

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 9/2/08

Reviewed by: BP

SUBJECT: Gilman Sports Fields - Loan of funds for ball field design

REPORT BY: Beth Pollard, City Administrator

STAFF RECOMMENDATION

Authorize staff to negotiate an agreement with the agency members of the Gilman Sports Field Joint Powers Agreement (JPA) for future repayment of funds advanced by the City of Albany for the burrowing owl habitat mitigation project, in order to assist the JPA to move forward with designing the remaining Gilman ballfields.

BACKGROUND

The cities of Albany, Berkeley, El Cerrito, Emeryville and Richmond are the member agencies of the Gilman Sports Field Joint Powers Agreement (JPA). The JPA was established as a regional effort to construct ball fields on property owned by the East Bay Regional Parks District (EBParks) on the waterfront at the end of Gilman Street in Berkeley. With assistance from EBParks, the JPA agencies (referred to as “the JPA”) obtained grant funds for Phase I of the ball field project, which resulted in the recently completed construction of new soccer fields. The grand opening of the fields, now known as the Tom Bates Regional Sports Complex, is scheduled for September 6.

Since burrowing owls had been spotted where the Gilman fields are being built, the JPA was required to construct a replacement burrowing owl habitat. The Albany Plateau, which is part of the Eastshore State Park and managed by EBParks, was the chosen location for the habitat. Just as the City of Berkeley was the lead agency for the ballfields because the site is within its jurisdiction, Albany was the lead agency for the construction of the burrowing owl habitat because the Plateau is within its city limits. The construction of the habitat is now complete.

The Gilman Sports Field Project budget currently has \$120,000 allocated for the burrowing owl project. The City of Albany has incurred approximately \$75,000 on the burrowing owl project. The City is to be reimbursed by the JPA for these costs. There will also be costs for future monitoring of the habitat that will be charged to the JPA.

DISCUSSION

Phase II of the Gilman sports field project is to design and construct two softball fields and a baseball field. The cost estimate to design the three fields is \$156,000. The JPA is trying to identify funds for this work.

At the JPA meeting on Wednesday, August 20th, Berkeley Mayor Tom Bates and Albany Mayor Robert Lieber put forward the idea of deferring the reimbursement of the owl funds to Albany in order to cover the cost of design for Gilman Phase Two (softball/baseball fields). This would allow the JPA to complete the design this Fall.

The Gilman Project anticipates receiving new funds in the next year, comprised of the following: \$600,000 from the College Preparatory School once the long-term use agreement has been approved by the East Bay Regional Park District and the State; potentially \$800,000 from the five JPA cities from Measure AA; and other sources.

ANALYSIS

The City of Albany advanced funds from Measure R – Ballfields for the habitat project. There is currently no immediate need for the use of those funds. As long as the loan agreement provides assurance of repayment, in a reasonable time period, and with the payment of interest, there is no anticipated impact to the City.

The loan agreement negotiated with the JPA would be brought back to the City Council for approval. There may also be a need for the agreement to be approved by the other City Councils of each member agency since the JPA is not a separate legal entity.

FINANCIAL IMPACT

The amount of the loan would not be available in Measure R – Ballfields funds for duration of the term of the loan. A payment of interest to cover the City's loss of interest revenue on these funds would be incorporated into the loan agreement.