



Legislation Details (With Board Report)

File #: A 18-017 **Name:** Wildflower Triathlon FUA LLC
Type: BoS Agreement **Status:** Consent Agenda
File created: 1/24/2018 **In control:** Board of Supervisors
On agenda: 2/6/2018 **Final action:**

Title: a. Approve a Five-year Facility Use Agreement between Wildflower Triathlon LLC and the County of Monterey to promote and conduct the Wildflower Triathlon at Lake San Antonio South Shore for the years 2018 to 2022, with the right to negotiate a five-year extension from 2022 to 2027 on terms and conditions to be mutually agreed to by the parties, if exercised by both parties;
b. Find that the Wildflower Triathlon at the Lake San Antonio South Shore is Categorical Exempt from CEQA pursuant to Section 15304(e) of the CEQA Guidelines;
c. Authorize the Chair of the Board to sign the Facility Use Agreement on behalf of the County; and
d. Authorize the RMA Director, or designee to sign an annual Concession Agreement for Special Events each year (2018-2022) for the Wildflower Triathlon to address specific details on maintenance and operations pursuant to the terms of the Facility Use Agreement.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Wildflower Triathlon FUA, 3. Exhibit A to Attachment A - Wildflower Triathlon-Excl'd Areas of Use, 4. Exhibit B to Attachment A-Wildflower Triathlon-Spec Use Event App, 5. Exhibit C to Attachment A-Wildflower Triathlon-Concession Agrmnt, 6. Completed Board Order and Agreement

Date	Ver.	Action By	Action	Result
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d. Authorize the RMA Director, or designee to sign an annual Concession Agreement for Special Events each year (2018-2022) for the Wildflower Triathlon to address specific details on maintenance and operations pursuant to the terms of the Facility Use Agreement.

RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve a Five-year Facility Use Agreement between Wildflower Triathlon LLC and the County of Monterey to promote and conduct the Wildflower Triathlon at Lake San Antonio South Shore for the years 2018 to 2022, with the right to negotiate a five-year extension from 2022 to 2027 on terms and conditions to be mutually agreed to by the parties, if exercised by both parties;
b. Find that the Wildflower Triathlon at the Lake San Antonio South Shore is Categorical Exempt from CEQA pursuant to Section 15304(e) of the CEQA Guidelines;
c. Authorize the Chair of the Board to sign the Facility Use Agreement on behalf of the County; and
d. Authorize the RMA Director, or designee to sign an annual Concession Agreement for Special Events each

year (2018-2022) for the Wildflower Triathlon to address specific details on maintenance and operations pursuant to the terms of the Facility Use Agreement.

SUMMARY:

Wildflower Triathlon, LLC desires to enter into a long-term Facility Use Agreement to produce an annual triathlon event (“Triathlon”) at Lake San Antonio South Shore. As drafted, the Agreement would allow Wildflower Triathlon, LLC to do the following:

- Use of the entire Lake San Antonio South Shore Facility defined as the “Use Area”, excluding the Parks Office, Parks Maintenance Yard, Staff/Ranger Residences and any facilities owned or managed by the County or designated operator, for 20 days during the Triathlon (including set up). The Triathlon is to be held annually on a Friday, Saturday, and Sunday in early May/late April for a maximum attendance of 6,000 participants and 20,000 spectators per day, including staff, volunteers, vendors, participants, and spectators.
- The property is provided on an “as-is” basis. If improvements are needed to County property, Wildflower Triathlon at their own expense, may make improvements with prior written approval from the County.
- At their own expense, remove trash and recycled material and pump septic following the event, including providing all security needed during set up, event, and cleanup. Prepare all trails, campgrounds, and swim course for their use, including monitoring the swim course during the event as necessary.
- If using water trucks for dust control, water must be pumped from Lake San Antonio and not the well system, at their expense.
- Priority use of camping areas during training weekends held weekly on a Friday, Saturday, or Sunday beginning the last weekend in March and ending the weekend prior to the Triathlon.
- Subject to space availability and sole discretion of the County, Wildflower Triathlon may be authorized to utilize a designated area, up to 150 foot by 150 foot square feet, for year-round storage.

