



**CITY OF SALINAS  
COUNCIL STAFF REPORT**

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**DATE:** December 19, 2017

**DEPARTMENT:** CITY ATTORNEY'S OFFICE

**FROM:** CHRISTOPHER A. CALLIHAN, CITY ATTORNEY

**TITLE:** REGIONAL SOCCER COMPLEX REVISED AND RESTATED  
MEMORANDUM OF UNDERSTANDING

**RECOMMENDED MOTION:**

A motion to approve a Resolution regarding a Revised and Restated Memorandum of Understanding among the City of Salinas, County of Monterey, and Salinas Regional Sports Authority.

**RECOMMENDATION:**

Staff recommends that the City Council approve a Resolution regarding the Revised and Restated Memorandum of Understanding for the regional soccer complex at Constitution Boulevard.

**BACKGROUND:**

In 2010, the City of Salinas (City), County of Monterey (County), and Salinas Regional Sports Authority (Authority) entered into a Memorandum of Understanding (MOU) whereby the County agreed to lease 42-acres of County land near the intersection of Laurel Drive and Constitution Boulevard to the City with the intent for the City to lease land to the Authority that would in turn develop a Salinas Regional Soccer Complex project (Project). The MOU required the City and the County to approve the Conceptual, Management, and Financial plans for the Project as conditions precedent to the execution of the Master Lease and development of the Project. The City approved these plans in November 2014, and, as lease agency for the Project, approved a Mitigated Negative Declaration, and a Mitigation Monitoring and Reporting Program. The City subsequently settled a dispute with the owners of property within the Carr Lake area regarding the adequacy of the environmental review for the Project. The City also authorized the execution of a Master Lease and sub-lease with the Authority provided they were consistent with the terms of the MOU. The plans were never brought forward to the County for the Board of Supervisors to consider and to approve. Lacking County approval of the plans, the MOU has lapsed.

On September 12, 2017, the County Board of Supervisors approved an Amended and Restated MOU which contains (1) revised provisions regarding the timing of the Board's consideration and approval of the Conceptual, Management, and Finance Plans; (b) a revision to the Master Lease term, extending it from thirty (30) years with a single twenty (20) year extension, as originally

approved, to fifty (50) years with two-twenty (20) year extensions; (c) requiring that the facilities be available to the general public as much as possible; and (d) providing for County and City representation on the Authority's Board with respect only to issues affecting the Project.

#### DISCUSSION:

As mentioned above, because the County never considered nor approved the plans, the MOU lapsed. The City Manager and the City Attorney support the revisions approved by the County Board of Supervisors and recommend the City Council approve the revisions, as well as the revisions needed to the Master Lease and the Sub-lease to reflect the terms of the Amended and Restated MOU. The revisions are shown in underline/strikethrough text in the attached Amended and Restated MOU.

In addition to the revisions approved by the Board of Supervisors, the City Manager and the City Attorney recommend revisions to Section VII and Section IX. These additional revisions are related to the City-owned parking lot located at 101 West Alisal Street. Currently, this parking lot is used for City-vehicle parking (38 spaces) and for portable buildings owned by the County formerly occupied by the Public Defender's Office and now used as a temporary winter warming shelter. Under the current MOU (as approved by the Board of Supervisors) the City is obligated to convey title to the parking lot to the County, subject to certain conditions. (See Section VII.A.4 and Section IX of the attached MOU.) The revisions proposed to Section VII and Section IX remove the obligation imposed upon the City to convey title to this parking lot to the County. The issue of parking in the downtown/government center area is the subject of on-going discussions between the City and the County. Those discussions include this parking lot and the possibility for development of a multi-level parking structure.

Representatives from the Authority have indicated they have donors prepared to support development of the Project; however, the donors need to see commitment from the City and the County on the Project and their support for the Authority moving forward with the Project.

Should the City Council approve the proposed Resolution, the County Board of Supervisors would need to consider and approve the further amended and revised MOU. The Authority would also need to approve the MOU.

