



Legislation Details (With Text)

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On agenda: 6/24/2024 **Final action:** 6/24/2024

Title: Amendment and restatement of an agreement between the City of Salem and Willamette University for use of Spec Keene Stadium, McCulloch Stadium, and Bush’s Pasture Park.

Ward(s): Ward 2
 Councilor(s): Nishioka
 Neighborhood(s): SCAN
 Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Restated Agreement Final Draft 061724.pdf, 2. Attachment 2 - Encroachment Areas.pdf, 3. Attachment 3 - SPRAB Aaction Sheet .pdf, 4. Attachment 4 - WU Response to SPRAB Member Questions.pdf, 5. Public Comments received by 3:00 p.m., June 18, 2024.pdf, 6. Public Comments received by 3:00 p.m., June 21, 2024.pdf, 7. Public Comments received by 12:00 p.m., June 24, 2024.pdf, 8. Additional Public Comments received by 5:00 p.m., June 24, 2024

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------------------|--------|
| 6/24/2024 | 1 | City Council | approved as amended | Pass |

TO: Mayor and City Council

THROUGH: Keith Stahley, City Manager

FROM: Scott Archer, Deputy City Manager for Community Services

SUBJECT:

Amendment and restatement of an agreement between the City of Salem and Willamette University for use of Spec Keene Stadium, McCulloch Stadium, and Bush’s Pasture Park.

Ward(s): Ward 2
 Councilor(s): Nishioka
 Neighborhood(s): SCAN
 Result Area(s): Natural Environment Stewardship; Welcoming and Livable Community.

SUMMARY:

The City of Salem and Willamette University are proposing to update and amend an agreement regarding the use of Spec Keene Stadium, McCulloch Stadium, and Bush's Pasture Park. This new agreement would clearly define who is responsible for using and maintaining the facilities, and

outline terms related to public access and future improvements. The new agreement is part of a broader initiative by Willamette University and Salem Baseball LLC to enhance John Lewis Field.

ISSUE:

Shall City Council authorize the City Manager to execute the proposed amendment and restatement of an agreement for use of John Lewis Field, McCulloch Stadium, and Bush's Pasture Park?

RECOMMENDATION:

Authorize the City Manager to execute the proposed amendment and restatement of an agreement for use of John Lewis Field, McCulloch Stadium, and Bush's Pasture Park. |

FACTS AND FINDINGS:

The City of Salem and Willamette University have a longstanding cooperative relationship regarding the use of athletic facilities, including John Lewis Field (Spec Keene Stadium) and portions of Bush's Pasture Park. The initial five-year agreement, established on December 30, 1975, has undergone various modifications and addenda over the years.

The proposed amendment and restatement of the agreement is included as Attachment 1.

Key terms of the agreement include:

- **Integration:** Consolidation of previous agreements and modifications into one comprehensive document to streamline and clarify the terms and conditions.
- **Use of Facilities:** John Lewis Field and McCulloch Stadium will be available to the City for programs and the Salem-Keizer School District for sporting events. Willamette University will waive rental fees for the Kids' Relay, a City-hosted program held annually at McCulloch Stadium. Willamette University will use portions of Bush's Pasture Park for athletic activities and parking associated with those activities.
- **Maintenance Responsibilities:** The City will maintain Bush's Pasture Park, excluding the encroachment areas abutting John Lewis Field, which Willamette University will maintain. The encroachment areas are identified in Attachment 2.
- **Improvements:** Willamette University plans to install synthetic turf, new field lights, an adjusted entryway, and field netting at John Lewis Field. These upgrades are part of a broader initiative to enhance the facilities, supported by a \$3 million state grant and contributions from Willamette University and Salem Baseball LLC. The agreement allows Willamette University to expand encroachment of John Lewis Field into Bush's Pasture Park to support the improvement of John Lewis Field, specifically including accessibility improvements, new fencing, and a new field light pole.

Additionally, the agreement requires Willamette University to maintain, repair, and periodically replace the windscreen on the perimeter fence of the Bush's Pasture Park tennis courts, located on City property adjacent to McCulloch Stadium.

- **Public Access:** The agreement stipulates that public use of University facilities will be allowed, with University activities having scheduling priority. Specific provisions are made for the Salem-Keizer School District and City-sanctioned programs.
- **Termination:** The agreement will be automatically renewed annually unless terminated by either party with appropriate notice.

The proposed amendment and restatement provide a clear framework for the continued collaboration between the City and Willamette University, ensuring efficient use of the facilities. The planned improvements are anticipated to bring substantial benefits to the community, including increased tourism, economic growth, and enhanced recreational opportunities.

