



City of Sacramento City Council

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

Meeting Date: 2/14/2012

Report Type: Consent

Title: Agreement: Status of Summer 2012 Pool Operations

Report ID: 2012-00073

Location: Citywide

Recommendation: Pass a motion: 1) authorizing the City Manager or City Manager's designee to enter into a Sponsorship Agreement with Save Mart Supermarkets to sponsor a fundraising campaign to "Help Save Mart Save Our Pools"; and 2) authorizing the City Manager or City Manager's designee to establish the related revenue and expenditure budgets necessary to accept all donations received as a result of the "Help Save Mart Save Our Pools" fundraising campaign.

Contact: James L. Combs, Director, (916) 808-8526; Dave Mitchell, Operations Manager, (916) 808-6076, Department of Parks and Recreation

Presenter: None

Department: Parks & Recreation Department

Division: Aquatics

Dept ID: 19001521

Attachments:

- 1-Description/Analysis
- 2-Table (Operation of City Pools 2008 and 2011)
- 3-Sponsorship Agreement

City Attorney Review

Approved as to Form
Sheryl N. Patterson
2/6/2012 11:34:26 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Russell Fehr
2/1/2012 2:23:48 PM

Approvals/Acknowledgements

Department Director or Designee: Jim Combs - 2/3/2012 3:24:54 PM



Description/Analysis

Issue: During the 2008 summer pool season, the City of Sacramento (City) provided full-service pool operations including recreational swim, swim team, swim lessons, pool rentals, and adult lap swim. There were 12 swimming pools and 5 stand-alone wading pools open to the public seven days per week up to six hours per day. Last summer (2011), four successive years of budget reductions had significantly decreased pool operations to 6 swimming pools and 5 stand-alone wading pools which were open to the public six days per week, four hours per day.

Attached to this report is a table showing which pools were open during the 2008 summer pool season and which were closed during the 2011 summer pool season.

The current General Fund allocation for pool operations is \$759,967. With the remaining Aquatics budget for this fiscal year (FY2011/12), and if there are no reductions to the Aquatics budget next fiscal year (FY2012/13), there will only be enough resources to cover the costs of basic water, utilities, chemicals, and full-time staff to keep the swimming pools maintained in a “clean and blue” condition from January 1, 2012 through June 30, 2013, which includes the 2012 summer pool season. There will be insufficient resources to open or conduct operations at any of the 12 pools or the 5 stand-alone wading pools given the existing General Fund allocation for the 2012 summer pool season.

The Aquatics budget for pool operations crosses over two fiscal years to enable staff to prepare the pools and hire/train part-time staffing for the upcoming summer pool season. The funding for the 2012 summer pool season covers an 18 month period beginning January 1, 2012 through June 30, 2013. Staff has conducted a financial analysis to determine the costs to restore pool operations to the levels of the 2008 summer pool season (12 swimming pools plus 5 wading pools) and the 2011 summer pool season (6 swimming pools plus 5 wading pools), as well as an estimated cost for funding 3 swimming pools and 5 wading pools during the upcoming 18 month time period. (See table below).

	<i>12 Swimming Pools plus 5 Wading Pools</i>	<i>6 Pools plus 5 Wading Pools</i>	<i>3 Pools plus 5 Wading Pools</i>
Expenditures	\$2,788,961	\$2,130,167	\$1,858,008
Revenues / Available Funding	1,321,665	1,159,041	1,134,867
DEFICIT	\$1,467,296	\$ 971,126	\$ 723,041

Save Mart Supermarkets (Save Mart) understands that keeping all the pools open during the summer is an important issue for the communities they serve and specifically the many

Sacramento families who visit our pools every year. Save Mart wants to help Sacramento children have a safe place to swim, play and stay active and healthy during the summer. As such, Save Mart is stepping up to help save the pools in Sacramento for the 2012 summer pool season by launching a large-scale community based sponsorship campaign to help raise funding to keep 6 swimming pools and 5 wading pools open. The slogan for this fundraising campaign is "Help Save Mart Save Our Pools".

Save Mart will match dollar-for-dollar up to \$500,000 in the donations made by concerned individuals, citizens, residents, and private groups within the Sacramento community, as well as donations made from corporate and local business sponsors during the campaign period (mid-February through mid-April, 2012) for an estimated \$1 million that could be raised. If the campaign is successful in raising \$1 million, during the 2012 summer pool season the Department would be able to open and operate the same 6 swimming pools and 5 wading pools that were open during the 2011 summer pool season. Any donations received above the \$1 million target level could be used to open additional swimming pools throughout Sacramento that were closed after 2008, or to fund pool operations in 2013.

Staff is recommending the City Council approve the Pool Sponsorship Agreement with Save Mart Supermarkets to "Help Save Mart Save Our Pools," which provides that this fundraising effort will be at no cost to the City.