#### CEQA CONSIDERATION:

In November 2014, the City, as lead agency for the project, approved a Mitigated Negative Declaration and a Mitigation and Monitoring Reporting Program. No additional environmental review is required for this item.

#### STRATEGIC PLAN INITIATIVE:

The proposed action meets one of the secondary strategies in the Quality of Life Initiative: "Continue working with all parties in the progress of soccer fields at Constitution Park."

FISCAL AND SUSTAINABILITY IMPACT:

The City Council's approval of the proposed Resolution does not impact the City's General Fund or the Measure E or Measure G funds.

ATTACHMENT:

Resolution  
Revised and Restated Memorandum of Understanding

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION APPROVING AN AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING FOR THE DEVELOPMENT OF A REGIONAL SOCCER COMPLEX**

WHEREAS, the County of Monterey (County) owns certain property within the corporate limits of the City of Salinas (City) located near the intersection of Laurel Drive and Constitution Boulevard (Soccer Complex); and

WHEREAS, a portion of the Soccer Complex is currently leased to the City for use by City as a soccer complex; and

WHEREAS, an adjoining portion of County-owned land, currently maintained as open space, is also suitable for recreational use, although not currently developed (Expansion Site); and

WHEREAS, the Salinas Regional Sports Authority (Authority) is a California not for profit public benefit corporation whose mission is the development and operation of public recreation opportunities for the residents of the County; and

WHEREAS, the Authority desires to lease or sub-lease the Soccer Complex and the Expansion Site (collectively referred to herein as “the Property”) for the purpose of developing a regional soccer complex consistent with the Authority’s mission (Project)’ and

WHEREAS, City, County, and Authority (collectively “the Parties”) desire to cooperate in the development of the Property for the Project; and

WHEREAS, the City and the County are prepared to enter into a master lease whereby County will lease the Expansion Site to the City and consent to the sub-lease of the Expansion Site by the City to the Authority for the development and the use of the Expansion Site for the Project; and

WHEREAS, the Parties contemplate that the current lease for the Soccer Complex may be modified in order to unify a master lease for the Property for the purposes set forth herein; and

WHEREAS, the Parties previously executed a Memorandum of Understanding for the Development of a Regional Soccer Complex in February of 2010 (2010 MOU); and

WHEREAS, as lead agency, the City has approved a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, approved the Management and Financing Plans, and authorized the execution of the Master Lease and a sub-lease for the Project, as required by the 2010 MOU; and

WHEREAS, the County’s approval of the Management and Financing Plans did not occur and approval of the Master Lease and consent to the sub-lease were never granted, as required by the 2010 MOU; and

WHEREAS, the Parties still desire to move forward with development of the Project and enter into an Amended and Restated Memorandum of Understanding for that purpose; however,

the City desires to enter into an Amended and Restated Memorandum of Understanding provided it is not obligated, as it is under the 2010 MOU, to convey title to the City-owned parking lot at 101 West Alisal Street to the County.

NOW, THEREFORE, BE IT RESOLVED by the Council of Salinas as follows:

1. The Amended and Restated Memorandum of Understanding attached to this Resolution with the additional amendments proposed by the City of Salinas and related to the City-owned parking lot at 101 Alisal Street in Salinas is hereby approved.
2. The Mayor of Salinas is hereby authorized and directed to execute for an on behalf of the City and as its act and deed (a) the Amended and Restated Memorandum of Understanding for the Development of a Regional Soccer Complex attached to this Resolution and (b) the Master Lease with the County of Monterey and the Sublease with the Salinas Regional Sports Authority for the same purpose.
3. The City Manager is hereby authorized and directed to take whatever additional action may be necessary to effectuate the intent of this Resolution and the intent and the purposes of the Amended and Restated Memorandum of Understanding, as well as the Master Lease and the Sublease.

PASSED AND APPROVED this 19th day of December 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk