

AGENDA

OF A REGULAR MEETING
OF THE
CITY OF COACHELLA
PARKS AND RECREATION COMMISSION

July 18, 2023 4:30 PM

In-Person Meeting Location:

If you would like to attend the meeting via Zoom, here is the link:

Coachella City Hall Council Chamber 1515 Sixth Street Coachella, CA

One tap mobile: +16694449171,,86291638284#,,,,*970236#

Or Telephone:

US: +1 669 900 6833 **Webinar ID: 862 9163 8284**

Passcode: 970236

Spanish: El idioma español está disponible en Zoom seleccionado la opción en la parte de

https://us02web.zoom.us/j/86291638284?pwd=NUJQZGNINEIxa09UUzZ1cFZEandrdz09

abajo de la pantalla

• Public comments may be received **either in person, via email, telephonically, or via Zoom** with a limit of **250 words, or three minutes:**

o In Real Time:

If participating in real time via Zoom or phone, during the Public Comment Period, use the "raise hand" function on your computer, or when using a phone, participants can raise their hand by pressing *9 on the keypad.

o <u>In Writing:</u>

Written comments may be submitted to the City Council electronically via email to cityclerk@coachella.org. Transmittal **prior to the start** of the meeting is required. All written comments received will be forwarded to the City Council and entered into the record.

- o If you wish, you may leave a message at (760) 262-6240 before 5:30 p.m. on the day of the meeting.
- The **live stream** of the meeting may be **viewed online** by accessing the city's website at www.coachella.org, and clicking on the "Watch Council Meetings" tab located on the home page, and then clicking on the "live" button.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA:

"At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda."

APPROVAL OF THE MINUTES:

1. Meeting Minutes of June 20, 2023 of the Parks and Recreation Commission

PRESENTATIONS:

2. Presentation/Discussion Regarding the Bagdouma Field 4 Soccer Use

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

3. Approval of Eleventh Amended Memorandum of Understanding between the City of Coachella and Sports Leagues

PUBLIC COMMENTS (NON-AGENDA ITEMS):

"The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes."

REPORTS AND REQUESTS:

Commissioner Comments

Public Works Director's Comments

ADJOURNMENT:

Complete Agenda Packets are available for public inspection at the City Clerk's Office at 53-462 Enterprise Way, Coachella, California, and on the City's website www.coachella.org.

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



Coachella Corporate Yard, Upstairs Conference Room 53-462 Enterprise Way, Coachella, California (760) 398-3502 ◆ www.coachella.org

MINUTES

OF A REGULAR MEETING OF THE CITY OF COACHELLA PARKS AND RECREATION COMMISSION

> June 20, 2023 4:30 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

Chair Avila led the pledge of allegiance.

ROLL CALL:

PRESENT: Commissioner Rosalio Avila, Commissioner Robert Antonio Caballero, Commissioner Karen Hernandez, Commissioner Andrew Gallegos, Commissioner Marcos Granados Jr., and Alternate Commissioner J. Carlos Ayala.

Absent: None

APPROVAL OF AGENDA:

Motion: To approve agenda as presented.

Made by: Commissioner Caballero

Seconded by: Commissioner Hernandez

Approved: 5-0, by a unanimous roll call vote:

AYES: Commissioner Avila, Commissioner Caballero, Commissioner Hernandez, Commissioner Gallegos, and

Commissioner Granados Jr.

NOES: None

ABSTAIN: None

ABSENT: None

APPROVAL OF THE MINUTES:

1. Meeting Minutes of May 16, 2023 of the Parks and Recreation Commission

Parks and Recreation Commission

Minutes

Page 2

Motion: To approve the minutes as presented.

Made by: Commissioner Hernandez

Seconded by Commissioner Gallegos

Approved: 5-0, by a unanimous roll call vote:

AYES: Commissioner Avila, Commissioner Caballero, Commissioner Hernandez, Commissioner Gallegos, and Commissioner Granados Jr.

