



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

CONSENT

September 9, 2008

Honorable Mayor and
 Members of the City Council

Title: Amendments: OPUS Fields at the Natomas Baseball Complex (L19180000)

Location/Council District: 3501 Fong Ranch Road / Council District 1

Recommendation: Adopt a **Resolution:** 1) authorizing the City Manager to execute Amendment No. 1 to the Memorandum of Understanding ("MOU") (City Agreement No. 2007-0320) between the City of Sacramento and Natomas Youth Baseball ("NYB") for the construction, maintenance, and operation of the OPUS Fields at Natomas Baseball Complex; and 2) authorizing the City Manager to execute Amendment No. 2 to the Lease Agreement ("Lease")(City Agreement No. 2007-0321) between the City of Sacramento and Natomas Youth Baseball for the OPUS Fields at Natomas Baseball Complex.

Contact: J.P. Tindell, Park Planning & Development Manager, 808-1955

Presenters: Not applicable

Department: Parks and Recreation

Division: Park Planning & Development Services

Organization No: 19001121

Description/Analysis

Issue: The MOU currently provides that it shall remain in effect until September 15, 2008, or final completion and acceptance by the City of the improvements to be constructed pursuant to this MOU, whichever occurs first. The Lease currently provides that it shall be voidable at the option of the City unless the improvements to be constructed pursuant to the MOU are completed and accepted by September 15, 2008. The required improvements will not be completed and accepted by September 15, 2008; therefore, agreements should be amended to extend the time by which the improvements must be completed.

A summary of the OPUS Fields at the Natomas Baseball Complex project background is included as Attachment 1 (page 4) and location maps are included as Attachment 2 (page 5).

Policy Considerations: Amendment No. 1 to the MOU and Amendment No. 2 to the Lease Agreement are consistent with the City's strategic plan to promote economic vitality by supporting the development and success of businesses in Sacramento.

Providing parks and recreation facilities is also consistent with the City's strategic plan to enhance liveability in Sacramento's neighborhoods by expanding park and recreation facilities throughout the City.

Committee/Commission Actions: The OPUS Fields at the Natomas Baseball Complex name and master plan were reviewed and supported by the Parks and Recreation Commission (PRC) on September 7, 2006.

Environmental Considerations:

California Environmental Quality Act (CEQA): The Environmental Services Manager has reviewed the project for compliance with the requirements of the California Environmental Quality Act (CEQA). The analyses and mitigation measures in the certified EIR were reaffirmed by City Council on April 3, 2007.

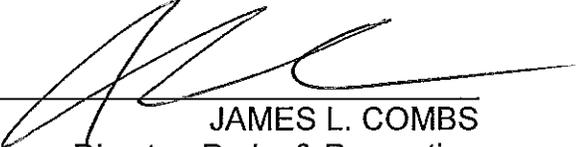
Sustainability Considerations: The Natomas Baseball Complex has been reviewed for consistency with the goals, policies and targets of the Sustainability Master Plan. This project will help to achieve sustainability targets by reducing greenhouse gas emissions and air pollution through the addition of trees and other plantings.

Rationale for Recommendation: The development of this regional baseball complex will require additional time beyond what was originally contemplated by the parties. As a result, the time by which the improvements must be completed and accepted should be extended from September 15, 2008, to September 15, 2010. All other terms of the agreements will remain the same.

Financial Considerations: The OPUS Fields at Natomas Baseball Complex project to date does not include financial support from the City.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Respectfully Submitted by:



JAMES L. COMBS
Director, Parks & Recreation

Recommendation Approved:



for RAY KERRIDGE
City Manager

Table of Contents:

	Report	pg. 1
Attachments		
1	Background Information	pg. 4
2	Location Map	pg. 5
3	Resolution	pg. 6
	Exhibit 1 –Amendment No. 2 to the Lease Agreement between the City of Sacramento and Natomas Youth Baseball	
	Exhibit 2 – Amendment No. 1 to the Memorandum of Understanding between the City of Sacramento and Natomas Youth Baseball	

Attachment 1

Background Information

OPUS Fields at the Natomas Baseball Complex will be a 22.81-acre site owned by the City. The baseball complex will be bordered by Interstate 80 east bound on-ramps located on two sides of the site. On the east side of the site will be the future 3.21 acre neighborhood park off of Fong Ranch Road, to the south is Natomas High School. The neighborhood park land is a Quimby Act parkland dedication requirement of the adjacent proposed Parkebridge subdivision.

Natomas Youth Baseball has been providing after-school youth programs for nearly 700 boys and girls annually for over 48 years.

