



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/16/2023

ITEM NO: 4

DATE: May 1, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Use Agreement with Los Gatos United Soccer Club

RECOMMENDATION:

Authorize the Town Manager to execute a Use Agreement with Los Gatos United Soccer Club.

BACKGROUND:

Los Gatos United Soccer Club (LGUSC) is a non-profit and is an affiliate of the California Youth Soccer Association (CYSA) and as such, its teams and players are governed by the rules, regulations, and bylaws of the California Youth Soccer Association.

With over 1,700 participants, LGUSC provides youth soccer programs for youth from Los Gatos and the surrounding communities that emphasize the development of soccer skills, promote self-esteem, and encourage good sportsmanship.

LGUSC was one of the community partners that supported the acquisition and development of the Creekside Sports Park. Following construction of the Park, the Town entered into an agreement with LGUSC on 5/23/2013 to coordinate their ongoing use of the field for their programs (Attachment 1) and this agreement expires on June 30, 2023.

In accordance with Council action taken on April 21, 2020 (item #12), use charges were waived during 2020, 2021, and the first 6 months of 2022 due to the impacts of the COVID-19 Pandemic.

PREPARED BY: Meredith Johnston
Administrative Technician

Reviewed by: Town Manager, Town Attorney, Finance Director, and Parks and Public Works Director

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DISCUSSION:

LGUSC is interested in continuing to use the Creekside Sports Park and a draft agreement is included as Attachment 2. The terms are similar to past agreements with LGUSC. The main proposed terms of the agreement are:

1. The term of the agreement is five years and may be extended for up to two additional five-year periods upon mutual written consent of the parties.
2. LGUSC shall have exclusive use of the Park (Premises), except bathrooms and parking, which are open to the public at large, only during those times and dates as shown on "Annual Schedules." The Annual Schedule shall cover camps and classes for the Winter, Spring, Summer, and Fall sessions.
3. LGUSC shall pay the Town of Los Gatos an Annual Use Fee of \$21,590 for the use of the Premises.
4. LGUSC shall pay the Town of Los Gatos a Facility Maintenance Fee (FMF) of \$4.00 per participant per season.
5. LGUSC shall perform maintenance as set forth in the Maintenance Responsibilities section of the Agreement.
6. LGUSC shall be obligated to pay its proportional share of utility costs (water, power, and sewer service). The utility costs are prorated based on the total hours of LGUSC field use.
7. LGUSC shall comply, without limitation, with all applicable provisions of the Los Gatos Town Code, with special attention to Chapter 19, Parks and Recreation provisions. LGUSC shall also comply with any park rules and regulations established by the Director of Parks and Public Works pursuant to Section 19.10.025(17) of the Town Code, including those rules set forth in Town of Los Gatos Park Rules and Regulations and Town of Los Gatos Creekside Sports Park Special Use Policies.

Creekside Sports Park offers a large artificial turf field for year-round sporting activities. Creekside is open to the general public Monday – Friday from 7:00 a.m. to 3:00 p.m. After 3:00 and on the weekends the field is exclusively used by LGUSC and the Red Hawks. The field use schedule meets the needs of LGUSC, as well as provides designated hours for youth lacrosse. The allotted field use is divided 80% for LGUSC and 20% for the Red Hawks. This ratio is adjusted yearly between the clubs and the Town based on an agreed schedule.

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CONCLUSION:

Staff is recommending that the Town Council authorize the Town Manager to execute a Use Agreement between the Town of Los Gatos and Los Gatos United Soccer Club.

FISCAL IMPACT:

Approval of the use agreement with LGUSC for the use of Creekside Sports Park would result in annual base revenue of \$21,590. On July 1, 2024, and each anniversary thereafter, the Annual User Fee will be adjusted according to the percent change in the U. S. Department of Labor, Bureau of Labor Statistics Consumer Price Index, All Items, All Urban Consumers, San Francisco-Oakland-San Jose, 1982-84-100 Index. This payment will be made on an annual basis.

LGUSC shall be obligated to pay its proportional share of utility costs. The Town shall invoice LGUSC annually, no later than March 1 of each calendar year, for a proportional share of utility costs (water, power, and sewer services) for the prior calendar year, calculated by dividing the total hours of exclusive LGUSC field use by the total hours of field use allocated to all permitted users plus any hours the facility is open to the general public.

In addition to the user fee and utility costs, LGUSC will pay the Town \$4.00 per participant per season. These payments will be made the Town on a quarterly basis.

ENVIRONMENTAL ASSESSMENT:

The recommended action is not a project defined under CEQA, and no further action is required.

Attachments:

1. Prior Use Agreement
2. Proposed Use Agreement between the Town of Los Gatos and Los Gatos United Soccer Club