NOES: None

ABSTAIN: None

ABSENT: None

PRESENTATIONS:

2. Park User Fee Schedule Update

- 3. Memorandum of Understanding between the City and Sports Leagues Update
- 4. Coachella Parks and Recreation Foundation Update
- 5. Coachella Youth Sports Association Soccer League Update
- Presentation given by Alma Aceves

NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):

6. Recommend Approval of the 2023 - 2025 Memorandum of Understanding between the City of Coachella and Desert Recreation District.

Motion: To approve Memorandum of Understanding.

Made by: Commissioner Callabero

Seconded by: Chair Avila

Approved: 4-1

AYES: Commissioner Avila, Commissioner Caballero, Commissioner Hernandez, and Commissioner Granados Jr.

NOES: None

ABSTAIN: Commissioner Gallegos

ABSENT: None

PUBLIC COMMENTS (NON-AGENDA ITEMS):

"The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes."

Ricardo Valencia expressed his concerns about field usage and the action of sub-leasing fields to other cities. He stated that "I don't think it is fair that they are sub-leasing our fields and other cities come and use our fields." He is requesting the commission to provide him access to a field in the City of Coachella for players from his organization "UPSL."

REPORTS AND REQUESTS:

Commissioner Comments – Commissioner Caballeros asked questions about field 4 usage at Bagdouma Park. Commissioner Gallegos mentioned he enjoyed operation splash and recommended the city does it more often.

Public Works Director's Comments- Staff thanked the commissioners and reviewed the upcoming city events. Provided feedback on the Brown Act training and mentioned a webinar that can help on better understanding of the Brown Act.

ADJOURNMENT:

CHAIR AVILA ADJOURNED MEETING AT 5:43PM.

Respectfully submitted,

Public Works Director Depui



STAFF REPORT 7/18/2023

To: Parks and Recreation Chair and Commissioners

FROM: Maritza Martinez, Public Works Director

SUBJECT: Recommend approval of: Eleventh Amended Memorandum of Understanding

between the City of Coachella and Sports Leagues.

STAFF RECOMMENDATION:

Recommend approval of Eleventh Amended Memorandum of Understanding between the City of Coachella and Sports Leagues.

BACKGROUND:

Since 2007, the City has entered into a Memorandum of Understanding (MOU) with the local nonprofit sports leagues for use of park facilities. The MOU identifies the following per league use information pertaining to Bagdouma Park and Rancho Las Flores Park: league season (months of the year available), days of use during the identified league season and area of the park available to the league use during their identified season.

DISCUSSION/ANALYSIS:

Staff has discussed the following edits to the current Memorandum of Understanding (MOU) with the Sport Leagues:

- Section 2.2 and 2.3 MOU edits
 - Adjusting both soccer league field access season from November 1 July 31st to instead reflect use from January 10 July 31st and September 18 November 19; maintenance will occur in new proposed schedule between August 1st- September 17 and again November 20 January 9th. In both scenarios a three month maintenance period is allotted to the City. This altered schedule accommodates Coast Soccer League tournament participation by both soccer leagues and adjusts winter rye overseeding application schedule to occur later in the year, as is the request is the request of the City maintenance staff.

These recommended edits have been discussed with both soccer sports leagues and both soccer sports leagues (CVSL and CYSA-S) have affirmed support of these recommended changes.

FISCAL IMPACT:

Recommended action will not have a fiscal impact.

Attachments:

MOU Eleventh Amendment (Proposed)

ELEVENTH AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF COACHELLA AND THE SPORTS LEAGUES

This Memorandum of Understanding (hereinafter "MOU") is made on July 26, 2023, by and between the City of Coachella, a California municipal corporation organized and existing under the laws of the State of California (hereinafter, "City"), Coachella Youth Baseball & Softball Association (hereinafter "CYBSA"), Coachella Valley Soccer League ("CVSL"), Coachella Youth Sports Association – Soccer (hereafter "CYSA-S") and Coachella Little Arabs Youth Football (hereinafter "CLAYF"), hereinafter also referred to individually as a "Party" or jointly as "Parties."