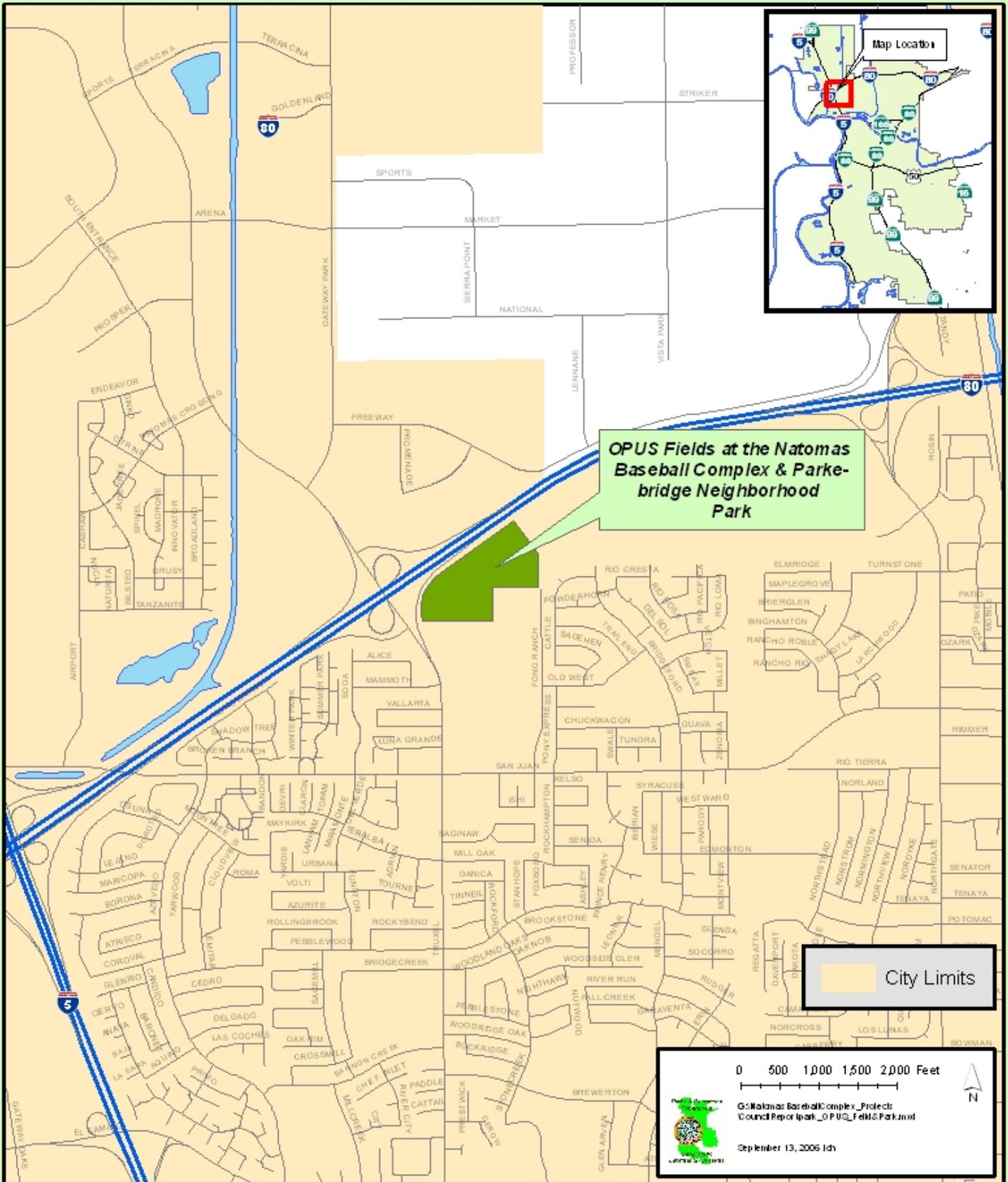
The OPUS Fields at the Natomas Baseball Complex Master Plan includes eight baseball fields designed for youth baseball and two additional baseball fields that could accommodate youth or adult baseball. The four baseball fields on the southwest portion of the project site will be the only lighted baseball fields. In addition, the baseball complex includes an entry plaza, a headquarters building with snack bar and restroom, four batting cages, two snack bars with restrooms, a maintenance building, bleacher seating, and walkways.

The naming of "OPUS Fields at the Natomas Youth Baseball Complex" and the master plan, the adoption of the Addendum to the Environmental Impact Report and the Mitigation Monitoring Plan, authorization of the lease agreement (City Agreement No. 2007-0321), and the MOU (City Agreement No. 2007-0320) were approved by City Council on April 3, 2007. Amendment No.1 to the lease agreement was approved on October 3, 2007, City Agreement No. 2007-0321-1; it adjusted the boundaries of the Natomas Youth Baseball project and the City's neighborhood park.



