



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT
October 20, 2009

Honorable Mayor and
Members of the City Council

Title: Agreement: Ben Ali / Plover School Park

Location/Council District: 1741 Frenza Avenue / Council District 3

Recommendation: Adopt a **Resolution: 1)** authorizing the City Manager to execute an agreement between the City of Sacramento and the Twin Rivers Unified School District (District) for a public park project on property owned by the District at 1741 Frenza Avenue in the Ben Ali neighborhood; and **2)** approving the appropriation of \$325,513 of the original \$1 million for District 3/Ben Ali Improvements from the Community Reinvestment Capital Improvement Program (CRCIP) bond funds and \$4,487 of Parks and Recreation FY2009/10 operating budget funds for the design and construction of the public park by the District.

Contact: Dave Mitchell, Operations Manager, 808-6076

Presenters: Not applicable

Department: Parks and Recreation

Division: Recreation

Organization No: 19001411

Description/Analysis

Issue: On April 18, 2006, the City Council approved the Community Reinvestment Capital Improvement Program (CRCIP) project list which included funding for Tier 1 priority projects. The list included \$1 million for District 3 improvements to the Ben Ali neighborhood for curbs, gutters, streetlights and parks. Staff is recommending that the remaining \$325,513 of the original \$1 million be allocated to the Twin Rivers Unified School District (District) for the District to design and construct a public park on the District's former Plover School site located at 1741 Frenza Avenue in the Ben Ali neighborhood. The remaining \$4,487 for the \$330,000 project would come from the Parks and Recreation Department's FY2009/10 operating budget. Under the proposed

agreement the City is obligated to pay the District \$330,000 and the District is obligated to design, construct and maintain the park and to keep it open to the public from dawn to dusk outside of normal school operating hours for at least ten years. Construction of the park is to be completed by May 1, 2010.

Policy Considerations: The proposed agreement with the District includes a waiver by the City of any rights that it may have under the Naylor Act (Cal. Education Code, §§ 17485 - 17500) with respect to the project site until May 1, 2020. The Naylor Act provides that if certain conditions are met, then a school district, prior to selling or leasing a school site used for outdoor recreational purposes for at least eight years immediately preceding the decision to sell or lease, must first offer to sell or lease the school site to specified government entities. Cities are included in the list and have first priority to purchase or lease the property. If the current project is completed and the park is opened in 2010 as expected, then the earliest the Naylor Act provisions would apply would be eight years later or in 2018. However, the waiver shifts the date when the City could exercise its rights to May 1, 2020. This waiver was a requirement of the District before it would agree to construct the public park on its underused land.

Environmental Considerations:

California Environmental Quality Act (CEQA): The action of authorizing the execution of an agreement for the District to design and construct a park does not have the potential for causing a significant effect on the environment and is therefore exempt under CEQA Guidelines, Categorical Exemption Section 15303(e) of the California Environmental Quality Act. Section 15303 (e) covers the construction of small accessory structures, such as play equipment. The District will act as lead agency for all environmental review and approvals required by the California Environmental Quality Act, other laws, or other governmental agencies.

Sustainability Considerations: The project is consistent with Sustainability Master Plan goals to help to improve the health of residents by providing access to recreation and wellness activities and a healthier urban environment.

Commission/Committee Action: None.

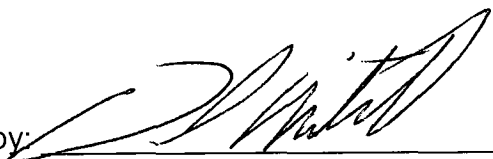
Rationale for Recommendation: On May 23, 2006, the City Council authorized the issuance of approximately \$150 million of 2006 Capital Improvement Revenue Bonds and adopted policy directives for the CRCIP. The project at 1741 Frienza Avenue is recommended to be one of the projects to be funded out of the bond allocation for District 3 improvements of neighborhood curbs, gutters, streetlights and parks.

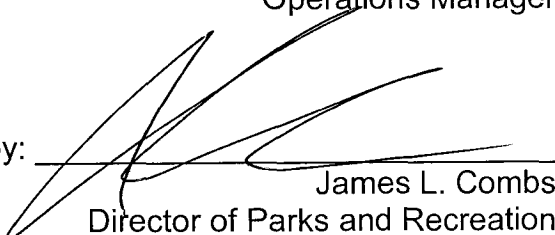
One of the CRCIP policy directives states that agreements with grantee organizations should be in place before funding is awarded to ensure project

objectives will be met. The agreement with the District recommended to be executed is on file in the City Clerk's Office. A description of key elements of the agreement may be found in Attachment 1 on page 4 of this report.