Policy Considerations: Participating in fundraising promotions is consistent with the *City of Sacramento's 2030 General Plan* and the *Parks and Recreation Master Plan 2005-2010* which directs the Department to explore creative ways to fund its development, maintenance, and programming of the City's parks and recreation system.

Environmental Considerations:

California Environmental Quality Act (CEQA): This report concerns administrative activities that will not have a significant effect on the environment, and does not constitute a "project" as defined by CEQA [CEQA Guidelines Sections 15061(b)(3); 15378(b)(2)].

Sustainability Considerations: Not applicable.

Commission/Committee Action: This information will be presented to the Parks and Recreation Commission at its March 2, 2012 meeting.

Rationale for Recommendation: It is anticipated that with the combined past and current budget reductions there will be insufficient resources to conduct operations at any of Sacramento's 12 swimming pools or the 5 stand-alone wading pools during the 2012 summer pool season given the existing General Fund allocation.

Save Mart wants to help Sacramento children have a safe place to swim, play and stay active and healthy during the summer and believes keeping the City's pools open is an important issue for the Sacramento community. Save Mart is sponsoring a fundraising campaign called "Help Save Mart Save Our Pools" to keep 6 swimming pools and 5 wading pools open for Sacramento's 2012 summer pool season.

Financial Considerations: There is no direct cost to the City or the General Fund for the "Help Save Mart Save Our Pools" sponsorship. Save Mart will pay for all campaign costs and all campaign materials.

Emerging Small Business Development (ESBD): Not applicable.



Operation of City of Sacramento Pools – Summer 2008 / Summer 2011

Swimming Pools		2008	2011
1	Cabrillo Pool	OPEN	CLOSED
2	Clunie Pool	OPEN	OPEN
3	Doyle Pool	OPEN	OPEN
4	Glenn Hall Pool	OPEN	PARTIAL OPERATIONS
5	Johnston Pool	OPEN	OPEN
6	Mangan Pool	OPEN	CLOSED
7	McClatchy Park Pool	OPEN	OPEN
8	Oki Pool	OPEN	CLOSED
9	Pannell Meadowview Pool	OPEN	OPEN
10	Sim Pool	OPEN	OPEN
11	Southside Pool	OPEN	CLOSED
12	Tahoe Pool	OPEN	CLOSED

Wading Pools		2008	2011
1	Bertha Henschel Park Play Pool	OPEN	OPEN
2	Colonial Park Play Pool	OPEN	OPEN
3	Mama Marks Park Play Pool	OPEN	OPEN
4	Robertson Park Play Pool	OPEN	OPEN
5	Wm. Land Park Play Pool	OPEN	OPEN



SPONSORSHIP AGREEMENT FOR SACRAMENTO POOL OPERATIONS

This Sponsorship Agreement ("Agreement") is entered into as of January 18, 2012 ("Effective Date") between the CITY OF SACRAMENTO, a municipal corporation, ("CITY") and SAVE MART SUPERMARKETS, a California corporation, ("SAVE MART").

BACKGROUND

A. CITY owns and operates 12 swimming pools, along with wading pools, to serve its 467,000 residents. Due to the recession and budget cutbacks, this past summer the CITY funded operation of only 6 of its swimming pools and all wading pools. The CITY's budget for FY 2012 has no funding for pool operations for the upcoming summer.

B. SAVE MART operates 7 Save Mart Supermarkets and 1 Food Maxx store within or adjacent to the CITY's jurisdictional boundaries. SAVE MART regularly sponsors fundraising promotions for non-profit organizations to benefit their customers.

C. SAVE MART wants to help Sacramento children have a safe place where they can swim, play and stay active and healthy this summer. Keeping the CITY's pools open is an important issue for the Sacramento community. SAVE MART is stepping up as a sponsor to help save Sacramento pools for the 2012 season by making a \$500,000 commitment to match community donations during the "Help Save Mart Save the Pools" campaign.

AGREEMENT

NOW THEREFORE, the parties agree as follows:

1. Sponsor Commitments: SAVE MART, in cooperation with CITY, agrees to perform the tasks as set forth in Exhibit A to sponsor the "Help Save Mart Save the Pools" campaign.

2. CITY Commitments: CITY, in cooperation with SAVE MART, agrees to perform the tasks as set forth in Exhibit B to promote and acknowledge the "Help Save Mart Save the Pools" campaign.

3. Sponsor Obligations: SAVE MART will pay CITY up to Five Hundred Thousand Dollars (\$500,000) to match dollar-for-dollar the amount of donations made by the Sacramento community through the sale of ICONs at SAVE MART stores and donations from corporate and local business sponsors received by SAVE MART or by CITY during the campaign period. SAVE MART shall pay CITY its contribution and the donations received by SAVE MART from the sale of ICONs and donations from corporate and business sponsors within 30 days from the date the campaign ends.

