



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 06/06/2023

ITEM NO: 7

DATE: May 22, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Revised Use Agreement with West Valley Red Hawks Lacrosse Club

RECOMMENDATION:

Authorize the Town Manager to execute a revised Use Agreement with West Valley Red Hawks Lacrosse Club (Attachment 3).

BACKGROUND:

West Valley Red Hawks Lacrosse Club (the Club) executed a use agreement in 2014 with the Town of Los Gatos for Creekside Sports Park. One amendment to the agreement was executed to extend the expiration to June 30, 2020. Attachment 1 includes a copy of the original agreement and amendment. Due to COVID-19 restrictions and changes in park use during the COVID-19 pandemic, the agreement lapsed.

At its February 21, 2023 meeting, Town Council authorized the Town Manager to execute a new use agreement with the Club (Item 7). In executing the agreement after Councils' action, the Club requested changes to the terms of the Use Agreement. The requested changes include (see Attachment 2 redlined agreement):

- Section 1.3, a new affiliation
- Section 2.4, 10% decrease in the Annual Use Fee
- Section 2.6, a good faith clause
- Section 3.1, removal of automobile coverage
- Section 4.6, an address change

PREPARED BY: Meredith Johnston
Administrative Technician

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

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BACKGROUND (continued):

The Parks and Public Works Department was recently informed that the Club have programmed with Los Gatos-Saratoga Community Education Recreation for youth lacrosse programs at Creekside Sports Park. This additional information has been added to Section 2.2 of the Use Agreement.

All other terms of the Use Agreement have remained the same.

DISCUSSION:

The Club is interested in continuing to use the Creekside Sports Park and an updated draft use agreement is included as Attachment 3 (clean version of changes noted in Attachment 2). The terms are similar to the recently approved agreement with the Red Hawks, with the main terms as follows:

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. The Club shall have exclusive use of the 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. Saturdays, the Club has programmed with Los Gatos-Saratoga Community Education Recreation for youth lacrosse programs at Creekside Sports Park. The use hours and Facility Maintenance Fee will be paid by the Club through this Use Agreement.
4. The Club shall pay the Town of Los Gatos an Annual Use Fee of \$5,850 for the use of the Premises which will escalate annually. Table 1 provides a comparison in the use fee for groups with which the Town has Park Use Agreements.

Table 1. Park Use Fees by User Group

User Name	Annual Use Fee (\$)	Annual Total Use Hours	Annual Fee Per Hour (\$/Hour)
Los Gatos United Soccer	\$21,590	1,865	\$11.58
Red Hawks Lacrosse Club (the Club)	5,850	253	23.12
Los Gatos Little League	6,600	1,216	5.43
Los Gatos Saratoga Recreation	15,500	4,607	3.36

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DISCUSSION (continued):

5. The Club shall pay the Town of Los Gatos a Facility Maintenance Fee (FMF) of \$4.00 per participant per program or class offered by the Club at Creekside Sports Park. This is consistent with all other user groups, with the possible exception of Los Gatos Saratoga Recreation who have requested a \$2.00 per participant per session fee. That fee reduction is under consideration as another item on this Council Agenda for June 6, 2023.
6. The Club shall perform maintenance as set forth in the Maintenance Responsibilities section of the Agreement.
7. The Club shall comply, without limitation, with all applicable provisions of the Los Gatos Town Code, with special attention to Chapter 19, Parks and Recreation provisions. The Club 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 p.m. and on the weekends the field is exclusively used by the Club and Los Gatos United Soccer Club (LGUSC). The field use schedule meets the needs of the Club, as well as provides designated hours for youth soccer. The allotted field use is divided into 20% for the Red Hawks and 80% for LGUSC. This ratio is adjusted yearly between the clubs and the Town based on an agreed schedule.

CONCLUSION:

Staff is recommending that the Town Council authorize the Town Manager to execute the revised Use Agreement between the Town of Los Gatos and West Valley Red Hawks Lacrosse Club (Attachment 3).

FISCAL IMPACT:

Approval of the use agreement with the Club for the use of Creekside Sports Park would result in annual revenue of \$5,850 and on July 1, 2024, and each anniversary thereafter, the Annual User Fee shall 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, plus \$4.00 per participant per class or program. Payments will be made to the Town of Los Gatos by Red Hawks on an annual basis.

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ENVIRONMENTAL ASSESSMENT:

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

Attachments:

1. Prior Use Agreement
2. Redlined Use Agreement
3. Proposed Use Agreement between the Town of Los Gatos and West Valley Red Hawks Lacrosse Club (Clean)