

**MINUTES
SPECIAL JOINT CITY COUNCIL/CRA MEETING**

August 25, 2011

Mayor Vierra called the August 25, 2011 Special City Council Meeting to order with the following in attendance:

ROLL CALL Councilmembers Durossette, Lane, Ochoa, Mayor Vierra

1. RESOLUTION NO. 2011-13 CRA APPROVING AND ADOPTING THE ENFORCEABLE OBLIGATION PAYMENT SCHEDULE PURSUANT TO SECTION 34169(G) OF THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW.

Mike Lyons, City Attorney, gave a brief overview of the item explaining that the Ceres Redevelopment Agency is a Redevelopment Agency organized and existing under the California Community Redevelopment Law (CCRL) (Health and Safety Code §3300, et seq.; and pursuant to the CCRL is responsible for the administration of redevelopment activities within the City of Ceres. The Agency is actively engaged in activities to redevelop the Project Area pursuant to the provision of the CCRL. Continued redevelopment of the Project Area to eliminate blight, improve public facilities and infrastructure, renovate and construct affordable housing and enter into partnerships with private industries to create jobs and expand the local economy is vital to the health, safety and welfare of the City.

On June 28, 2011, the State of California enacted California Health and Safety Code §34161, et seq. immediately prohibiting further redevelopment activity by redevelopment agencies and dissolving all redevelopment agencies in the State of California on October 1, 2011 (or November 1, 2011, if the legislative body of the redevelopment agency adopts a non-binding resolution declaring its intention to enact an ordinance electing to comply with the provisions of California Health and Safety Code §34192, et seq.

On June 28, 2011, the State of California also enacted California Health and Safety Code §34192, et seq. providing communities with the opportunity to continue redevelopment activity through their local redevelopment agencies by electing to participate in the "Alternative Voluntary Redevelopment Program."

On July 28, 2011, the California Redevelopment Association, League of California Cities, City of Union City, City of San Jose and John F. Shirey filed a petition for Writ of Mandate; Application for Temporary Stay and supporting memorandum and declarations with the Supreme Court of the State of California.

On August 11, 2011 the California Supreme Court Agreed to review the Petition challenging the constitutionality of Dissolution Act and Continuation Act and ordered a stay relative to specified portions of the Redevelopment Restructuring Acts. In addition, the Supreme Court Order declared that its briefing schedule is designed to facilitate oral arguments as early as possible in 2011, and a decision before January 15, 2012. Therefore, it appears that the Supreme Court stay could be in effect for approximately five (5) months.

The Dissolution Act requires that an Enforceable Obligations Payment Schedule (EOPS) be prepared and adopted by resolution no later than 60 days after the Governor signed the FY 2011-12 budget legislations. The EOPS is a schedule of legal obligations that have been enforceable by law, prior to the Governor signing the budget bills on June 28, 2011.

The enforceable obligations for the Ceres Redevelopment Agency are:

- 2003 Tax Allocation Bonds
- 2006 Tax Allocation Bonds
- 2006 Tax Allocation Bonds (Housing)
- Administrative Expenses
- CRA Legal Counsel
- Housing Programs
- Professional Services (Consultants)
- Barbour's Lift Station
- 4th Street Parking Lot

MOTION: Approve **Resolution No. 2011-13 CRA** as recommended by staff.

MOVED: Moved by Lane/seconded by Durossette

VOTE: **Motion passed Unanimously (4/0)**

2. DISCUSSION OF PRIORITY FIELD USAGE AT COSTA BALL FIELD COMPLEX.

Rick Collins, Recreation Manager, presented an overview of the report stating that the Costa Baseball Complex has been a part of the Ceres community for many years. The City owned facility is home to Ceres Youth Baseball (CYB), a well established youth organization. By contract, CYB has priority right to use the facilities at Costa baseball fields starting the 2nd Monday in February through August 31st (except weekends in August) annually. The current contract expires in 2014. After August, the fields are open to the public and other organized sports organizations for tournaments, practice, etc. The Recreation Department receives calls as early as January to begin booking the fields after CYB's contractual period ends.

Not every sporting organization is based out of Ceres. Many come from out of the area and try to book Costa fields as early as possible. This leaves Ceres based organizations without a place to practice or hold tournaments. Currently, at least five Ceres based baseball/softball teams have a demand for the complex. The Recreation Division also has a demand for the complex as it holds its adult softball program at Costa Field. The competition for this complex puts the City, specifically the Recreation Division in a precarious position when it comes to renting the fields.

