



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Albert Balagso

SUBJECT: SEE BELOW

DATE: 11-17-06

Approved

Date

11/20/06

COUNCIL DISTRICT: 5

SNI AREA: KONA, West Evergreen,
East Valley/680

SUBJECT: BOYS AND GIRLS CLUB OF SILICON VALLEY SPORTS FIELD JOINT USE AGREEMENT

RECOMMENDATION

Adopt a resolution authorizing the City Manager to negotiate and execute an agreement with the Boys and Girls Club of Silicon Valley (BGC) for joint use of the sports field located at 2195 and 2293 Cunningham Avenue ("Sports Field") for no fee, provided that the use is for standard Boys and Girls Club programs and further provided that the City receives use of the Smythe Clubhouse gym for a period of time and at times acceptable to City.

OUTCOME

Execution of the recommended Sports Field Joint Use Agreement would support the long-term public availability of needed youth services and sports field facilities.

BACKGROUND

In June 2006, the City received Council approval to purchase BGC's sports field property adjacent to the Smythe Clubhouse for an amount not to exceed \$1 million. In order to proceed with the land acquisition, staff recommended and received approval from Council the adoption of appropriation ordinance amendments in October 2006. As a result from the Council meeting, staff was directed to work with BGC to bring to Council a joint use agreement before the end of the year. A joint use agreement must be executed and the revised fund development work plan must meet the satisfaction and be approved by the Director of Parks, Recreation and Neighborhood Services to complete the close of escrow. The final sale should be completed before January 2007 if all parties meet their obligations.

The demand for quality sports fields exceeds the City's current inventory of fields. As such, there is a significant public benefit for the City as a result of the acquisition of the BGC's sports field. The sports field was renovated from an empty field and asphalt area into a multi-use artificial turf surface for outdoor activities using Community Development Block Grant (CDBG) funds in October 2003. The City will assume the obligations to comply with the CDBG requirements.

PRNS has entered into negotiations with BGC to develop the terms for a joint use agreement. The purpose of this memorandum is for Council to authorize the City Manager's Office to negotiate and execute a Sports Field Joint Use Agreement with BGC.

ANALYSIS

Boys and Girls Club has requested that they be allowed regular use of the field. In order to address BGC's request, the parties have discussed mutually beneficial terms such as increasing community access to BGC's clubhouse gymnasium in exchange for limited preferential access to the field. The gymnasium use will be for youth programming and abide by the boundaries set forth in the CDBG requirements. Staff has proceeded with negotiations with the Executive Director of the BGC to discuss the terms of the joint use agreement. A mandatory quarterly meeting will be held between the City and BGC. The purpose of this meeting is to insure the terms specified in the contract are being adhered to and to confirm reservations for the field and gymnasium reservations, as well as any maintenance issues pertaining to the field. PRNS is also working on establishing fees for rental/use of artificial turf fields, which will be presented to Council at a later date.

The proposed terms are as follows:

Boys and Girls Club's use of Sports Field:

- Boys and Girls Club will be required to attend quarterly meetings scheduled by the City to review operations, maintenance and reservation processes for the field.
- Term: 3-year agreement beginning January 1, 2007 with City having the option to renew (consistent with City Charter restrictions).
- All use hours not granted to Boys and Girls Club under this Agreement or not used by Boys and Girls Club, are under the control of the City of San Jose.

Sports Field Use Days and Hours:

School Year: September 1st to June 15th

Monday thru Friday, 2:00 p.m. to 5:00 p.m.: Boys and Girls Club has priority use during this period at no cost if requested by Agency during quarterly coordination meetings. Conditions: User must stop play at 4:45 p.m. and all BGC participants must be off field by 5:00 p.m. This includes all equipment. BGC is also responsible for general clean up of field (i.e. any items/trash that team or spectators brought on the field).

Monday thru Friday, 5:00 p.m. to 6:00 p.m.: Boys and Girls Club and the City agree that programming during this 5:00 p.m. to 6:00 p.m. time period will be for youth play that is mutually agreed upon with reservations made at the quarterly coordination meetings. Conditions: User must stop play at 5:45 p.m. and be off field by 6:00 p.m. This includes all equipment. User is also responsible for general clean up of field (i.e. any items/trash that team or spectators brought on the field).

Summer Season: June 16th to July 31st

Monday thru Friday between 9:00 a.m. and 5:00 p.m.: Boys and Girls Club may reserve up to four continuous hours per day at no cost. Reservations to be made at quarterly coordination meetings. Conditions: User must stop play 15 minutes before end of reservation and be off field by end of reservation time period. Boys and Girls Club is also responsible for general clean up of field (i.e. any items/trash that team or spectators brought on the field).

- If Boys and Girls Club does not actually make use of the fields for a reasonable number of participants during those time periods, the agreement will provide that the number of hours of reserved free use by Boys and Girls Club may be reduced and made available for other bookings by the public.
- The free use of the Sports Field is made available to Boys and Girls Club to support only the Boys and Girls programs available to the public for free or the standard low cost annual membership fee. City's grant of free use of the fields to Boys and Girls Club is not available for subleasing the Sports Field or otherwise for revenue generating purposes by Boys and Girls Club, such as fee based tournaments, leagues or other activities on the field at fees over and above the standard membership fee for Boys and Girls Club participants.
- Maintenance: City will be responsible for general maintenance of the Sports Field. When BGC uses the field, they will be required to pick up trash and provide similar basic clean up of the field before the next user on the field.

City of San José's use of the Smythe Clubhouse Gymnasium:

- City will have exclusive use of the Smythe Clubhouse Gymnasium for the following days and times year-round to provide youth programming:

Weekends: City has priority reservation/booking up to 24 weekends per year for gym use, up to 12 hours per day to be requested at the quarterly coordination meetings. Conditions: On reservation day, City is responsible for general clean up of the gym and rest rooms (i.e. any items/trash that team or spectators brought into gym).

POLICY ALTERNATIVES

None. Development of the joint use Agreement was directed by City Council.

PUBLIC OUTREACH/INTEREST

- ✓ **Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater; **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This item meets Criteria 1. This memorandum will be on the City's website for the December 5, 2006 Council agenda.

A focus group meeting regarding the proposed acquisition of the sports field and potential users was held on August 22, 2006 at the BGC Smythe Clubhouse. Also numerous meetings were held with BGC to discuss the terms of the proposed acquisition and intended collaboration.

After the Joint Use Agreement is approved and BGC use has been finalized, a follow-up meeting with the sports field stakeholders will be scheduled in January 2007. The purpose of this meeting is to give an update of the City process and the exact terms for future use of the sports field.

COORDINATION

Preparation of this memorandum has been coordinated with the City's Attorney's and City Manager's Offices.

FISCAL/POLICY ALIGNMENT

This is a joint use agreement and therefore has no fiscal/policy alignment.

COST SUMMARY/IMPLICATIONS

FISCAL IMPACT: Maintenance costs for this facility are estimated at \$26,000 annually, with an additional operating cost of approximately \$10,000 annually but largely offset with additional revenues. On-going funding will be requested as part of the 2007-2008 Operating Budget process. Costs incurred in the current year will be requested as part of the year end clean up if needed.

BUDGET REFERENCE

N/A

CEQA

CEQA: Exempt, File No. PP06-071.



ALBERT BALAGSO
Acting Director of Parks, Recreation and
Neighborhood Services

For questions, please contact Joe Cardinalli, Acting Assistant Director, at 408-793-5553.