

February 16, 2010

TO: CITY COUNCIL AND BOARD OF EDUCATION
FROM: CITY MANAGER AND SUPERINTENDENT OF SCHOOLS
SUBJECT: APPROVAL OF ADDENDUM NUMBER 1 TO THE JOINT USE FACILITIES AGREEMENT BETWEEN THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT FOR JOINT USE OF PASADENA HIGH SCHOOL SOFTBALL FIELD

RECOMMENDATION

It is recommended that the City Council and Board of Education:

1. Find that the action proposed herein (installing lights on an existing softball field) is not yet subject to environmental review pursuant to the California Environmental Quality Act ("CEQA") because the project has yet to be designed to the level of detail that would allow for meaningful environmental review. The actions proposed herein include undertaking environmental review when the design has progressed further.
2. Authorize the City Manager and Superintendent of Schools to execute Addendum #1 (which is attached in substantial final form) to the Joint Use Facilities Agreement for joint use of Pasadena High School softball field, provided the following conditions are met:
 - a. The project has been approved pursuant to the California Environmental Quality Act ("CEQA");
 - b. The City has successfully obtained the required conditional use permit.

It is recommended that the City Council appropriate \$400,000 from the General Fund Reserve for Key Projects and Initiatives to the non-departmental portion of the Fiscal Year 2010 operating budget.

BACKGROUND

The Pasadena Unified School District is currently in the process of constructing a softball field at Pasadena High School, on property formerly used as basketball courts and a garden area (see attached). In addition to the field itself, the project involves a variety of improvements including new dugouts, bullpens, bleachers and scoreboard.

02/16/2010
Item E

This project has been identified as a significant opportunity for joint use, particularly if it were lighted. Currently, the City cannot meet the demand for softball fields, particularly for girls' softball. Partnering with PUSD to create a lighted field would significantly increase the City's capacity.

Construction of the new field is currently underway; however, as it relates to lights, provision is being made (e.g. installation of conduit) for future installation pending a final determination as to City participation.

As proposed and as set forth in the attached addendum, in exchange for a contribution toward the project not to exceed \$350,000 or 50% whichever is less, of the total development costs plus \$50,000 or 50% whichever is less towards the cost of CEQA compliance, the City would have use of and the right to permit the field during the following days and times:

Monday through Friday from 5 pm to 9 pm, with the exception of the eighteen week period of softball season, beginning approximately in February and ending approximately in June, during which period the City's use period would be from 6 pm to 9 pm. During periods of summer school the City use period would be from 12 pm to 8 pm. On weekends the City's use period would be from 8 am to 8 pm.

ENVIRONMENTAL

PUSD has already completed CEQA review of the field construction project that is already underway. The addendum would allow the City to use the field as constructed by PUSD, and would not require additional environmental review over that already completed by PUSD.

The addendum also envisions cooperation in the future development of a design for adding lights to the softball field. There is no construction project to install the lights proposed at this time. One of the required elements in the addendum is that the District will undertake appropriate CEQA review after the design work and lighting studies are complete enough to allow for meaningful environmental review.

Prior to the City's use of the field (with or without lights), the City will take a subsequent discretionary action to amend CUP #3144, which currently covers its use of adjacent PUSD facilities and Victory Park. At that time, and in its role as a responsible agency under CEQA, the City expects to be subject to any mitigation measures that the environmental review may require, as well as any conditions that may be imposed in the modified CUP.

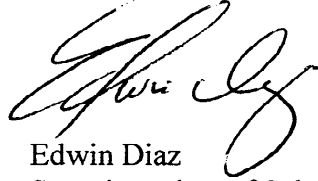
FISCAL IMPACT

The total estimated cost of the project, including installation of lights, is \$700,000 plus the cost of CEQA compliance which is currently undetermined. Provided all conditions set forth above are met; the City would contribute up to \$350,000 plus 50% of the cost of CEQA compliance in exchange for allocation of specific hours of community use.

Respectfully submitted,



Michael J. Beck
City Manager



Edwin Diaz
Superintendent of Schools

ADDENDUM #1 – TO CITY – SCHOOL DISTRICT JOINT USE AGREEMENT

THE FOLLOWING TERMS ARE APPLICABLE TO THE CITY'S PARTICIPATION IN THE PASADENA HIGH SCHOOL LIGHTED SOFTBALL FIELD.

- A. **PROJECT RESPONSIBILITY.** The District shall be responsible for coordinating all aspects of constructing the Project including but not limited to environmental clearance, permitting, design, bid advertising, award of construction contract, and construction management.
- B. **APPROVAL OF PLANS.** Prior to advertising or other solicitation of bids for construction of the Project the City's Director of Public Works shall review the project described in the Division of State Architect approved plans and specifications and shall advise the District of any requested changes within 30 days of receipt.
- C. **CONTRIBUTION BY THE CITY.** In exchange for the periods of City use set forth in this agreement, the City shall contribute to the District 50% of the Total Development Cost of the Project or \$350,000, whichever is less, plus \$50,000 or 50% whichever is less, towards the cost of CEQA compliance. Total Development Cost include but are not limited to the cost of environmental clearance, permitting, design, bid advertising, construction and construction management. Upon mutual consent of the parties, the City may advance all or a portion of estimated amounts to the District prior to Project completion.
- D. **CITY USE PERIODS.** In exchange for the contribution set forth above, the City shall have use of the field and lights including the right to permit to third parties during the following periods:
 - a. Monday through Friday from 5 pm to 9 pm, with the exception of the eighteen week period of softball season, beginning approximately in February and ending approximately in June, during which period the City's use period shall be from 6 pm to 9 pm. During periods of summer school beginning approximately in June and ending in July the City use period shall be from 12 pm to 8 pm. City and District representatives, upon mutual agreement, shall determine the precise dates associated with the City use periods.
 - b. Saturdays from 8 am to 8 pm.
 - c. Sundays from 8 am to 8 pm.

By mutual consent the parties may adjust the City Use period from time to time to accommodate special events and other scheduling changes.

- E. UTILITIES. The City and District shall arrange for the installation of a separate electric meter for the lights. The cost of electricity for the lights shall be paid for by the City.
- F. ACCESS AND PARKING. During periods of City use the District shall provide use of the parking lot designated on the attached site plan. The District shall provide access to the softball field for those with disabilities consistent with ADA requirements.
- G. SIGNAGE. The District shall post signs in both English and Spanish in conspicuous areas which set forth the rules for use of the softball field.
- H. RESTROOMS. The District shall provide a portable toilet for those using the softball field.

Except as expressly provided herein, all other terms and conditions of the Joint Use Facilities Agreement shall remain in full force and effect. IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives.

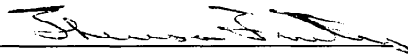
DATED: CITY OF PASADENA

ATTEST: BY:

Mark Jomsky, City Clerk

Michael J. Beck, City Manager

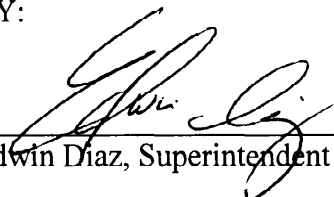
Approved as to form:



Theresa E. Fuentes, Assistant City Attorney

PASADENA UNIFIED SCHOOL DISTRICT

BY:



Edwin Diaz, Superintendent of Schools

