



# Monterey County

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## Board Report

Legistar File Number: RES 18-020

February 27, 2018

**Introduced:** 2/22/2018

**Version:** 1

**Current Status:** Agenda Ready

**Matter Type:** BoS Resolution

Adopt a Resolution authorizing the Chair of the Board of Supervisors to execute a Revised Amended and Restated Memorandum of Understanding (MOU) for the Development of a Regional Soccer Complex with additional amendments proposed by the City of Salinas to remove conveyance of title to the City-owned parking lot at 101 West Alisal Street in Salinas..

### RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution authorizing the Chair of the Board of Supervisors to execute a Revised Amended and Restated Memorandum of Understanding (MOU) for the Development of a Regional Soccer Complex with additional amendments proposed by the City of Salinas to remove conveyance of title to the City-owned parking lot at 101 West Alisal Street in Salinas.

### SUMMARY/DISCUSSION:

On June 13, 2017, the Board received a status report on the Project, and directed that a revised MOU and Master Lease be brought back as soon as reasonably possible for Board consideration. The Board directed that the revised MOU contain provisions providing for County and City representation on the Authority's Board of Directors and ensuring that the general public will have access to the facilities to the greatest extent possible.

On August 29, 2017, the Board of Supervisors approved an Amended and Restated MOU that:

- a) Revised provisions regarding the timing of the Board's consideration and approval of the Conceptual, Management and Finance Plans.
- b) Required that the facilities be available to the general public as much as possible.
- c) Provided for County and City representation on the Authority's Board with respect only to issues affecting the Project.
- d) Revised the Master Lease terms, as previously agreed:

From: Thirty (30) years with a single twenty (20) year extension. In exchange, County would receive title for City-owned property located at 101 W. Alisal Avenue, which is where Public Defender modular is located at the southwest corner of Alisal St and Lincoln Ave. County would lease 39 spaces for City use.

To: Fifty (50) years with two (2), twenty (20) year extensions. County would receive title for City-owned property located at 101 W. Alisal Avenue, with no restriction.

On December 19, 2017, the Salinas City Council voted to approve the MOU with changes to remove the Condition Precedent related to the City conveying the parking lot at 101 West Alisal Street (Section VII.4, Section IX). Staff understand the reasoning is that City is working on a parking program for the downtown area, in consultation with County staff, to reduce/eliminate surface parking

and redevelop parking lots into higher and better uses (e.g. commercial, housing). Effectively, this Revised Amended and Restated MOU results in compensation of County land to the City being limited to \$1 per year. However, the use is restricted to a regional soccer complex that benefits our residents.

City agreed that the existing agreement/easement allowing County use of the property for parking would remain in effect until/unless parking is provided by other means and both parties agree this property is no longer needed for that purpose. However, the MOU, as drafted, removed language that makes this unclear. The property at 101 West Alisal Street is critical for the County use. It has been used to house a modular for the Public Defender that was converted into a temporary warming shelter. When the modular is removed, County intends to use that parking lot for juror parking, which enables County to end the lease with the City to use the train station lot (for an annual fee, including costs for security), and reduce/end the shuttle program (which is a cost to the County).

Therefore, staff consulted counsel on existing lease documents to assure County retained use of the parking lot as agreed with transfer of County land to City for use as a golf course (Twin Creeks, Lease Agreement A-07397). Lease Agreement A-07396 (Parking Lot Lease) has a term of 99 years with no right of the City to terminate as long as County makes lease payments. This lease commenced on June 1, 1997 and is set to expire on May 31, 2096 (99 years). Paragraph 5 speaks of "Use Limitations", which includes "government use", including parking. Staff consulted County Counsel and finds that the lease appears solid from the County's perspective.

A draft Board resolution is enclosed as Attachment A. A copy of the City's resolution is attached as Attachment B. An underline/~~strikeout~~ version of the MOU is enclosed as Attachment C. The Master Lease approved by the Board in August 2017 does not change. Its provisions are required to be consistent with those of the Amended and Restated MOU.

#### OTHER AGENCY INVOLVEMENT:

The County Administrator's Office, Resource Management Agency and County Counsel's Office have been involved with negotiations and preparing this report. The City of Salinas and the Regional Soccer Authority have been consulted with respect to its discussion.

#### FINANCING:

The County will receive rent of one dollar (\$1) per year for the property under the Master Lease; there is no negative impact on the County's General Fund. The County will also retain an easement allowing use/parking of City-owned property located at 101 W. Alisal Avenue, which is where a modular building used as a temporary warming shelter is located (former Public Defender offices).

#### BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Project will fill a need to provide safe recreational activity for the region's youth through the provision of new infrastructure on a public/private partnership basis. Participation in these recreational activities will contribute to the overall health of the community. Related Board of Supervisors Strategic Initiatives include:

- X Economic Development
- ☐ Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Reviewed by: Leslie J. Girard, Chief Assistant County Counsel

Prepared by: Carl Holm, RMA Director, x5103

Attachments:

- A. Board Resolution
- B. City of Salinas Resolution
- C. Underline/strikeout version of the Amended and Restated MOU, as approved by City of Salinas 12/19/17
- D. Parking Lot Lease