Financial Considerations: The City Council-approved CRCIP project list included a \$1 million allocation for District 3 improvements in the Ben Ali neighborhood for curbs, gutters, streetlights and parks. The final phase of the improvements planned for this neighborhood includes a proposed public park to be constructed by the District on the District's former Plover School site. After discussions with the community, District and the Councilmember for this district, staff is recommending that the City Council authorize the allocation of the remaining \$325,513 of the original \$1 million CRCIP allocation to the District. The remaining \$4,487 of the \$330,000 project will come from the Parks and Recreation Department's FY2009/10 operating budget. After the City approves the design and budget for the park, the agreement requires the City to pay the District the \$330,000 so the District can construct the park on its property at 1741 Fianza Avenue in the Ben Ali neighborhood. The District will be responsible for ongoing maintenance and repairs of the park.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully submitted by: 
David Mitchell
Operations Manager

Approved by: 
James L. Combs
Director of Parks and Recreation

Recommendation Approved:

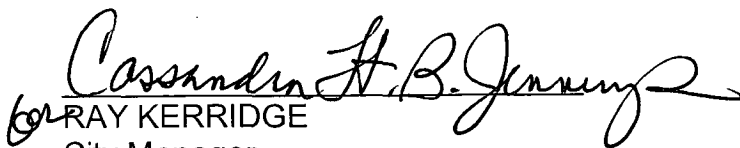

RAY KERRIDGE
City Manager

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Attachment 1

Project Description: Funds will be used to construct a public park within the Ben Ali neighborhood at the former Plover School site at 1741 Frenza Avenue owned by the Twin Rivers Unified School District. The District expects to construct an outdoor play area on its site consisting of turf, irrigation, benches and/or picnic tables and fencing. The design and plans are subject to City approval.

Project Budget: The District will design an outdoor play area based on an approved budget of \$330,000. The District will absorb the costs for project design, construction plans and project management, and will be responsible for maintenance and repairs.

City Funding: The City agrees to provide up to \$330,000, of which \$325,513 will come from CRCIP funds and \$4,487 will come from the Parks and Recreation Department's operating budget.

Project Completion: The project will be completed by May 1, 2010.

Use of Property: The District agrees to keep the project site open to the public from dawn to dusk outside of normal school hours for not less than ten years.

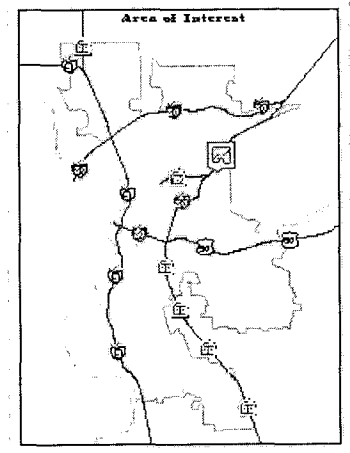
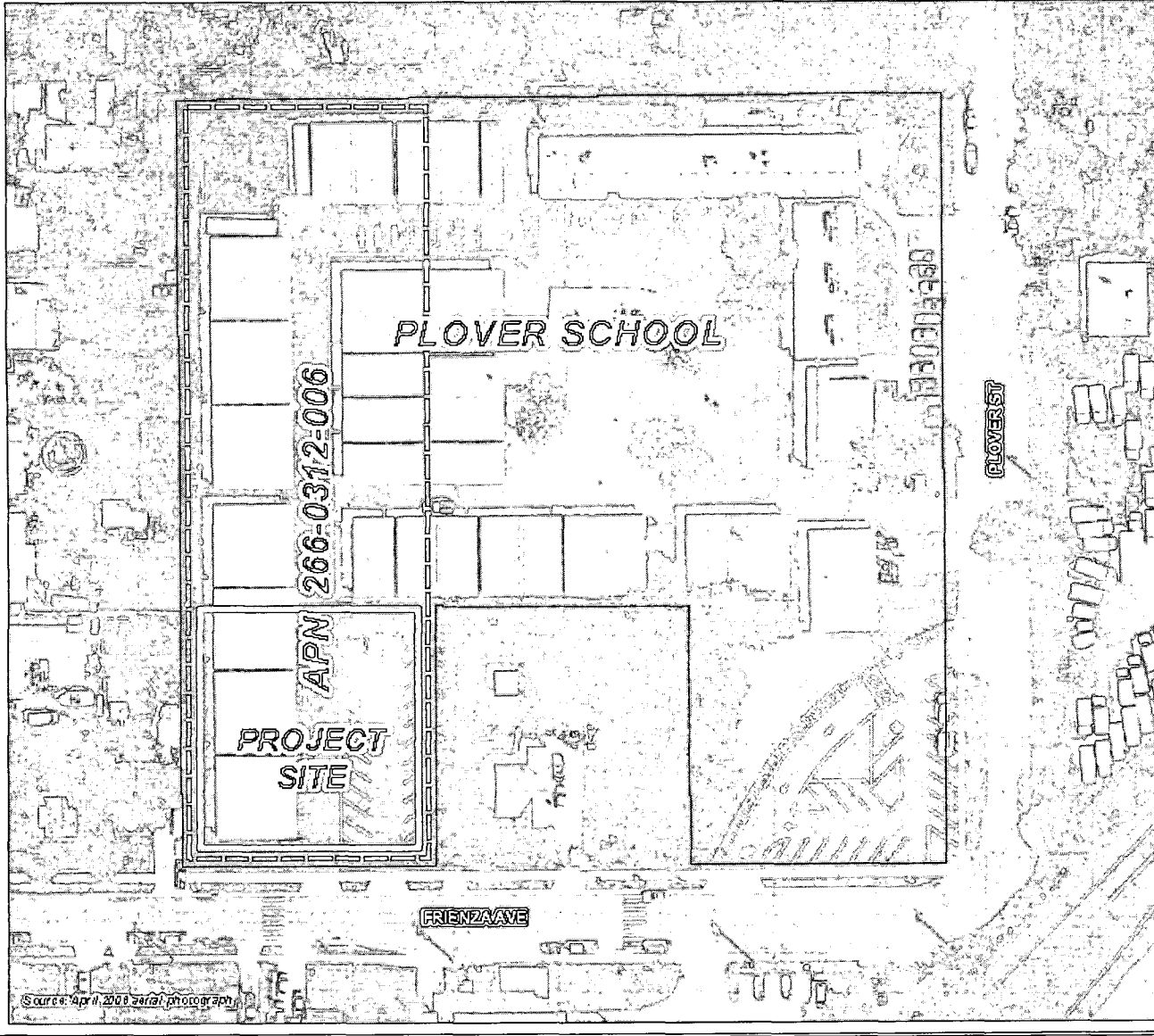
Naylor Act Waiver: Under State law known as the Naylor Act, when a school district decides to sell or lease land that has been used for at least eight years for outdoor recreational purposes, no other available publicly-owned land in the vicinity meets the needs of the community for this purpose and other conditions are met, the school district must offer to sell or lease the land to a public agency. Because the District is in the process of creating a facilities master plan that may provide guidance on how to handle vacant and underutilized schools, the District may choose to sell or lease its former Plover School site. To encourage the District to construct a park on the Plover School site, staff recommends that City Council waive the City's rights under the Naylor Act through May 1, 2020. Normally the site would not become subject to the Naylor Act until eight years after the proposed park is opened to the public, which would be in the year 2018. The waiver shifts the date when the City could exercise its rights to May 1, 2020.

