



REPORT TO COUNCIL

City of Sacramento

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915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
June 22, 2010

**Honorable Mayor and
Members of the City Council**

Title: Supplemental Agreements: Old Sacramento Operating Agreements

Location/Council District: Old Sacramento Historic District, Council District 1

Recommendation: Adopt a Resolution: 1) approving and authorizing the City Manager, or his designee, to execute Supplement No. 1 to Agreement 2008-178 exercising the first one-year option to extend the agreements related to Old Sacramento Business Association and the Downtown Sacramento Partnership administration of Old Sacramento Business Improvement Area activities; and 2) approving and authorizing the City Manager, or his designee, to execute Supplement No. 1 to Agreement 2008-179 exercising the first one-year option to extend the agreements for the delivery of Old Sacramento historical and educational programs by the Historic Old Sacramento Foundation.

Contact: Barbara E. Bonebrake, Director, Convention, Culture, and Leisure Department, 808-7733

Presenters: none

Department: Convention, Culture, and Leisure Department

Division: Administration

Organization No: 17001011

Description/Analysis

Issue: The City and the Historic Old Sacramento Foundation (HOSF) and the Old Sacramento Business Association (OSBA) previously entered into two-year agreements, with four one-year extension options available. The purpose of these two supplemental agreements is to exercise the first one-year option to extend the agreements.

Policy Considerations: Entering into the amended agreements with the HOSF

and the OSBA/DSP is consistent with the City's strategic plan to enhance sustainability and livability and expand economic development in Sacramento.

Environmental Considerations: The proposed activity is not subject to environmental review under the California Environmental Quality Act (CEQA), California Code of Regulations, title 14, section 15060 because it is not a project under CEQA.

Committee/Commission Action: The HOSF Board voted to support the agreement extension at their regular May 2010 meeting. The OSBA Board voted to support the agreement extension at their regular February 2010 meeting.

Rationale for Recommendation: The HOSF focuses on Old Sacramento historic interpretation programming, education, and development. Administration and management of the HOSF by the City provides the HOSF with a consistent, supportive foundation on which to grow and develop.

The OSBA operates under the Downtown Sacramento Partnership and focuses on marketing and promotion of the retail area and business development. The OSBA will continue to serve as the organization charged with administering the Old Sacramento Business Improvement Area (BIA), now with direct oversight by the DSP. The DSP, with a proven track record for promoting and enhancing downtown Sacramento, will bring its resources to management and operational oversight for all OSBA programs and activities, allowing the OSBA to flourish.

Financial Considerations: The Old Sacramento Historic District General Fund budget is approximately \$1.1 million with the majority of costs offset by revenue from Old Sacramento leases, concessions, and parking meters. In FY11, OSBA will receive \$77,000 from the Old Sacramento budget and commits to fundraising \$40,000 for HOSF interpretive programs. In FY11, HOSF will receive \$10,000 for the Living History program, and \$143,528 for operations of the Sacramento History Museum.

Both agreements include the ability for the City to reduce support consistent with reductions in other City General Fund operations.

Emerging Small Business Development (ESBD): Not applicable.

Approved by: Barbara E Bonebrake

Barbara E. Bonebrake, Director
Convention, Culture, and Leisure Department

Recommendation Approved:

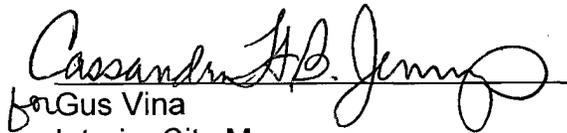

for Gus Vina
Interim City Manager

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Attachment 1

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENTS TO CITY AGREEMENTS 2008-178 AND 2008-179 WITH THE OLD SACRAMENTO BUSINESS ASSOCIATION/DOWNTOWN SACRAMENTO PARTNERSHIP AND THE HISTORIC OLD SACRAMENTO FOUNDATION

