



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Approve and Authorize the City Manager to Execute an Amendment to Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas for the Russell Middle School Fields
Category:	Community Services and Sustainable Infrastructure
Meeting Date:	8/4/2020
Staff Contact:	Renee Lorentzen, 408-586-3409
Recommendation:	Approve and authorize the City Manager to execute an Amendment to the Russell Middle School Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Background:

The City of Milpitas and Milpitas Unified School District (MUSD), in a joint effort to provide Bobbysox athletic opportunities in Milpitas, originally entered into a Joint Use Agreement (JUA) in 1997, for the development, maintenance, and management of Bobbysox Fields at Russell Middle School, a MUSD property. Improvements to the site included four softball fields and a concessions “shack” with restrooms.

Per the terms of the JUA, the shared use of the site allowed for MUSD’s explicit use of the fields during school hours until 4:00 pm, and available for City use after 4:00 pm on weekdays and all day on weekends, unless there was a planned MUSD event. The City was responsible for the maintenance of the fields for non-school use and managed the public use of the site. In 2010, the JUA was updated with an end date of 2036, shared use timing and operations language and memorializing the development roles of the site by the City and MUSD, including a City-installed concessions “shack” and restroom portable.

As part of the last MUSD Bond, the replacement of athletic fields was identified as a project, further detailing the development of a track and field at the Russell Middle School site. In early Spring 2020, MUSD staff confirmed the planned renovation of the Russell Middle School site, which would result in the renovation of the field grounds, affecting three of the four Bobbysox fields currently onsite. The project includes a track, a multiuse field, and keeps one Under 8 (U8) softball field.

Section 8 of the JUA requires MUSD to give the City at least thirty (30) days written notice prior to selling, leasing, conveying, transferring or otherwise disposing of the Russell Middle School Bobby Sox Complex. Whereas neither the current or previous versions of the JUA included language specific to the process for ending the agreement by MUSD (property owner) or the City, an amendment to the JUA citing a new end date allows MUSD to end the JUA. The MUSD has initiated an amendment to the JUA, ending the agreement as of June 30, 2020 in order to move forward with their athletic fields Bond Project. The MUSD Board of Education approved the amendment at their June 23, 2020 meeting. The Russell Middle School bond project renovation is scheduled to start, dependent on the approval of their plans, in late summer 2020. A future Joint Use Agreement for the site’s new amenities would be negotiated as a new agreement and brought to the MUSD Board and City Council, respectively, for approval.

Analysis:

Bobbysox/Softball programs have held season practices and games at the Russell Bobbysox fields since its opening and through its 2019 season. When originally executed, school-run outdoor team sports at Russell Middle School were not operating. Over the past several years, the school has instituted afterschool soccer teams, and track and field teams, placing additional demands on the field space after school and until approximately 6:00 pm on weekdays. With PAL Softball weekday practices typically beginning at 4:00 pm, there were increasing challenges for access to the fields by both the school teams and softball.

The City of Milpitas currently owns and operates several sports fields within its park system and the Milpitas Sports Center complex. Most fields are multi-use by design or by need. For example, soccer teams may practice in baseball outfields, and during rainy seasons, baseball tryouts are held on the artificial turf football/soccer fields.

At the Parks, Recreation and Cultural Resources Commission (PRCRC) June 1, 2020 meeting, staff reviewed the MUSD request to amend the Russell Fields JUA and a list of City-owned and operated available fields. The Commission provided feedback that they felt comfortable with the request as similar facilities and amenities could be available as compared to the existing arrangement.

Next Steps

Upon the approval of the Russell Fields JUA amendment, Recreation and Community Services and Public Works staff will continue to work jointly on several technical and community outreach tasks associated with allocating and accommodating PAL Softball at an alternate site(s). Unfortunately, due to COVID-19, the PAL Softball 2020 season has been cancelled. Staff will be focusing its efforts and working towards having fields available for play by February 2021.

Staff has already begun communicating with the PAL Softball leadership at both the PAL Board Representative meetings and the PAL Softball Board meetings about the change of amenities at Russell Middle School and the new uses at alternate sites. Staff will continue to engage PAL Softball throughout the process.

Fiscal Impact:

There is no cost associated with the approval of the amendment to the JUA for Russell Middle School.

The Public Works Department currently pays \$3,400 per month for the maintenance of the fields at Russell Middle School. The current monthly maintenance cost of \$3,400 will remain in the Operating Budget for the Public Works Department following approval of this Amendment to the JUA, and the funds will be used to offset potential increases to the monthly service costs for maintenance at other park(s) accommodating softball usage.

California Environmental Quality Act:

By the definition provided in the California Environmental Quality Act (CEQA) Guidelines Section 15378, this action does not qualify as a "project" for the purpose of CEQA.

Recommendation:

Approve and authorize the City Manager to Execute an Amendment to the Russell Middle School Joint Use Agreement between the Milpitas Unified School District and the City of Milpitas.

Attachments:

1. 2010 Russell Joint Use Agreement
2. Russell Joint Use Agreement Amendment