiel

**Cc:** Joe Felz; Alice Loya

**Subject:** Re: Public Records Request - Brea Dam

[Quoted text hidden]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.


---

#### 5 attachments

 **2014 Fullerton GC YTD Financials (P&L).pdf**  
59K

 **Fullerton Equipment Inventory 2015 City Copy.pdf**  
24K

 **AGC Reimbursement April & May 2015 Billing.Revised.pdf**  
4442K

 **01-Let. of Agreement - Pkg Lot (2008-09).PDF**  
109K

 **FGC Water Reduction Plan Alternative Compliance Plan request .pdf**  
83K

---

**David Curlee** <dcurlee@gmail.com>  
To: Alice Loya <AliceL@ci.fullerton.ca.us>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>

Thu, Aug 20, 2015 at 2:40 PM

Alice:

Please see my comments below in **red**:

Thank you for your time!  
David Curlee

On Thu, Aug 20, 2015 at 8:44 AM, Alice Loya <AliceL@ci.fullerton.ca.us> wrote:

Mr. Curlee,

Attached is some of the documents requested in the email below for the Fullerton Golf Course. The items covered under the yellow and green highlighted sections below – i., ii., iv. and v. are included in the [2015 Fullerton GC Annual Comparison and Plan](#) spread sheet I sent you previously. There have been no changes that warranted any other document except for the inventory that was lost in the fire earlier this year and the water maintenance plan in response to the new drought requirements. I attached the new inventory sheet and drought plan. City staff approved and accepted the plans. City Council approved the budgeted plan which was included in the City operating and CIP budget.

The "Annual Plan" documents are a requirement of American Golf whether any changes were warranted or not. It's not something that you or the City are responsible for writing -- it's totally on them to do and send in. I guess that's what concerns me because unless you still have other documents, the rest of the 2015 Annual Plan is missing. For example, Section 3.2.1 (b) of the Management Agreement calls for an Operating/Business plan to be included in the Annual Plans and I haven't seen anything that resembles that.

Thanks for sending the equipment inventory. But as you probably noticed, 3.2.1 (iii) calls for American Golf to submit "**Furnishings and Equipment and Operating Inventory**". Do you know if American Golf has ever submitted data on Furnishings and Operating Inventory? I'm not sure what they consider "Operating" inventory, possibly food at the restaurant and inventory at the pro shop?

If there ever were another fire (hopefully never), some idea of Furnishings and other inventory held by AGC -- but really owned by the City -- is really important for both accounting and insurance claim purposes. Same thing in the event of theft or damage, that kind of thing.

Listen, I'm not trying to give you a hard time about these Annual Plans, but given how important they are, did AGC simply not submit them? Or maybe the rest of the Annual Plan has been misplaced?

There are no amendments to the management contract with American Golf Corp.

Thanks for the confirmation.

I have not included the detailed monthly operating payment invoices because each file is 4 to 6 MB. Please let me know how you would like to receive them – paper copies to be picked up, CD to be picked up, or separate email for each month.

Thanks for sending the May 2015 file. My Gmail account can receive 25 MB e-mails but I don't know if the City's e-mail server can send e-mails that large. If you're able to send the remaining months, maybe two or three or four months at a time, that would be great. Otherwise, I can arrange for a disc to be made.

I also included the expired 2008 agreement with Golfers Paradise.

Just to clarify, does that agreement pertain to the same matter? The signed agreement you sent is dated July 7, 2008. There were closed session negotiations on the agenda for the August 19, 2008 City Council meeting. I'm confused about the discrepancy in dates.

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

☎ 714.738.6587 | 📠 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Thu, Aug 20, 2015 at 4:18 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Mr. Curlee,

The plan I emailed you is the approved annual plan. The plan includes a target budget and comparison for all items required and is considered that business plan that you are looking for. The plan includes budgeted line items for salaries, marketing, improvements, maintenance, etc. There have been no significant changes to the plan since we entered into the management contract.

The inventory list I sent you is what is referenced in the agreement. We do not capitalize smaller items like soft drinks, gloves, etc. Those smaller items are constantly changing as we sell and replenish or purchase different items. The City completes a

sample audit of those smaller items to make sure they match the latest inventory list and /or invoices that American Golf keeps. Those invoices are included in the monthly itemized payments from the City to American Golf. The City only maintains and keeps on file the larger items that are capitalized. Those items don't change very often. We do not keep an inventory of the golf cart fleet because they are leased and not owned by the City. The only list of those smaller items is the original inventory we purchased from American Golf when we went from a lease to a management contract. I attached it for your reference.

As soon as my staff has completed pulling the monthly payment documents, I will email them to you a couple of months at a time. It probably won't be until tomorrow afternoon or Monday at the latest.

As for Golfers Paradise, other than the agreement I sent you, no other agreement was approved. We did have some closed session items that did not go any further than closed session.

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

☎ 714.738.6587 | 📠 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

**From:** David Curlee [mailto:[dcurlee@gmail.com](mailto:dcurlee@gmail.com)]

**Sent:** Thursday, August 20, 2015 2:40 PM

**To:** Alice Loya

**Cc:** Hugo Curiel

**Subject:** Re: Public Records Request - Brea Dam

Alice:

[Quoted text hidden]


[Quoted text hidden]


[Quoted text hidden]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system.

