

Lompoc City Council Agenda Item



City Council Meeting Date: February 26, 2013

TO: Laurel M. Barcelona, City Administrator

FROM: Teresa Gallavan, Economic Development Director/
Assistant City Administrator
Kevin P. McCune, Public Works Director

SUBJECT: Discuss State Grant Opportunity for Motorsports Park at Airport and Review Proposal from Lompoc Valley Parks, Recreation, and Pool Foundation, Inc. (LVPRPF) Motorsports Sub-Committee Proposal to Establish an Interim Kids Motorcycle Fun Park at River Park and Enter Into a Memorandum of Understanding (MOU)

Recommendation:

Staff recommends Council:

- 1) Receive a presentation on the Off-Highway Motor Vehicle Recreation Grant Program and direct staff to submit a Preliminary Grant Request;
- 2) Consider the request to create a Kids Motorcycle Fun Park at River Park and review the requirements of the MOU;
- 3) Take public testimony;
- 4) Approve the MOU and General Fund appropriations for City Permits;
- 5) Direct the City Administrator to sign a letter supporting the LVPRPF Grant Request;
- 6) Approve the concept of a Park Management Policy to define long-term maintenance responsibilities. Operation and maintenance of the Park will rely on City volunteers and the Lompoc Valley Parks, Recreation, and Pool Foundation (LVPRPF) contractors to minimize General Fund expenditures. Direct staff to return to Council within 90 days for approval; or
- 7) Provide alternative direction.

Off-Highway Motor Vehicle Recreation Grant Program:

At the June 5, 2012, City Council meeting, the Lompoc Valley Parks, Recreation, and Pool Foundation (LVPRPF) Motorsports Sub-Committee presented a conceptual plan for development of a Motorsports Park at the Lompoc Airport. The Council directed staff to work with the applicant to identify potential impacts and draft a Memorandum of Understanding (MOU) for the project. An MOU for development of a Motorsport facility at the airport has not been finalized and will be needed before any work at the airport can begin.

The Motorsports Park is a multi-use facility with areas for a Drag Strip and Off-Highway Vehicle (OHV) riding. The LVPRPF Motorsports Sub-Committee has identified a potential funding source for the OHV riding area of the Motorsport Park project at the Lompoc Airport, which is a portion of the total cost of the project. The funding opportunity is through the State of California Department of Park and Recreation Off-Highway Vehicle (OHV) Grant Program. Staff has been working with the Sub-Committee and the State of California OHV staff to assure submittal of a competitive grant application.

The 2012-13 Grant period began January 14, 2013, with preliminary applications due March 4, 2013, and final applications due June 3, 2013. Final awards will be posted on the OHV website on Friday, July 5, 2013. This is a competitive process, with points assigned for answers to specific questions on the general application and funding provided to those who have the highest score, until the available funds are depleted. The grant request will be more competitive if an existing OHV park is in operation prior to the preliminary grant submittal date on March 4, 2013. The Sub-Committee has proposed the Interim Kids Motorcycle Fun Park and State staff has agreed having the Interim Park in operation by March 2, 2013 would be acceptable for the preliminary grant application.

During the initial development phase of the Proposed Motorsport Park at the Lompoc Airport, the City must be the applicant for the grant funds and staff is working with the Sub-Committee to prepare the necessary paperwork for submittal by March 4, 2013. LVPRPF may also apply for Operations funding for the Interim Park; however, the City is not a part of that grant application. In reviewing the grant requirements with the State representative, staff was advised sufficient funds are anticipated this year to allow an opportunity for new facilities to be competitive. The questionnaire is focused on continuing operations, so it was determined if there was an existing facility in place, as previously noted, there would be greater points awarded, making the opportunity for funding greater than without an existing facility.

The amount of money requested in the grant application is not known at this time; staff and the Sub-Committee are currently preparing the necessary cost estimates. Once the application has been submitted it cannot be changed, unless in response to

comments from the OHV Grant Program staff or the public. The City can withdraw the application at any time prior to the final application submittal deadline. The estimates being prepared include consultant work for necessary studies; work required to install the necessary infrastructure for the Motorsport Park; material and volunteer time; and staff work to complete the project. A copy of the preliminary application will be available on the State Park website on March 5, 2013. The City is required to place information on the City website to allow the public an opportunity to review the application and comment. Staff will add the necessary information to the website.