In exchange, Wildflower Triathlon, LLC must:

- Pay the County \$180,000 in special event revenue for FY 2017-2018, which will increase annually based on the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area.
- Pay the County \$2,500/day for Parks staffing (\$7,500/day during event) that will also adjust each year by the CPI. If additional staff is required, the Parties agree to meet and discuss the need and cost.

DISCUSSION:

On February 22, 2000, the Board of Supervisors approved a ten-year Professional Services Agreement with Tri-California Events, Inc. for that entity to organize, promote and produce the Park’s Department’s Annual Wildflower Triathlon Festival. On March 9, 2004, due to the success of the Festival, Amendment No. 1 was approved by the Board to permit expansion of the number of participants and an adjustment of the payment schedule. Tri-California promoted and produced the event on behalf of the County since 1995. The relationship between the parties and the event had been consistently positive and the event itself reflected positively on Monterey County. Over the years, the event grew in complexity and its success necessitated another Amendment to extend the Agreement for an additional ten-year term, with a new termination date of September 30, 2020. However, due to the drought this agreement was terminated after the 2015 event. The Parks Department had conducted the Wildflower Festival at Lake San Antonio for 32 years. The last triathlon event took place in 2015 and due to the drought, the event was not held in 2017.

Due to the financial losses incurred by the drought, Tri-California Events, Inc. did not have the financial resources necessary to take the financial risk to produce the event and recently entered into an agreement with Motiv Sports Inc., an endurance sports company out of Colorado, to form a Limited Liability Corporation,

Wildflower Triathlon, LLC. Staff is recommending the Board approve a five-year Facility Use Agreement between Wildflower Triathlon, LLC and the County to promote and conduct the Triathlon at Lake San Antonio South Shore.

Staff recognizes the importance of Lake San Antonio to local communities. Prior to negotiating any term extension of this Agreement, Staff will meet with community stakeholders to encourage input and address concerns.

Section 15304 of the CEQA Guidelines exempts minor alterations to land such as temporary use of land having negligible or impermanent effects on the environment including carnivals, outdoor festivals/concerts, etc. Agreement conditions require the vendor to restore the facility to its pre-event condition. As such, staff finds that this event can be found categorically exempt from CEQA review.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed this Agreement and approved it as to form. Resource Management Agency, Risk Management, Sheriff's Office, Emergency Services Agency, Health Department, California Highway Patrol and CalFire will be involved with approvals of the specific permits and plans for the event.

FINANCING:

The contract will provide \$180,000 in special event revenue for FY 2017-2018. The amount of revenue will increase by \$5,000 plus the amount of the Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area in FY 2018-19 and will increase by the amount of the CPI in subsequent years.

County shall be reimbursed \$2,500 for staffing per day (\$7,500 for event) and will adjust each year by the CPI. This is for monitoring, supervision, emergency repair work, etc., at the sole discretion of the County. If additional staff is required, the Parties agree to meet and discuss the need and cost.

RMA - Parks costs associated with support of the Triathlon are estimated at \$2,500 for staff planning, preparation time and event management, and are included in the FY2017-18 Adopted Budget, Fund 001, Unit 8475, Appropriation Unit RMA006. Costs to restore the facility to its pre-event condition are the responsibility of the vendor.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Triathlon events have a positive economic impact on the venues where events are held and the surrounding communities. This event helps to strengthen economic development through spending generated by the thousands of participants and their families, who will come to Monterey County. Agreements for special events provide a revenue source that can help maintain the facilities.

This action pertains to the following Board of Supervisors Strategic Initiatives:

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

Prepared by: Shawne E. Ellerbee, Deputy Director Administrative Services

Approved by: Carl P. Holm, AICP, RMA Director

Attachments:

Attachment A - Wildflower Triathlon LLC FUA

Exhibit A to Attachment A - Location Map
Exhibit B to Attachment A - Special Use Application
Exhibit C to Attachment A - Concessionaire Agreement
(Attachments on file with the Clerk of the Board)