

REPORT TO THE CITY COUNCIL



DATE: August 5, 2014

TITLE: Sports Field Use Policy, Sports Field Seasonal Permit Application and Mission Springs Park Lease

Sponsored by: Adam Sanchez, Mayor

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RECOMMENDATION:

Direct Staff to have the Community and Cultural Affairs Commission provide a recommendation to the City Council on the following issues:

- 1) Whether to allow all Sports Field Permit Holders ("Permit Holders") to utilize the Mission Springs Park snack bar;
- 2) Whether to remove AYSO Permit Holder as the sole operator of the snack bar and require AYSO to remove all items stored at the facility;
- 3) Whether to require both Soccer League Permit Holders to purchase and install, at their own expense, storage containers and to work with City staff on a location of the containers;
- 4) Whether to require each Permit Holder increase its "\$1,000 Emergency Fund" to not only pay for emergency repairs, but also to pay for the routine repair and maintenance of both Mission Springs Park and Wardman Park throughout the year;
- 5) Whether to impose as a condition of the Sports Field Seasonal Permit a requirement that Permit Holders perform criminal background checks of their employees and volunteers (i.e., coaches and referees) who work in close proximity with children involved in organized sports activities; and
- 6) Whether to pursue terminating, subleasing or assigning the City's Site Lease Agreement with Mission Springs Water District and relieving the City of its responsibility of maintaining Mission Springs Park and all the facilities and equipment located therein.

BACKGROUND

On December 4, 2012, City Council approved a Sports Field Use Policy ("Policy") and Sports Field Seasonal Permit Application ("Application") as attached hereto as Exhibit 1. The Policy and Application set forth the procedures for non-profit organizations to reserve and use Mission Springs Park and Wardman Park during the annual sport seasons, such as soccer and little league baseball. The Policy also sets forth the procedures for staff to follow in the event there are multiple requests for the same field on the same dates and times.

The Policy also addresses the following:

1. Sports field use application overview and process;
2. Sports field rules and regulations;
3. Documentation required from the youth sports organizations regarding liability insurance, liability waivers, volunteer/coach background check policies, child advocacy programs, membership rosters, etc.;
4. Concession building operator status;
5. Storage status; and

6. \$1,000 deposit to help defray any costs to the City for emergency repairs or damages to the sports field and associated buildings such as the restrooms, concession stand, etc.

There are four five-year facilities use agreements between the City and the following non-profit youth sports organizations: 1) American Youth Soccer Organization (AYSO) for Mission Springs Park, 2) Desert Hot Springs Eagles for Mission Springs Park, 3) Desert Hot Springs Youth Soccer League for Mission Springs Park and 4) Desert Hot Springs Little League for Wardman Park.

DISCUSSION

Concerns have been raised and some conflicts have surfaced regarding the shared use of the snack bar and storage facilities at Mission Springs Park. Also, due to the City's current fiscal crisis, there has been a lack of funds to properly and adequately maintain the park fields. As such, consideration is being given to increase the "\$1000 Emergency Fund" contribution of each sport league and allowing the monies from the fund to be used to repair and maintain the sports fields throughout the year at both Mission Springs Park and Wardman Park.

Another issue that has surfaced pertains to criminal background checks of the coaches, referees, volunteers and others who work in close proximity with children involved in organized sports activities that are subsidized by or receive some form of financial support from the City.

Since adoption of the Policy, California enacted a new law intended to help protect children who participate in community youth athletic programs from sexually abusive and violent individuals by creating a consistent criminal background check policy across the state for volunteer coaches in youth sports. Assembly Bill 465 clarified that all community sports programs in California are authorized to administer criminal background checks on volunteer coaches and also authorized such programs to request subsequent arrest notifications from the Department of Justice. With the enactment of the new law, youth sports programs can perform the same thorough criminal background checks and receive the follow up arrest notifications for its employees and volunteers as the City is required to perform on its employees. While the current Policy doesn't expressly require the Permit Holders to perform criminal background checks, staff has been imposing that requirement as part of the permit application process, and has been requiring Permit Holders provide the City with a list of the coaches, referees, volunteers and others who have passed their background check. Staff suggests that the City Council direct staff to amend the Policy to impose the criminal background checks as a condition of permit issuance. The background check via livescan can be processed by the City's Police Department for a one-time fee per individual at the leagues expense. In this case, any criminal activity that may occur from the time the livescan was taken, the Police Department is immediately notified. An organization may choose to have the background checks done by another vendor, however, in these cases, the City will not be notified of any criminal activity that may arise. In these cases, it is the organization's responsibility and city requirement to provide the City, on league letterhead, a list of volunteer coaches and other volunteers that have cleared the background process per the league's policy.

Another issue staff needs direction on has to do with the City's Lease Agreement with Mission Springs Water District regarding Mission Springs Park. Due to the City's fiscal situation, the City Council directed staff to terminate the Lease Agreement with the Water District. The City entered into a 39 year (\$1 per year) lease with the District to use Mission Springs Park for recreational opportunities and uses and programs of particular benefit to low and moderate income families, with the City being responsible for maintaining and repairing all park facilities, equipment and space as well paying for all of the utilities at the Park. The annual cost to the City to maintain and repair Mission Springs Park is approximately \$135,000 to \$140,000 (based on actual expenditures and costs estimated through June 30, 2014). The lease terminates in 2027.

Upon reviewing the lease, the City Attorney discovered there are no specific termination provisions set forth in the lease. However, there is a provision in the lease that permit the City to sublease or assign its interests in the lease to another party, subject to the consent of the District which shall not be unreasonably withheld. This may present the opportunity for the City to either sublease or assign its interests in the lease as it did with its leasehold interest in the facility that contains the Boys & Girls Club facility. Again, the lease is effective until 2027 and the purpose of the lease is to permit the park to be used for recreational opportunities and for uses and programs of particular benefit to low and moderate income families. The entity that agrees to assume the lease via an assignment or sublease would be required to assume all of the obligations of the City which include providing the required insurance and maintaining and repairing all park facilities, equipment and space as well as paying for all of the utilities for the Park. This could potentially relieve the City of all financial obligations under the lease while at this same time ensuring that the Park will remain available for use by the public for recreational purposes.

According to Section 2.44 (D) and (E) of the City's Municipal Code, the Community & Cultural Affairs Commission is responsible for providing recommendations to the City Council on the development and maintenance of greenbelt areas, the City's parks, and the development and oversight of recreation, leisure and educational programs; and on fees, operations, policies, maintenance, and budget for City parks and recreation facilities. Therefore, these issues should be presented to the Community & Cultural Affairs Commission at their next regular meeting and a recommendation should be brought back to the City Council for consideration.

Only after the City Council provides direction to staff regarding the above issues, can staff proceed with coordinating and processing new Facilities Use Agreements with the interested youth sports organizations for the upcoming and future sports seasons.

FISCAL IMPACT

Depending on what the City Council decides to do there could be cost savings of approximately \$135,000 to \$140,000, based on actual expenditures and costs estimated through June 30, 2014.

EXHIBIT(S)

- 1) Sports Field Use Permit Application and Policy
- 2) Mission Springs Water District Site Lease Agreement