



REPORT TO COUNCIL

City of Sacramento

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

CONSENT
February 16, 2010

Honorable Mayor and Members of the City Council

Title: Agreements: Memorandum of Understanding between the City of Sacramento and the Sacramento City Unified School District Regarding the Proposed Luther Burbank High School Sports Complex

Location/Council District: 8

Recommendation: Adopt a **Resolution:** authorizing the City Manager or his designee to execute a Memorandum of Understanding (MOU) with the Sacramento City Unified School District (District) regarding construction, operation, and maintenance of the portion of the proposed joint use, multi-sport complex at the District's Luther Burbank High School to be funded through Proposition 84.

Contact: Camille Wise, Resource Development Specialist, 808-8830

Presenters: Not Applicable

Department: Parks and Recreation

Division: Administration

Organization No: 19001011

Description/Analysis

Issue: On January 7, 2010, the City Council authorized the City Manager to submit grant applications under the *Proposition 84 Statewide Park Development and Community Revitalization Program of 2008* (Prop. 84) for funding to create new parks and new recreation opportunities in proximity to underserved and low income communities, including funding to develop the proposed Luther Burbank Regional Sports Complex. This proposed project is a joint-use facility between the City District with a modern sports and recreational facility for neighborhood use, school competitions, and regional sports events.

As a condition of receiving Prop. 84 funding for the proposed project, the City must have an agreement in place with the District granting the City the authority to construct, operate, and maintain the portion of the proposed project to be developed using Prop. 84 funds. A signed and executed MOU or commitment letter with draft MOU is to be included in the application packet due March 1, 2010.

This MOU would be effective when signed by both parties and would remain in effect for a term of thirty (30) years from the effective date. The Parties would be able to extend the MOU for up to three (3) additional terms of ten (10) years each by mutual consent.

Policy Considerations: Recommendations are consistent with the City's approved strategic plan to achieve sustainability and livability, the Council adopted *Park and Recreation Safety Implementation Plan*, and the *2005-2010 Parks and Recreation Master Plan*, and the *2008 Parks and Recreation Programming Guide*.

Commission/Committee Action: None with this item.

Environmental Considerations:

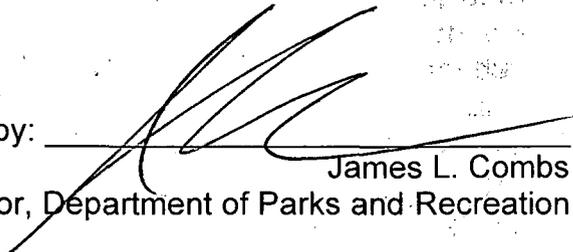
California Environmental Quality Act (CEQA): The District will act as the lead agency for all environmental review and approvals required by CEQA, other laws, or other governmental agencies for approval of the Sports Complex project. The City will act as a responsible agency with respect to approval of the project site, and the District will consult the City regarding preparation of the required CEQA documents in accordance with CEQA. Nothing in the proposed MOU prevents the City from exercising its rights and responsibilities as a responsible agency with respect to approval of the project site. Furthermore, approval of the MOU does not obligate the City to: (i) approve the design, construction, or any other aspect of the proposed project; (ii) commit funding for the design, construction, operation, maintenance, or any other aspect of the proposed project; or (iii) negotiate or execute any other contract related to the proposed project. The MOU does not constitute the City's approval of the proposed project.

Sustainability Considerations: The proposed applications are consistent with the goals, policies and targets of the *City Sustainability Master Plan* and the *Parks and Recreation Sustainability Plan 2008-2015*.

Rationale for Recommendation: The City and SCUSD must have entered into a MOU to provide the City with land tenure of the sports complex project site as a condition of receiving any Prop. 84 grant funds because the proposed project will be built on property not owned by the City. A signed and executed MOU or commitment letter with draft MOU is to be included in the application packet due March 1, 2010.

Financial Considerations: On January 7, 2010, Council authorized City staff to submit an application to the California Department of Parks and Recreation requesting a \$5,000,000 grant under Prop. 84 to fund construction of a portion of the proposed Sports Complex project. No funds are requested with these actions.

Emerging Small Business Development (ESBD): Not applicable at this time as no goods or services are being procured with this item.

Approved by: 
James L. Combs
Director, Department of Parks and Recreation

Recommendation Approved:

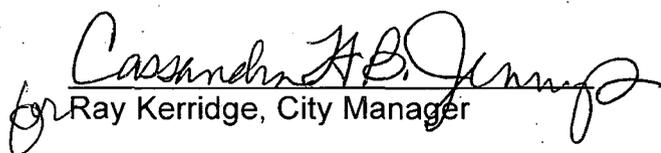

Cassandra H.B. Jernigan
for Ray Kerridge, City Manager

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ATTACHMENT 1

BACKGROUND INFORMATION:

On November 7, 2006, California voters passed Proposition 84, the \$5.4 billion "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006."