BACKGROUND

- A. The Historic Old Sacramento Foundation and Old Sacramento Business Association Board of Directors approved the two original agreements on January 23, 2008. The Downtown Sacramento Partnership Board of Directors approved the OSBA agreement on February 20, 2008. The Agreements include four one-year mutual options to extend the terms of the Agreements.
- B. The parties would like to extend the terms of each Agreement for another year and amend the agreements to give to the City Manager the authority to approve future extensions.
- C. In FY11, OSBA will receive \$77,000 from the Old Sacramento budget and commits to fundraising \$40,000 for HOSF interpretive programs. In FY11, HOSF will receive \$10,000 for the Living History program, and \$143,528 for operations at the Sacramento History Museum. Both agreements include the ability for the City to reduce support consistent with reductions in other City General Fund operations.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Supplement No. 1 to City Agreement number 2008-178 with the Old Sacramento Business Association and the Downtown Sacramento Partnership is approved and the City Manager or his designee is authorized to execute the amendment.
- Section 2. Supplement No. 1 to City Agreement number 2008-179 with the Historic Old Sacramento Foundation is approved and the City Manager or his designee is authorized to execute the amendment.
- Section 3. Exhibits A and B are part of this Resolution.

Exhibit A

**First Amendment to City Agreement Number 2008-0178
for Administration of the
Old Sacramento Business Improvement Area**

This "First Amendment" to City Agreement number 2008-0178, dated February 26, 2008 ("Agreement") is made as of _____ by and among the City of Sacramento, a municipal corporation, ("City"), the Old Sacramento Business Association, a California nonprofit corporation (the "OSBA"), and the Downtown Sacramento Partnership, a California nonprofit corporation (the "DSP"). The City, OSBA and DSP may be referred to collectively as "Parties" or in the singular as "Party", as the context requires.

RECITALS

- A. Section 1 of the Agreement provides that the Parties may extend the Agreement for up to four successive one year terms upon the mutual consent of the Parties.
- B. The Parties would like to extend the term of the Agreement for another year and amend the Agreement to provide that the Sacramento City Manager ("City Manager") or the City Manager's designee may approve future extensions.

NOW, THEREFORE, the Parties amend the Agreement as follows:

Section 1 of the Agreement is amended to read in its entirety as follows:

" **1. Agreement Term.** The term of the Agreement shall commence on March 1, 2008 and end on June 30, 2011, unless sooner terminated as set forth in this Agreement. The Parties may extend the term of the Agreement for up to three additional one-year terms upon the mutual written consent of the OSBA, the DSP, and the City Manager or the City Manager's designee."

Except as amended herein, the terms and provisions of the Agreement shall remain in full force and effect, provided that in the event of any inconsistencies between this First Amendment and the Agreement, the provisions of this First Amendment shall prevail.

CITY OF SACRAMENTO

Gus Vina
Interim City Manager

APPROVED AS TO FORM

Deputy City Attorney

ATTEST

City Clerk

**OLD SACRAMENTO BUSINESS
ASSOCIATION**

President, Board of Directors

**DOWNTOWN SACRAMENTO
PARTNERSHIP**

President, Board of Directors

Exhibit B

**FIRST AMENDMENT TO CITY AGREEMENT NUMBER 2008-0179
BETWEEN THE CITY OF SACRAMENTO AND
THE HISTORIC OLD SACRAMENTO FOUNDATION, INC.**

This "First Amendment" to City Agreement number 2008-0179, dated February 26, 2008 ("Agreement") is made as of _____ by and between the City of Sacramento, a municipal corporation, ("City") and the Historic Old Sacramento Foundation, a California corporation (the "HOSF"). The City and HOSF may be referred to collectively as "Parties" or in the singular as "Party", as the context requires.

RECITALS

- A. Section 1 of the Agreement provides that the Parties may extend the Agreement for up to four successive one year terms upon the mutual consent of the Parties.
- B. The Parties would like to extend the term of the Agreement for another year and amend the Agreement to provide that the Sacramento City Manager ("City Manager") or the City Manager's designee may approve future extensions.

NOW, THEREFORE, the Parties amend the Agreement as follows:

Section 1 of the Agreement is amended to read in its entirety as follows:

Section 1. Term.

The term of the Agreement shall commence on March 1, 2008 and end on June 30, 2011, unless sooner terminated as set forth in this Agreement. The Parties may extend the term of the Agreement for up to three additional one-year terms upon the mutual written consent of HOSF and the City Manager or the City Manager's designee."

Except as amended herein, the terms and provisions of the Agreement shall remain in full force and effect, provided that in the event of any inconsistencies between this First Amendment and the Agreement, the provisions of this First Amendment shall prevail.

CITY OF SACRAMENTO

**HISTORIC OLD SACRAMENTO
FOUNDATION, INC., a non-profit
corporation**

Gus Vina
Interim City Manager

President, Board of Directors

APPROVED AS TO FORM:

Deputy City Attorney

ATTEST:

City Clerk