



Agenda Report

MEETING DATE: Tuesday, December 13, 2022

TO: City Council

FROM: PARKS & COMMUNITY SERVICES DIRECTOR CALUBAQUIB

THROUGH: CITY MANAGER MENDEZ

SUBJECT: RESOLUTION APPROVING USE AGREEMENT BETWEEN THE CITY OF WATSONVILLE AND THE JEAN AND ED KELLY FOUNDATION, A CORPORATION, REGARDING DEVELOPING, MAINTAINING & SCHEDULING USES IN A PORTION OF MARTIN JOHN FRANICH PARK

RECOMMENDED ACTION:

Adopt a resolution approving a Use Agreement with the Jean and Ed Kelly Foundation regarding developing, maintaining and scheduling uses in a portion of Martin John Franich Park, and authorizing and directing the City Manager to execute the same.

BACKGROUND:

On January 8, 2001, the City Planning Commission adopted Resolution 2-01 (PC) approving a Special Use Permit with Design Permit 00-21 to allow development of a two phase 14.5 acre active recreation park with the first phase including a 6.5 acre parcel with two Little League fields at Franich Park.

On November 5th, 2001, the City Planning Commission adopted Resolution 39-01 (PC) approving a modification to Special Use Permit with Design Permit 00-21 to allow an increase in lighting height. Development of two additional ballfields were permitted for a later date.

On September 24, 2002, the City Council adopted Resolution No. 233-02 (CM), approving a Use Agreement between the City and the Jean & Ed Kelly Foundation to cooperatively plan, develop and construct a youth baseball and softball facility at Franich Park. This agreement included the following development and maintenance obligations:

City of Watsonville

- Retain and pay for the professional services of a landscape architect and other appropriate engineering and/or design services as may be reasonably be required for the construction of four baseball fields, back stops, dugouts, benches, bleacher seats and overhead lighting.
- Pay for the design, development and construction of utility stubs to the site, including the cost of an appropriately sized electrical transformer, and water service meter.

- Remediate or pay to remediate any environmental condition which would legally prevent construction of ball fields.
- Construct restrooms, in conjunction with and at the same time as the future Park Neighborhood Center building, which restrooms are to be accessible from outside of the Center for users of the ball fields.
- Pay for the development of parking areas upon taking ownership of the remaining park acreage after dedication by the property developer.
- Pay for water, garbage, sewer, electrical and gas utilities for the premises.
- Provide and care for all trees within premises including routine maintenance, trimming, removal and replanting.
- Consult with Kelly Foundation on issues relative to maintenance of Franich Park.

Foundation

- Pay for and install irrigation systems, electrical conduit and drainage systems consistent with City specifications for four (4) ball fields.
- Construct ball fields, bleachers and spectator areas in compliance with the Americans with Disabilities Act and other applicable law;
- Pay for and construct a concession and announcer's booth to City's specifications.
- In accordance with the Special Use & Design Permit No. 00-21 effective January 22, 2001 (Attachment B), and as modified effective November 5, 2001, a field lighting plan shall be submitted with light standards including "sharp cutoff" lights with a maximum height of 70 feet prior to issuance of a building permit for the lights to the satisfaction of the Community Development Department.
- Foundation agrees that it shall construct the above-listed facilities within five (5) years from the date City acquires title to the eight (8) acres parcel described in the recitals above.
- Maintain that portion of Martin John Franich Park described in the attached map which includes the four baseball/softball fields, the bleachers, backstops and field fencing, the interior baseball complex walkway and the concession stand.
- At a minimum, comply with City maintenance standards.
- Maintain the irrigation, lighting and other systems in fair average condition
- Keep the outfields in grass and regularly mowed
- Keep the base paths and infield playing areas level (except for pitcher's mound)
- Keep the bases secured and safe
- Keep side line and outfield fences properly maintained and in good and safe repair
- Keep the overhead lights fully operational and useable.

In accordance with this agreement, the Foundation was charged with scheduling use of the fields and supporting infrastructure, while allowing both the City and PVUSD access to use the fields for youth programs and events when not in use by the Foundation/Pajaro Valley Little League. One of the fields was to remain open for community use when not scheduled by the Foundation, City or PVUSD.

This agreement had an initial term of 10 years, with an option to renew for an additional 10 years through September 2022.

It is noted that the fourth ballfield was never constructed. However, over the past 20 years, the Foundation constructed the remaining facilities as outlined in the Agreement and has upheld its maintenance responsibilities. In total, the Foundation has invested over \$8 million in this facility that has served as the home little league fields to countless community youth.

DISCUSSION:

The recommended agreement renews the 2002 agreement with the Jean and Ed Kelly Foundation. Changes from the original agreement include:

- A ten year term, through 2032, with the option to renew for an additional five years.
- Foundation to provide and care for all trees within premises including routine maintenance, trimming, removal and replanting.
- All improvements to become property of the City at the end of the Agreement.
- Clarification that the City and PVUSD shall have free use of fields and schedule use with Foundation.
- Clarification that field open for community use shall remain unlocked with signage designating public access for youth baseball play.

STRATEGIC PLAN:

- 2-Fiscal Health – Partnership allows City and Foundation to share maintenance costs and use for Foundation and community.
- 3-Infrastructure & Environment – Partnership requires high maintenance standards for infrastructure.
- 5-Community Engagement & Well-Being – Facility support organized and passive recreation and physical well-being.
- 6-Public Safety – Facility allows for positive youth programs.
- 7-Efficient and High Performing Government – Partnership leverages community resources for public benefit.

FINANCIAL IMPACT:

The City's costs for maintaining and managing the Premises in this Agreement are included in the approved Department budget.

ALTERNATIVE ACTION:

The Council could elect to:

1. Not approve this Agreement. City would assume responsibility for development, maintenance and scheduling of Premises.
2. Make amendments to the Agreement for consideration of Foundation.

ATTACHMENTS AND/OR REFERENCES (If any):

None.