Once awarded, the grant funds are generally paid as a reimbursement. This would mean if the LVPRPF did not have the funds to deposit with the City to cover the cost of the Environmental Impact Report (EIR) and all subsequent consultant work, the City would have to provide the funding for the project and request reimbursement from the OHV Grant Program. The possibility of requesting advance funds was discussed with the OHV Grant Program representative and apparently may be considered on a limited basis.

There is a requirement for matching funds or the equivalent value of services, or material in an amount not less than 25 percent of the total project cost identified. The amount of match provided can include donated material, volunteer time, City donated staff time and permit fees.

Since the application must be signed by the City, there will be significant staff time required to verify the information in the application, provide the public comment option as required, work with consultant and necessary agencies to prepare an appropriate environmental document, monitor and document all fund expenditure and request for reimbursement. Staff is including a rough estimate of these costs in the grant information and will ask for the 15 percent administration costs allowable by the grant. However, there may be unanticipated City costs not included, which should be covered in the future MOU when it is returned to the Council for consideration.

Kids Motorcycle Fun Park:

On February 6, 2013, staff met with the Motorsports Committee to discuss the grant request at the Airport. The Committee proposed the City allow a new Park to be built before March 4, 2013, at an alternate site to better qualify for Grant funding at the airport. Staff met with the City Administrator and received approval to proceed with developing an interim park to support the Committee request, subject to City Council approval.

A number of locations were explored and the flat area at the entry to River Park appears to be an area where this type of interim facility could be located. The location at River Park is intended to be a low cost "interim" location and will be removed when the final location is developed within three years. The Sub-Committee prepared a draft project

description (Attachment 1) which was presented to the City Development Review Board (DRB) on February 14, 2013, for review. The DRB discussed the project with the applicant and placed conditions that were added to the MOU.

The draft project description and site layout were presented to the Park and Recreation Commission on February 20, 2013. The Park and Recreation Commission met with the applicant, reviewed the proposal, and accepted the conceptual plan.

The interim project is on a site of approximately one-acre at the entry to River Park. Parking for vehicles will be provided on-site and the riding area will be fenced and limited to 50cc motor driven cycles. Riders must complete safety classes provided by the Sub-Committee volunteers on the site. The facility will be open on weekends and holidays only and will be manned by LVPRPF and other volunteers. More detailed information is presented in the project description and operations plan.

It is anticipated the interim Kids Motorcycle Fun Park will be in operation for up to three years, during which time the staff and the Sub-Committee will work on the necessary documents and approvals to establish the permanent Motorsport facility at the Lompoc Airport.

An Operation Plan for the Kid's Motorcycle Fun Park is attached to the MOU, which the City shall rely on for maintenance and operation of the Kid's Motorcycle Fun Park. All items necessary for maintenance and operation shall be provided by volunteers or contractors funded by LVPRPF at no cost to the City, except as noted in the Operations Plan. LVPRPF may apply for a Maintenance and Operations Grant from the State of California Department of Park and Recreation Off-Highway Vehicle (OHV) Grant Program to offset their costs. LVPRPF requests the City support the LVPRPF grant request with a letter of support (Attachment 2).

Environmental Approval:

The Kids Motorcycle Fun Park is Categorically Exempt, pursuant to the California Environmental Quality Act (CEQA) Sections 15304 Minor Alterations to Land and Section 15311 Accessory Structures. A Notice of Exemption will be filed following Council action on the MOU.

Memorandum of Understanding:

In order for the Kids Motorcycle Fun Park to become a reality, LVPRPF will enter into a MOU with the City for the construction of the project (Attachment 3). LVPRPF will be responsible for all items necessary for construction to complete the project. Once the project is complete, LVPRPF will turn the park over to the City for overall management. The Recreation Division will be assigned management of the Park and will rely on approved volunteers for day-to-day operation.