RECITALS

WHEREAS, the City of Coachella is a California municipal corporation organized and existing under the laws of the State of California, which provides various park facilities to its community including: Bagdouma Park, and Rancho Las Flores Park (referred to hereinafter collectively as "Parks");

WHEREAS, CYBSA is a youth sports league operating its baseball and softball sports leagues within the City of Coachella, specifically using Bagdouma Park during their sports season which runs from February 1 to May 31, of each year for their practices, games, tournaments, programs and related baseball activities;

WHEREAS, CVSL is a youth and adult soccer sports league operating its sports leagues within the City of Coachella, specifically using Rancho Las Flores Park, from November 1 to July 31, during part of their sports season for their practices, games, tournaments, programs and related soccer activities;

WHEREAS, CYSA-S is a youth and adult soccer sports league operating its sports leagues within the City of Coachella, specifically using Bagdouma Park, from November 1 to July 31, during part of their sports season for their practices, games, tournaments, programs and related soccer activities;

WHEREAS, CLAYF is a youth football and cheerleading sports league operating its sports league within the City of Coachella, specifically using Bagdouma Park during its sports season which runs from July 20 to November 30, of each year for its practices, games, tournaments, programs and related football activities;

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WHEREAS, the past use of Parks by CYBSA, CVSL, CYSA-S, and CLAYF (collectively, "Sports Leagues") have had concerns regarding which sports league has access to certain areas of the Parks;

WHEREAS, the City is interested in resolving these use and access conflicts between the Sports Leagues by entering into this MOU with the Sports Leagues using City facilities to established a mutually agreeable schedule and understanding;

WHEREAS, since the Sports Leagues also charge fees for the public to join their respective sports leagues which use the Parks, the Sports Leagues have agreed to have and maintain their 501(c)(3) non-profit corporate status as of the date of this MOU and for the term of this MOU;

WHEREAS, the Sports Leagues have reached a mutual understanding that will grant the Sports Leagues access to certain mutually agreeable sections of Bagdouma Park, and/or Rancho Las Flores during their respective sports seasons under the terms of this MOU; and

WHEREAS, each Sports League must: 1) apply for a facility use permit for sports season use, 2) request an invoice from the City for the individual sport league's season use fees, 3) pay/commit to a payment plan for the corresponding use fees, 4) obtain an approved facility use permit prior to being permitted field use for the season, as is allowed for by the terms of this MOU; and

WHEREAS, the Sports Leagues must submit a separate facility use permit request and obtain an approved facility use permit for any and all uses not authorized by the terms of this MOU;

WHEREAS, by entering into this MOU the City, CYBSA, CVSL, CYSA-S, and CLAYF will strengthen their relationship to provide services to the public upon a mutual understanding.

NOW, THEREFORE, the City, CYBSA, CVSL, CYSA-S, and CLAYF mutually understand and agree as follows:

1. <u>General</u>. The foregoing recitals are true and correct and all exhibits referred to hereinafter are hereby incorporated into and made a part of this MOU.