Staff requested direction from Council on several items including: Field Access; Modification of the existing CYB Contract with regard to the concession stand; Gate Fees; Maintenance of the Facilities including restroom, turf infields etc.; Security Provisions; Tournament Play;

A. Field Access

Staff and Council discussed the fact that surrounding communities do not allow public access to their Baseball complexes. During the winter months when the fields are not in use for tournament play, the fields remain closed so the fields are not damaged during the rainy season. Costa Fields is an expensive facility with a great potential for vandalism. If public access is allowed, someone would need to be on-site during that time to make sure the facility is being used properly.

Mike Borges, resident, stated that he felt the gates should remain locked to protect the fields from animals, bikes and other elements that can cause damage to the fields.

Lance Goblirsch, representing CYB, commented that it is important to leave the fields locked or have someone onsite during public access hours to ensure the fields are not damaged.

After further discussion Council Directed Staff to keep the fields closed.

B. Concessions

In the existing agreement between City and CYB, there is a clause to re-negotiate the provisions of the agreement that relate to the use, operation, maintenance, and cost of the concession facility, including CYB’s existing exclusive right to operate the concession facility. Staff has discussed the following two options with CYB:

1. Charge a 15% franchise fee to operate the concession stand similar to that at CRBRP.
2. CYB provide a paid employee on their payroll to care of the maintenance of the fields, field preparatory functions, and miscellaneous needs in lieu of the 15% franchise fee.

After Council discussion and input from Ceres Youth Baseball Council directed staff to forego the 15% franchise fee in exchange for CYB providing a paid employee to care for the maintenance of the fields, preparatory functions, and miscellaneous needs.

C. Gate Fees

Discussion was raised as to who should keep the gate fees for outside tournaments. If CYB kept the gate fee and the concession fees, it would deter anyone from wanting to play in Ceres. During CYB tournaments, CYB keeps the gate fee. However, if an outside entity comes in to play a tournament CYB should collect and split the gate fee with the outside entity.

D. Outside Food

Discussion was held on the option of allowing people using the facility to bring in food from the outside. If outside food is allowed in the complex, it will increase the amount of garbage and also take away from CYBs revenue on food sales.

Teams should be allowed to bring in water for their players rather than being forced to buy water from concessions. Coaches will need to provide a team roster or some other form of proof that the cooler they are bringing in is for the team.

E. Field Use Priority

Discussion was held on whether or not Ceres based teams would have priority use of the fields over outside teams, after CYB’s contractual period has ended. The general Council consensus was that no reservation will be taken until a certain day after the season is over and use of the fields will be on a first come first served basis.

COUNCIL DIRECTION

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| A. Field Access: | Keep the fields closed. |
| B. Concessions: | CYB to provide a paid employee on their payroll to care for the maintenance of the fields, field preparatory functions and miscellaneous needs in lieu of the 15% franchise fee. |
| C. Gate Fees: | CYB will collect and keep the Gate Fee for their own tournaments;
CYB will collect and split the Gate Fee for outside tournaments. |

- D. Outside Food & Drink: Each Team playing in the tournament can bring in one cooler full of water. No other outside food or drink will be allowed
- E. Field Use Priority: No reservation will be taken until a certain day after the season is over and use of the fields will be on a first come first served basis.

6:32 p.m. Mayor Vierra adjourned the meeting to Closed Session

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Property: 2732 E. 5th Street.,

Negotiating parties: Art de Werk, Acting Executive Director or his designee, Whitmore Mansion Foundation

Purpose of Proposed Acquisition: General purposes consistent with the Redevelopment Agency's Plan

Pursuant to Gov't Code Section 54956.8

CONFERENCE WITH LEGAL COUNCIL/ANTICIPATED LITIGATION

Significant Exposure to Litigation

One Potential Case: Claim of TID for reimbursement of costs advanced for surface water project.

Pursuant to Gov't Code Section 54956.9(b)

7:35 p.m Council Convened in Open Session with Nothing to report

7:35 p.m. There being no further business, Mayor Vierra adjourned the meeting.

Chris Vierra, Mayor

Cindy Heidorn, CMC, City Clerk