The proposed MOU establishes a framework for a productive working relationship so the design and construction of the Kids Motorcycle Fun Park is done in a quality and timely manner. The MOU clearly defines the process and role of each party to ensure compliance, completion and on-going commitments that need to be fulfilled. A few key elements to ensure the success of the project are as follows:

- Site Plan - LVPRPF and the City have developed the Site Plan, included in the MOU. All City Departments have reviewed the Plan, including Police and Fire. Conditions generated by the City have been added to the MOU.
- Construction Oversight - LVPRPF shall obtain all Permits necessary to build the Park. LVPRPF shall oversee the volunteer training, management and construction of the Kids Motorcycle Fun Park Project.
- Indemnification and Insurance - LVPRPF shall ensure all contractors it hires or uses for the Kids Motorcycle Fun Park (i) indemnify City, LVPRPF and each of their officers, employees and agents from any and all liability that may arise from that contractor's (or any of the contractor's officer's, employee's, agent's or subcontractor's) acts or omissions regarding that contract and (ii) carries general liability insurance in a minimum single-limit amount of \$1,000,000. LVPRPF shall provide an estimate as to the cost of the improvements installed.

Volunteers - The parties understand individual volunteers may not be protected by the above referenced indemnities and insurance coverage for potential liability that could result for those volunteers' actions or inactions related to any construction activities of the Kids Motorcycle Fun Park. LVPRPF shall inform each of those volunteers of that risk.

Park Management Policy:

The Kids Motorcycle Fun Park will be maintained by a specific City program under the direction of the Recreation Division. The park will be staffed by City-approved volunteers from LVPRPF Motorsports Sub-Committee and other approved groups. An Operation Plan for the Kid's Motorcycle Fun Park is attached to the MOU, which the City shall rely on for maintenance and operation of the Kid's Motorcycle Fun Park. All items necessary for maintenance and operation shall be provided by volunteers or contractors funded by LVPRPF at no cost to City, except as noted in the Operations Plan. General Fund contributions will be minimized by developing a Park Management Policy that specifies roles and responsibilities of City volunteers for the ongoing operation and maintenance of the park. The Policy would also detail consequences and authorize staff to take certain actions if responsibilities are not met. Staff will be returning to the Council for formal adoption of that policy within 90 days. The parameters of the volunteer program will be derived from LVPRPF Operations Plan, which is part of the MOU. There will be daily, monthly and annual maintenance obligations. If certain obligations are not

met and the volunteer program does not provide for proper maintenance and operation of the park, then staff will be authorized to take actions specified in the Policy, up to and including, closing the Park and requiring LVPRPF to remove all the improvements. A few key elements that will be in the Park Management Policy to ensure the success of the project are as follows:

- Head Volunteer - To manage the core group of volunteers that perform daily, weekly, monthly and annual duties.
- Volunteer Phone Hotline – This will allow the public to express concerns about the park and be addressed promptly.
- Operations Plan – This will ensure all maintenance elements are clearly stated and roles, responsibilities, timelines are defined.
- Implementation – This will define the actions staff can take when volunteer maintenance is not in compliance with the Operations Plan. The goal will be to bring the Park back into compliance, but will address the circumstances that will lead to Park closure and removal.
- Volunteer Live Scans – This will ensure the core volunteer group that maintains the park will undergo a background check.

Fiscal Impact:

The LVPRPF has requested the City waive any fees involved with the establishment of the Interim Kids Motorcycle Fun Park, including staff time and permit fees. Staff recommends approving a General Fund appropriation of \$2,500, to fund any necessary City permits, unless the Management Services Director and City Attorney determine the City's AB 1600 funds are eligible to pay for those fees and then those fees would be paid from that funding.

Conclusion:

Council is requested to review the requirements and obligations for the Off-Highway Motor Vehicle Recreation Grant Program to fund a Motorsports Park located at the Lompoc Airport and authorize the City to submit a Preliminary Grant Request. If the City Council supports the Grant Request, then consider the proposed MOU for the Kids Motorcycle Fun Park at River Park. If Council approves the MOU, then direct staff to continue working with the LVPRPF and its Sub-Committee throughout the construction of the project. Within 90 days, the Recreation Division will bring a Park Management Policy back to Council for review and approval.

APPROVED FOR SUBMITTAL TO THE CITY ADMINISTRATOR:

Kevin McCune, Public Works Director

Teresa Gallavan, Economic Development Director/
Assistant City Administrator

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Laurel M. Barcelona, City Administrator

- Attachments: 1) [Project Description](#)
 2) [Letter of Support](#)
 3) [Memorandum of Understanding](#)