- 2. <u>Access to City Park Areas by Sports Leagues</u>. The below sections describe park access areas per league. For permitted use of these areas each league must obtain an approved Facility Use Permit for sport season play annually. All non-sport season play must be permitted separately from season league play per a separate Facility Use Permit.
- 2.1. CYBSA shall have access to the areas of Bagdouma Park described as area A and B in Exhibit 1 attached hereto and incorporated herein by this reference, from February 1 to May 31, of each year. The permitted access shall be as reflected in the issued annual/monthly Facility Use Permit.
- 2.2. CVSL shall have access to the areas of Rancho Las Flores Park described as areas C1, C2 and C3 in Exhibit 2 as permitted by the issued annual/monthly Facility Use Permit. The available uses of these areas during season play are as follows:
- 1) September 18 to November 19: Exhibit 2 areas C1, C2 and C3;
- 2) January 10 to May 31: Exhibit 2 areas C1, C2 and C3;
- 3) June 1 to July 31: Exhibit 2 area C1, C2 and C3;
- 4) August 1 October 31; Bagdouma Field 4 only Mondays, Wednesdays and Sundays.
- 2.3. CYSA-S shall have access to the areas of Bagdouma Park described as areas C and C3 in Exhibit 1 and as reflected in the issued annual/monthly Facility Use Permit. The available uses of these areas during season play are as follows:
- 1) September 18 to November 19: Exhibit 1 areas C;
- 2) January 10 to May 31: Exhibit 1 areas C and C3;
- 3) June 1 to July 31: Exhibit 1 area C;
- 4) August 1 October 31; Bagdouma Field 4 only Tuesdays, Thursdays and Saturdays.
- 2.4. CLAYF shall have access to the area of Bagdouma Park described as area C3 in Exhibit 1 attached hereto and incorporated herein by this reference, from July 20 to November 30, of each year. The permitted access shall be as reflected in the issued annual/monthly Facility Use Permit .
- 2.5. At all other times and dates not described in Subparagraphs 2.1, 2.2, 2.3, 2.4, and 2.5 above, the areas identified as in Exhibit 1 2 as "A", "B", "C", "C1", "C2" and "C3" (hereinafter "League Areas") shall be available and open to be used and accessed by other parties and the general public. Moreover, when the League Areas are not being used by the respective Sports Leagues during their sports season, other parties and the general public shall have use and access to the League Areas.

- 2.6. None of the use and access rights granted to the respective Sports Leagues in Subparagraphs 2.1, 2.2, 2.3, 2.4, and 2.5 shall abrogate and deny the City's ability to use and access the League Areas for any and all purposes, in the City's sole and absolute discretion, which may include but are not limited for maintenance purposes, for special events, to respond to emergencies, to make improvements to the League Areas, reseed the grass at least twice annually each year in the League Areas, and to carry out other municipal and local responsibilities and duties of the City. When the City exercises its absolute and sole use and access rights described herein, the City will use all reasonable efforts to provide advance notice of its use of the League Areas and to minimize the disturbance and inconvenience this may cause the Sports Leagues.
- 2.7. <u>Non-Season Play.</u> All non-season play must be permitted separately from season league play per a separate facility use permit. No Sport League can obtain facility use permits for non-season play if it will result in issuance of permitted facility use exceeding a nine month period. Sport League facility use cannot exceed nine months between January 1st and December 31st of each calendar year; total facility use is the combined sport season play and non-sport season play per calendar year. All non-season play requests will be evaluated individually and approved only if they can be accommodated without impacts to field conditions and existing season play field areas as identified in Section 2 of this MOU.
- 3. <u>Access to the Snack Bar by Sports Leagues</u>. For permitted use of the snack bars each league must obtain an approved facility use permit as allowed by Chapter 12.32 of the Municipal Code.
- Areas, the Sports Leagues have agreed to have a 501(c)(3) status for their respective league organization, as named in the MOU and as currently identified by their respective 501(c)(3) number and Employment Identification Number, and to maintain that 501(c)(3) status active and current. Should the Sports League 501(c)(3) status not be in current standing (such as but not limited to: inactive, suspended or delinquent), the City will issue the Sports League a written Notice of Violation. The Sports League will have 180 days from the status to an active and current standing (as verifiable by public state and federal websites). Should the Sports Leagues not return its 501(c)(3) status to a current status by day 181 from the date of the Notice of Violation the Sports League's Facility Use Permit and facility access will be revoked until corrected.

5. <u>General Liability Insurance and Business License.</u> The sports league shall be required to submit a City of Coachella Business License and a proof of General Liability insurance prior to the start of the season, in the amount of \$1,000,000 reflecting the City of Coachella and its officials as additional insured with respect to the use of the City facilities (Bagdouma Park and/or Rancho Las Flores Park). Without receipt of this submittal a Facility Use Permit will not be issued, delaying facility access until provided.