City of Sacramento Department of Parks and Recreation

OPUS Fields at the Natomas Baseball Complex & Parkebridge Neighborhood Park



RESOLUTION NO. 2008-

Adopted by the Sacramento City Council

September 9, 2008

**APPROVING AMENDMENTS:
OPUS FIELDS AT THE NATOMAS BASEBALL COMPLEX
(19180000)**

BACKGROUND:

- A. The OPUS Fields at the Natomas Baseball Complex is to a 22.81 acre baseball complex adjacent to a 3.21 acre neighborhood park located in South Natomas.
- B. The name of the complex, the master plan, the Addendum to the EIR, the Memorandum of Understanding and Lease Agreement between the City and NYB were approved by Council on April 3, 2007. The 1st Amendment to the Lease Agreement was approved on October 26, 2007.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The City Manager is authorized to execute Amendment No. 1 to the MOU (City Agreement No. 2007-0320) between the City of Sacramento and Natomas Youth Baseball for the construction, maintenance, and operation of the Natomas Baseball Complex.
- Section 2. The City Manager is authorized to execute Amendment No. 2 to the Lease Agreement (City Agreement No. 2007-0321) between the City of Sacramento and Natomas Youth Baseball for the Natomas Baseball Complex.

Table of Contents:

- Exhibit 1 – Amendment No. 2 to Lease between the City of Sacramento and Natomas Youth Baseball, Inc. (City Agreement No. 2007-0321)
- Exhibit 2 – Amendment No. 1 to Memorandum of Understanding between the City of Sacramento and Natomas Youth Baseball

EXHIBIT 1

AMENDMENT No. 2 TO LEASE BETWEEN THE CITY OF SACRAMENTO AND NATOMAS YOUTH BASEBALL, INC. (City Agreement No. 2007-0321)

This Amendment No.2 to City Agreement No. 2007-0321 ("Lease"), executed in Sacramento, California, is made on _____, between the City of Sacramento, a municipal corporation, ("Lessor") and Natomas Youth Baseball, Inc., a California nonprofit corporation, ("Lessee.")

Lessor and Lessee agree that the Lease shall be amended as follows:

1. Section 2.a. is amended to read as follows:

The term of this Lease shall be for twenty (20) years commencing upon final completion and acceptance by the City of the works of improvement to be constructed by NYB on the Premises pursuant to the memorandum of understanding between the City of Sacramento and NYB relating to improvement at the Natomas Baseball Complex ("Initial Lease Term") subject to prior termination by Lessor in the event of a breach of any of the terms or conditions of the Lease. Lessor and Lessee shall execute a certification setting forth the commencement date and the expiration date of the Initial Lease Term of this Lease, which shall be in the form attached as Exhibit "B". In the event the works of improvement are not completed and accepted by Lessor by September 15, 2010, then this Lease shall be voidable in the sole discretion of Lessor.

If Lessee shall for any reason holdover beyond the term with Lessor's consent, express or implied, such holding over shall not be a renewal of this Lease but shall be a month-to-month tenancy subject to the terms and conditions of this Lease or subject to such other terms as Lessor may specify.

2. All other terms of the Lease remain unchanged.

[REMAINDER OF PAGE LEFT INTENTIONALLY BLANK]

CITY OF SACRAMENTO,
a Municipal Corporation

By: _____
Ray Kerridge, City Manager

Attest:

CITY CLERK

Approved As To Form:

Michael T. Sparks, Senior Deputy City Attorney

NATOMAS YOUTH BASEBALL,
a California non-profit Corporation

By: _____
Signature

Title

By: _____
Signature

Title

EXHIBIT 2

AMENDMENT No. 1 TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SACRAMENTO AND NATOMAS YOUTH BASEBALL, INC. (City Agreement No. 2007-0320)

This Amendment No.1 to City Agreement No. 2007-0320 ("MOU"), executed in Sacramento, California, is made on _____, between the City of Sacramento, a municipal corporation, ("Lessor") and Natomas Youth Baseball, Inc., a California nonprofit corporation, ("Lessee.")

Lessor and Lessee agree that the MOU shall be amended as follows:

- 1. Section 1 is amended to read as follows:

This MOU shall be effective when it is signed by both Parties and shall remain in effect until September 15, 2010, or final completion and acceptance by the City of the improvements to be constructed pursuant to this MOU, whichever occurs first.

- 2. All other terms of the MOU remain unchanged.

CITY OF SACRAMENTO,
a Municipal Corporation

NATOMAS YOUTH BASEBALL,
a California non-profit Corporation

By: _____
Ray Kerridge, City Manager

By: _____
Signature

Attest:

CITY CLERK

Title

Approved As To Form:

By: _____
Signature

Michael T. Sparks, Senior Deputy City Attorney

Title