A summary of additional considerations is provided as follows:

- **Cultural Landscape Management Plan for Bush's Pasture Park and Deepwood Estate Gardens:** The *Bush's Pasture Park and Deepwood Estate Gardens Cultural Landscape Management Plan* (CLMP) was prepared by the City through a community stakeholder engagement process and approved by City Council in July 2021. The plan documents the significant cultural features of the parks such as the Oregon white oaks, camas fields, and native and ornamental gardens, and provides recommendations for ways to protect and enhance these features with management goals and objectives derived from an overarching vision for Bush's Pasture Park and Deepwood Estate Gardens. The CLMP also includes recommendations for potential future capital projects for park maintenance and enhancement, better connectivity, and increased interpretive features, as well as long term management ideas to address potential climate change impacts.

The proposed baseball field facility improvements align with the overarching vision of the CLMP and do not interfere with management goals or objectives.

Although the CLMP provides essential management direction for preserving the park's cultural and historical landscape, strict adherence to the plan is not critical in this situation. As a guiding document rather than a regulatory one, the CLMP allows for the City's discretion in approving the University's proposed use and modifications, even if there are minor deviations from the plan. Furthermore, the CLMP includes provisions for flexibility to accommodate new developments and evolving needs.

It is important to note that the expanded encroachment requested for the baseball stadium improvements fall within the CLMP Lower Oak Grove and Upper Oak Grove CLMP management areas. Here, the primary CLMP management objectives relate to the conservation and enhancement of existing Oregon white oaks and camas communities. The proposed baseball stadium improvements will not encroach or harm the existing Oregon white oaks and camas communities.

- **ADA Compliance:** The addition of an ADA-compatible walkway enhances accessibility to the University's baseball stadium, providing a strong justification for making modifications to the City park property.
- **Public and Community Benefits:** The proposed enhancement to John Lewis Field, including lighting and artificial turf, are expected to enhance the use of the park and stadium, enhance public access and use of the Field, thereby providing significant benefits to the community.

- **Deed Restrictions:** The Bush's Pasture Park property is subject to a deed restriction that it be used for public park purposes. The additional encroachments requested for ADA-compatible walkway, fencing, and stadium lighting, do not violate this restriction, and the provisions for public use of John Lewis Field and McCulloch Stadium enhance public use.
- **Economic Impact:** The project is expected to have a positive economic impact on Salem by boosting local tourism, increasing business engagement, and enhancing Salem's reputation as a sports destination. The use of the improved facilities by a new summer collegiate baseball team, operated by Salem Baseball LLC, is projected to draw up to 1,500 spectators per game, benefiting local restaurants, hotels, and shops.

On June 13, 2024, the Parks and Recreation Advisory Board was presented with an earlier draft of the proposed agreement. As detailed in Attachment 3, the Board passed a motion recommending that the City Council approve the proposed agreement with the following modifications:

- Remove the eighth whereas statement [recital], as it involves third parties that are not signatories on this agreement and is not needed to support the resolution findings.
- Include a commitment to use Willamette University parking areas for all large events and athletic activities, including shuttle service to the stadium.
- Willamette University to provide staffing/parking attendants at the Mission Street park parking lot on event days to mitigate any issues.
- Include a commitment by Willamette University to explore partnerships with Cherriots and look for covered bike parking and other opportunities to encourage alternative transportation modes (alternatives to personal vehicle use).
- Include an annual review of impacts on the City park property and facilities and surrounding community, such as parking, noise, and light. Unintended impacts shall be addressed to continue the agreement. Unintended impacts may be addressed through amendment(s) to the agreement or through development of operational protocols or procedures.
- Encourage use of best management practices and technologies in the proposed improvements, such as the use of organic turf fill material and post-consumer waste as well as a partnership between the City and Willamette University to test and monitor for micro-plastics and related pollutants and remedy pollutants found to be at high levels.

In response to SPRAB's recommendations, Willamette and City staff met and agreed to substantially incorporate them. They are reflected in underline in the draft agreement (Attachment 1).

BACKGROUND:

Earlier this year, the City Council authorized the City Manager to execute a Memorandum of Understanding (MOU) between the City, Willamette University, and Salem Baseball Club LLC. This MOU formalizes the parties' intention to work collaboratively on the renovation of the Willamette University's baseball and softball stadiums and make them available for the summer league team. The MOU is not legally binding but sets the stage for good faith negotiations and outlines the project's scope and potential benefits.

At the April 11 meeting of the Parks and Recreation Advisory Board, Willamette University presented an outline of the proposed improvements to John Lewis Field. Following the presentation and questions and discussion, Chair Norris asked SPRAB members to send any additional questions

regarding the University's proposal to City staff. Several SPRAB members provided follow-up questions and comments. Staff distilled members feedback into 19 questions. Willamette University and Salem Baseball Club LLC prepared a response, which is included as Attachment 4.

Rob Romanek
Parks Planning Manager

Attachments:

1. Proposed Agreement
2. Map of Encroachment Areas
3. Parks and Recreation Advisory Board Action Sheet from June 13, 2024
4. Willamette University's Response to SPRAB Questions