6. Record Keeping.

- days prior to the commencement of the sports season in order to ensure no delays are experienced in permitting sport season play: copy of the league bylaws, submit form identifying its board members, file form identifying: when, where and how often the sport league holds its regular meetings, copy of the league's current 501c3 status and original issuance, current insurance documents providing the coverage referenced in Section 5. A facility use permit will not be issued without the above noted documents. If the documents are not provided to the City thirty (30) days prior to the commencement of the sports season the Sports League may experience up to a thirty (30) day delay in obtaining the required Facility Use Permit for facility access.
- 6.2 Forty-five (45) days after the start of the sports season each Sport League must provide the City the following information: number and names of all teams registered with the Sports League; name and city of residency and age of each registered player listed per team. If the documents are not provided to the City within the forty-five (45) days the Sport League may experience up to a thirty (30) day delay in obtaining the required Facility Use Permit for facility access.
- 6.3 Staff must be invited to any and all Sport League elections and be provided at least twelve (12) calendar days' notice of such an election via certified mail.
- 6.4 The Sports Leagues shall keep and maintain during the term of this MOU, in accordance with generally accepted accounting principles, complete books of accounts and accounting records (collectively, the "Books and Records") of all league enrollment fees, purchases and receipts of merchandise, food, beverage, inventories and all sales and other transactions from which the Sports Leagues' receipts and charges are or can be determined.

- 6.5 The Sports Leagues shall record all transactions, at the time each transaction is made, whether for cash or credit.
- 6.6 The Sports Leagues shall retain the Books and Records during the term of this MOU and for a period of at least four (4) years after the end of each calendar year thereof.
- 6.7 The Sports League shall present an annual End of the Year Report to the Parks and Recreation Commission.
- 7. <u>User Fees.</u> The Sports Leagues must pay the approved user fees for their use of City facilities. All uses must be permitted and codified per an issued Facility Use Permit.
- 7.1 All Facility Use Permits will reflect the total sports season use costs. Each Sports League will have the option to 1) pay all fees prior to the start of its sports season 2) pay fees on a month to month basis or 3) establish up to three payment installments in order to pay the complete amount owed for use of the City facilities during its sports season (the last installment payment cannot be scheduled later than thirty-one (31) days before the end of the sports season).

Should the Sports League lapse in any one of its arranged payment installments a Notice of Correction will be issued and the Sports League will be provided fourteen (14) days to pay the agreed payment otherwise the Sports League's Facility Use Permit will be revoked until the full payment due is made.

- 8. <u>Financial Audit</u>. The Books and Records shall, upon five (5) business days' prior written notice to the Sports Leagues, be open for inspection by City, its auditors or other authorized representatives.
- 8.1 The Sports Leagues shall be audited by a third party financial firm selected and paid for by the City of Coachella bi-annually. Prior to the audit the Sports League will provide written notification of all documents requested to complete the financial audit; the Sports League will be provided 30 days to produce requested documents. Should the documents requested not be produced within the 30 days provided facility access will be revoked until corrected. The final audit documents will be posted on the City website.

- 8.2 All members of Sport League boards must attend the annual 501c3 training provided by the City.
- 8.3 All Sport Leagues must obtain a Financial Audit score of C or higher and each Sport League's Financial Audit score much improve each year.
- 9. <u>Code of Conduct.</u> The City of Coachella Municipal Code Chapter 12.32 establishes *Park Use Regulations.* Sports League representative must at all times ensure their actions do not conflict with the Activities and Conduct Prohibited in City Parks. Violations will result in restricting the violator from accessing the park. If violations are recurring the restriction period can extend to the entire Sports League Season. Extended restriction periods will result in a written Notice of Violation to be issued by the City of Coachella Public Works Director.
- 10. <u>Term</u>. This MOU shall be effective as of August 1, 2023, and shall continue in effect until June 30, 2025, unless earlier terminated as provided herein. This MOU shall be automatically renewed from year to year on July 1st, unless either Party gives notice to the other Parties, on or before May 1 of each year, of its intent not to renew this MOU.