---

## 2 attachments

 **2015 Fullerton GC Annual Comparison and Plan.pdf**  
74K

 **Fullerton - Proration Schedule 11 30 10 - FINAL.pdf**  
931K

To: David Curlee <dcurllee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Mr. Curlee,

Attached is the first of 12 emails with the monthly billing statements from American Golf.

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** 714.738.6587 | **F** 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---


**From:** Alice Loya  
**Sent:** Thursday, August 20, 2015 4:19 PM  
**To:** 'David Curlee'  
**Cc:** Hugo Curiel; Mea Klein; City Clerks Office  
**Subject:** RE: Public Records Request - Brea Dam

[Quoted text hidden]

[Quoted text hidden]

---

**2 attachments**

 **07 2014 60111 Billing (2).pdf**  
7379K

 **July 2014.pdf**  
499K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us> Mon, Aug 24, 2015 at 5:39 PM  
To: David Curlee <dcurllee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

The remaining 11 out of 12 billing statements will be emailed to you tomorrow.

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

O 714.738.6587 | F 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya

**Sent:** Monday, August 24, 2015 5:24 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 4:07 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

O 714.738.6587 | F 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya

**Sent:** Monday, August 24, 2015 5:24 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **09 2014 60111 Billing.pdf**  
8969K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 4:08 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>



Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** [714.738.6587](tel:714.738.6587) | **F** [714.738.6599](tel:714.738.6599)

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya


**Sent:** Monday, August 24, 2015 5:24 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **08 2014 60111 Billing.pdf**  
8400K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 4:10 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** [714.738.6587](tel:714.738.6587) | **F** [714.738.6599](tel:714.738.6599)

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya

**Sent:** Tuesday, August 25, 2015 4:08 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **10 2014 60111 Billing.pdf**  
7461K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 4:18 PM

To: David Curlee <dcurlee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** 714.738.6587 | **F** 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya

**Sent:** Tuesday, August 25, 2015 4:10 PM


[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

**2 attachments**

 **11 2014 60111 Billing (exp. and utilities detail).pdf**  
2998K

 **11 2014 60111 Billing (reports only).pdf**  
3677K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 4:20 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** 714.738.6587 | **F** 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya  
**Sent:** Tuesday, August 25, 2015 4:19 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **12 2014 60111 Billing.pdf**  
6467K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us> Tue, Aug 25, 2015 at 4:23 PM  
To: David Curlee <dcurlee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** [714.738.6587](tel:714.738.6587) | **F** [714.738.6599](tel:714.738.6599)

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---


**From:** Alice Loya  
**Sent:** Tuesday, August 25, 2015 4:21 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **01 2015 - 60111 Billing.pdf**  
6485K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us> Tue, Aug 25, 2015 at 5:21 PM  
To: David Curlee <dcurlee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** 714.738.6587 | **F** 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya


**Sent:** Tuesday, August 25, 2015 4:24 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **02 2015 - 60111 Billing.pdf**  
5893K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 5:24 PM

To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

Alice Loya

Administrative Manager

Parks and Recreation | City of Fullerton

303 W. Commonwealth Ave. | Fullerton, CA 92832

**O** 714.738.6587 | **F** 714.738.6599

[www.fullertoncommunitycenter.com](http://www.fullertoncommunitycenter.com)

---

**From:** Alice Loya


**Sent:** Tuesday, August 25, 2015 5:22 PM

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

---

 **03 2015 - 60111 Billing.pdf**  
9428K

---

**Alice Loya** <AliceL@ci.fullerton.ca.us>

Tue, Aug 25, 2015 at 5:32 PM




To: David Curlee <dcurlee@gmail.com>

Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

[Quoted text hidden]

---

**3 attachments**

-  **Fullerton Invoice - Funding 4-3-15.pdf**  
904K
-  **04&05 2015 - 60111 Expenses Billing.Revised.pdf**  
407K
-  **Fullerton April 2015 Facility Acct.pdf**  
431K



---

**Alice Loya** <AliceL@ci.fullerton.ca.us> Tue, Aug 25, 2015 at 5:37 PM  
To: David Curlee <dcurlee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

[Quoted text hidden]

---

**2 attachments**

-  **AGC Reimbursement April & May 2015 Billing.Revised.pdf**  
4951K
-  **May 2015 Fund City Account.pdf**  
161K



---

**Alice Loya** <AliceL@ci.fullerton.ca.us> Tue, Aug 25, 2015 at 5:39 PM  
To: David Curlee <dcurlee@gmail.com>  
Cc: Hugo Curiel <HugoC@ci.fullerton.ca.us>, Mea Klein <MeaK@ci.fullerton.ca.us>, City Clerks Office <CityClerksOffice@ci.fullerton.ca.us>

[Quoted text hidden]

---

**2 attachments**

-  **06 2015 - 60111 Expenses Billing.pdf**  
8202K
  -  **06 2015 - 60111 Facility rec.pdf**  
184K
-