

## STAFF REPORT

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**Date:** November 15, 2017

**To:** Mayor and City Council

**Thru:** Sabra Newby, City Manager

**Subject:** **B.10. Staff Report (For Possible Action): Approval of Amended Non-Exclusive Revocable License Agreement for use of portions of Plumas Park by Our Lady of the Snows Catholic Parish Corporation, which provides an extension until June 2023 of the March 13, 2013 Non-Exclusive Revocable License Agreement and increases the license fee from \$1,800 to \$3,000 annually.**

**From:** Andy Bass, Director of Parks, Recreation & Community Services

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**Summary:** On March 13, 2013, Council approved a non-exclusive revocable license agreement for portions of Plumas Park with Our Lady of Snows Catholic Parish Corporation (OLS). This agreement expires in March 2018. The agreement provides for one, five year extension. OLS has requested to exercise their extension and has requested that the contract end in June instead of March so that the contract does not expire during the school year. In addition to exercising the extension of the lease and based on the recommendation from the Recreation and Parks Commission, staff and OLS reached a new base payment for the agreement. The original agreement base payment was \$1,800 each year. The new base payment from OLS to the City of Reno is \$3,000 each year. The remainder of the terms in the agreement remain the same. Staff has attached the Use Agreement and the Amended Use Agreement for the City Council's review. This item was presented and approved by the Recreation and Parks Commission and the Ward 1 Neighborhood Advisory Board.

**Previous Council Action:** March 13, 2013 - City Council approved a non-exclusive revocable license agreement for a portion of Plumas Park with Our Lady of Snow Catholic Parish Corporation.

**Background:** The City has been renting the park to OLS for more than 20 years. At the advice of the City Attorney's office, the development of this License Agreement was recommended to substitute for the prior annual rental contracts in 2013.

**Discussion:** The Major Terms of the Agreement include:

1. Term - five years, subject to renewal of another five years, if acceptable by both parties (Section 7). The amended agreement will bring the agreement through June 2023.
2. Scope of Use -non-exclusive, revocable License to allow OLS students, teachers, & supervisors to use portions of Plumas Park for the purpose of outdoor recess, lunch play, & P.E. (Section 1 and Section 1.4)
3. Licensed Area - upper turfed area, basketball courts, playground (Section 1.1 and Exhibit A)
4. Dates and Hours - scheduled school days (August – June) between the hours of 7:30am to 3:30pm (Section 1.2)
5. Payments- License fee-\$3,000/year. Maintenance cost – half of the City’s actual costs to maintain the site (Sections 3.1 and 3.2)

**Financial Implications:** OLS organization will pay the City \$3,000 per year for rental use of designated area and reimburse half of the maintenance and operation costs for the area that they will be occupying. The agreement includes the ability to apply an inflation escalator clause to the rental fee, if applicable, during the Department’s annual fee review process. The estimated maintenance reimbursement costs totals \$1,950. The funds will be deposited into the General Fund for use in the Parks, Recreation and Community Services Department.

**Legal Implications:** Legal review completed for compliance with City procedures and Nevada Law.

**Recommendation:** Staff recommends approval of the Amended Non-Exclusive Revocable License Agreement and authorize the Mayor to sign.

**Proposed Motion:** I move to approve staff recommendation.

**Attachments:**

- 2013 Non-Exclusive License Agreement-Our Lady of the Snows (PDF)
- Snows\_License\_amended 2018 (DOC)