Termination: Should the District fail to keep the park open as required by the agreement, then the District is obligated to return to the City a prorated amount of the \$330,000.




Attachment 2

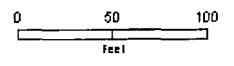


City of Sacramento
Department of Parks and Recreation
Plover School / Ben Ali Playing Field



Legend

-  Plover School
-  APN 266-0312-006
-  Project Site



RESOLUTION NO.

Adopted by the Sacramento City Council

**AUTHORIZING AN AGREEMENT WITH
TWIN RIVERS UNIFIED SCHOOL DISTRICT
FOR THE DESIGN AND CONSTRUCTION OF A PARK BY THE DISTRICT
AT THE DISTRICT'S FORMER PLOVER SCHOOL SITE AT 1741 FRIENZA AVENUE**

BACKGROUND

- A. On October 11, 2005, City Council authorized the City Manager to identify projects for a Community Reinvestment Capital Improvement Program (CRCIP) bond issuance. On April 18, 2006, City Council approved the Final Tier 1 project list to be financed with the bond proceeds. The Tier 1 list included \$1 million for District 3 improvements to the Ben Ali neighborhood for curbs, gutters, streetlights and parks. On May 23, 2006, City Council authorized the issuance of approximately \$150 million in 2006 bonds, authorized funding for the Tier 1 CRCIP projects, and adopted policy directives.
- B. Staff is recommending that the remaining \$325,513 of the original \$1 million allocation for the Ben Ali neighborhood be allocated to the Twin Rivers Unified School District (District) for the District to design and construct a public park on the District's former Plover School site located at 1741 Frienza Avenue in the Ben Ali neighborhood. The remaining \$4,487 for the \$330,000 project would come from the Parks and Recreation Department's FY2009/10 operating budget.
- C. The District will construct a park that will be open to the public for at least ten years from dawn to dusk outside of normal school operating hours. The District will be responsible for maintenance and repairs. Subject to the City's approval of the design and budget, the District expects to construct an outdoor play area consisting of turf, irrigation, benches and/or picnic tables and fencing.
- D. The proposed agreement with the District includes a City waiver of any rights that may arise prior to May 1, 2020, should the District choose to sell or lease the project site eight years or more after the site is used for outdoor recreational purposes. Under normal circumstances State law would provide the City the right to purchase or lease the property if the District wanted to sell or lease the project site eight years after the project is completed, which would begin in the year 2018. The waiver shifts the date when the City could exercise its rights to May 1, 2020. This waiver was a requirement of the District before it would agree to construct the park facility on its underused land.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager or his designee is authorized to execute an agreement and any amendments between the City of Sacramento and the Twin Rivers Unified School District (District) for a public park project on property owned by the District at 1741 Fianza Avenue in the Ben Ali neighborhood.
- Section 2. The appropriation of \$325,513 of the original \$1 million for District 3/Ben Ali Improvements from the Community Reinvestment Capital Improvement Program (CRCIP) bond funds and \$4,487 of Parks and Recreation FY2009/10 operating budget funds for the design and construction of a public park by the District is approved.