A program under Proposition 84 is the *Statewide Park Development and Community Revitalization Program of 2008* (AB31, Leon). California State Parks is administering this competitive grant program. There are no per capita funding formulas. Two rounds totaling \$368,000,000 will be awarded to critically underserved communities throughout the state. The program is focused on acquisition and development in the highest socioeconomic need and park deficient areas, with an emphasis on new parks and new recreation opportunities. Projects are to benefit families, youth, seniors and other population groups by meeting their recreational, cultural, social, educational, and environmental needs.

On January 7, 2010, City Council authorized City staff to develop and submit applications to the State of California, California State Parks, for Statewide Park Act Competitive grants for the Luther Burbank Regional Sports Complex, McClatchy Park recreation facility development, and the Docks Sacramento River Promenade Phase II. Council also authorized a letter of support for park and recreation area development at the Powerhouse Station Science Center at Robert T. Matsui Waterfront Park on the Sacramento River.

If successful in obtaining a grant award, the funds would be used to create new park space and recreation amenities to include sports fields, tennis courts, restrooms, concession building and additional parking for the proposed Luther Burbank Regional Sports Complex. As a condition of receiving the grant funds, the City and SCUSD must have entered into a land tenure agreement because the proposed project would be build on property not owned by the City. Obtaining land tenure will give the City the authority to construct, operate, and maintain the proposed project site.

The proposed sports complex would serve the recreational needs of not only Luther Burbank High School but to the City's South Sacramento community. It would also provide a facility capable of hosting local, regional, state, and national athletic contests and championships.

The District will act as the lead agency for all environmental review and approvals required by CEQA, other laws, or other governmental agencies for approval of the Sports Complex project. The City will act as a responsible agency with respect to approval of the project site, and the District will consult the City regarding preparation of the required CEQA documents in accordance with CEQA. Nothing in the proposed MOU prevents the City from exercising its rights and responsibilities as a responsible agency with respect to

approval of the project site. Furthermore, approval of the MOU does not obligate the City to: (i) approve the design, construction, or any other aspect of the proposed project; (ii) commit funding for the design, construction, operation, maintenance, or any other aspect of the proposed project; or (iii) negotiate or execute any other contract related to the proposed project. The MOU does not constitute the City's approval of the proposed project.

City staff will also return to the City Council for approval of any other agreements necessary to implement the proposed project after all requirements of CEQA have been satisfied.

RESOLUTION NO. 2010-XXX

Adopted by the Sacramento City Council

February 16, 2010

**APPROVING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE
CITY OF SACRAMENTO AND THE SACRAMENTO UNIFIED SCHOOL
DISTRICT REGARDING THE PROPOSED LUTHER BURBANK HIGH SCHOOL
SPORTS COMPLEX**

BACKGROUND:

- A. California State Parks is administering competitive grant programs funded through Proposition 84, the 2006 Safe Drinking Water Bond Act. Two rounds awarding \$368,000,000 under the Statewide Park Development and Community Revitalization Program of 2008 will be awarded to critically underserved communities throughout the state. The application deadline for the first round is March 1, 2010.
- B. On January 7, 2010, City Council authorized City staff to submit applications to the State of California, California State Parks, for Statewide Park Act Competitive grants for the Luther Burbank Regional Sports Complex, McClatchy Park recreation facility development, and the Docks Sacramento River Promenade Phase II. Council also authorized a letter of support for park and recreation area development at the Powerhouse Station Science Center at Robert T. Matsui Waterfront Park on the Sacramento River.
- C. For the proposed Luther Burbank Regional Sports Complex project, the City and Sacramento City Unified School District (District) must have entered into a land tenure agreement as a condition of receiving the grant because the proposed project would be built on property not owned by the City. A signed and executed MOU or commitment letter and draft MOU is to be included in the application packet due March 1, 2010. Staff is recommending approval of the land tenure agreement in order to meet this necessary condition.
- D. This agreement will allow the City and District to continue to work together toward developing this joint use, multi-sport complex which includes the creation of new park space and recreation amenities to contain sports fields, tennis courts, restrooms, concession building and additional parking. The proposed sports complex would serve the recreational needs of not only Luther Burbank High School but to the City's South Sacramento community.

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

Section 1. The City Manager or his designee is authorized to execute a Memorandum of Understanding with the District regarding construction, operation, and maintenance of the portion of the proposed joint use, multi-sport complex at the District's Luther Burbank High School to be funded through Proposition 84.