11. <u>Termination of Agreement</u>.

- 11.1 <u>Grounds for Termination</u>. City may, by written notice to Sports Leagues, terminate this Agreement at any time for violations of the City's Municipal Code Chapter 12 Park Use Regulations and may terminate this Agreement without cause by giving written notice to Sports Leagues of such termination, and specifying the effective date thereof, at least thirty (30) days before the effective date of such termination.
- 12. <u>Notice</u>. Notices under this MOU shall be given in writing, by personal delivery, or first class mail, addressed to:

For CYBSA: For CYSA–S:

President, Coachella Youth
Baseball & Softball Association
President, Coachella Youth
Sports Association - Soccer

P.O. Box 1296 P.O. Box 1323

Coachella, CA 92236 Coachella, CA 92236

For CLAYF

President, Coachella Little Arabs Youth Football P.O. Box 1109 Coachella, CA 92236

For City of Coachella: For CVSL: City Manager President

53-990 Enterprise Way 51544 Cesar Chavez St. Suite 1H

Coachella, CA 92236 Coachella, CA 92236

- 13. <u>Amendments</u>. To the extent that either of the Parties believes that the MOU should be amended, the Parties agree to negotiate on such amendments in good faith in order to further the objectives of this MOU.
- 14. <u>Complete and Final Agreement</u>. This MOU contains the entire understanding of the Parties hereto with respect to the subject matter contained herein, and represents the complete and final expression of the Parties and supersedes any prior written or oral discussion, negotiation, understandings or agreements between the Parties.
- 15. <u>Successors and Assigns; Transfer or Sale</u>. No interest in this MOU shall be sold, assigned, pledged or alienated in any manner without the written consent of the other Parties. This MOU shall be binding on and shall inure to the benefit of the Parties hereto and their respective successor and permitted assigns. Permitted and access to the aforementioned City facilities (Park and Snack Bar Use) is provided to the Sports Leagues by the City and cannot be transferred/given by the Sports Leagues to any other entity.
- 16. <u>No Third Party Beneficiaries</u>. This MOU is not intended to, and shall not be construed to, create any right on the part of a third party to bring an action to enforce any of its terms and understandings.
- 17. <u>Counterparts</u>. This MOU may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together constitute one and the same document.
- 18. <u>New Party Requirements</u>. No Sport League can be eligible to be added as a party to the Agreement unless: 1) less than two organizations are providing one of three youth sports (soccer, baseball/softball, football); 2) Sport League applicant must have at

least three consecutive years in operation 3) Sport League applicant can provide the following documents for three consecutive years: active and current 501c3 status, 1023 documents, Registered with Franchise State Tax Board documents, Registered as a State Charity, financial documents including general ledger of all transactions for the same three years, applicant can provide all Financial Audit documents and obtain a score of C or better by the City assigned third party auditor.

WHEREFORE, IN WITNESS THEREOF, the City, CYBSA, CVSL, CYSA-S, CVRYFA, and CLAYF hereby execute and enter into this Memorandum of Understanding with the intent to be bound thereby through their authorized representatives whose signatures are affixed below.

CITY OF COACHELLA:	AND SOFTBALL ASSOCIATION
By:	
Gabriel D. Martin, Ph.D, City Manager ATTEST:	By: Juan Rodriguez, President
	COACHELLA VALLEY SOCCER LEAGUE
	EE. TGCE
By:	By:
Angela M. Zepeda, City Clerk	Manuel Montaño, President
Approved as to form:	COACHELLA YOUTH SPORTS ASSOCIATION SOCCER
By:	
Carlos Campos, City Attorney	By:
	Alma Aceves, President
	COACHELLA LITTLE ARABS
	YOUTH FOOTBALL
	By:
	Mario Gallo, President

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EXHIBIT 1 – BAGDOUMA PARK



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EXHIBIT 2 – RANCHO LAS FLORES PARK



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