4. CITY Obligations: CITY shall use the funds paid by SAVE MART and all of the donations received by CITY from corporate and business sponsors during or as a result of the campaign to fund operation of CITY pools during the summer of 2012. If the total funds received is in excess of the budget required to operate the same 6 pools, along with all wading pools, which were operated in the summer of 2011, then any excess revenues shall be retained for use to operate CITY pools during the summer of 2013, unless additional pools are added and/or another recreational program is to be offered using such excess funding as mutually agreed upon by CITY and SAVE MART.

5. Cooperation: CITY and SAVE MART will use their best efforts to cooperate in a professional manner and will have mutual approval rights with regard to the design and content of all campaign:

- advertising print materials;
- website, online and social media promotions;
- digital and standard billboard displays; and
- press releases, articles, letters and documentation of the campaign efforts and outcomes.

In addition, the parties shall coordinate in the scheduling of campaign events and performing other tasks as set forth in Exhibits A and B. All campaign and sponsorship acknowledgment advertising to be placed on CITY property or to be distributed by CITY shall comply with the "Viewpoint Neutral Limitations" as set out in the Community Sponsorship Initiative Advertising Policy included in CITY Resolution No. 2010-184.

6. Right to Renew Sponsorship: CITY will provide SAVE MART the first right to be the sponsor of a similar campaign to raise funds for CITY pool operations for the summer of 2013 and thereafter for a three year period, and CITY shall not solicit pool sponsorships from other grocery stores during the campaign period.

7. Miscellaneous:

A. No Partnership: This Agreement does not constitute and will not be construed as constituting a partnership or joint venture between or among the parties. Except as expressly provided in this Agreement, no party will have the right to obligate the other in any manner whatsoever, and nothing in this Agreement is intended to give any right of any kind to any third person. Each party shall be solely responsible for any commitments made to any third party until the other party agrees and consents in writing to be bound by such commitments.

B. Entire Agreement: This Agreement (including all Exhibits) constitutes the entire understanding between the parties with regard to the subject matter hereof, superseding all prior understandings, agreements, representations and negotiations, whether oral or written.

C. Authorization: Each party represents to the other party that it is duly authorized to execute and deliver this Agreement and to perform its respective obligations hereunder.

D. Further Action: Each party agrees to take all actions necessary, proper or advisable, to consummate the transactions contemplated by this Agreement.

E. Successors and Assigns: The terms and conditions of this Agreement will insure to the benefit of and be binding upon the respective successors and assigns of the parties.

F. Amendment: Only a written instrument signed by each of the parties may amend this Agreement.

G. Notices: All notices and other communications required or permitted hereunder must be in writing, may be sent in any manner (e.g., mail, e-mail or personal delivery) and will be effective upon the date of receipt by the other party.

The parties have entered into this Agreement as of the Effective Date.

CITY OF SACRAMENTO,
a municipal corporation

SAVE MART SUPERMARKETS,
a California corporation

By: _____
James Combs,
Parks and Recreation Director

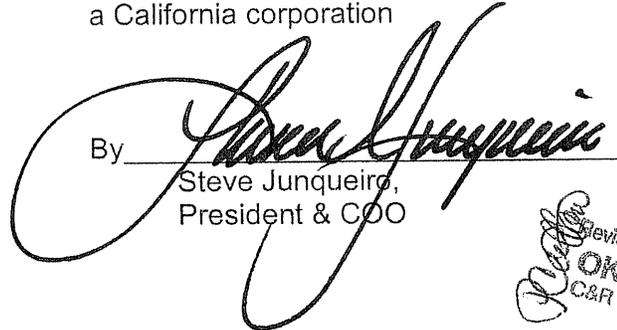
For: John F. Shirey, City Manager

Approved as to form:

By: _____
Senior Deputy City Attorney

Attest:

BY: _____
City Clerk

By: 
Steve Junqueira,
President & COO


Review
OK
C&R
1-10-12

Exhibit A

**SAVE MART'S "HELP SAVE MART SAVE THE POOLS" CAMPAIGN PROMOTION
AND SPONSORSHIP COMMITMENTS**

I. Store Locations:

Save Mart Supermarkets
3291 Truxel Rd.
Sacramento, CA 95833

Food Maxx
3860 Florin Road
Sacramento, CA 95823

5600 Folsom Blvd
Sacramento, CA 95819

2735 Marconi Ave.
Sacramento, CA 95821

2501 Fair Oaks Blvd
Sacramento, CA 95825

9137 Kiefer Blvd.
Sacramento, CA 95826

7960 Gerber Road
Sacramento, CA 95828

4708 Manzanita Avenue
Carmichael, CA 95608

II. ICON Sales and Sponsorship Promotion Efforts:

1. Develop a paper ICON (such as a pool picture) for sale at the foregoing Save Mart and Food Maxx stores as a method to collect community donations.
2. Display the ICONs sold within each store and display a current tally of Icon sales during the campaign period.
3. Promote the sale of the ICONs through SAVE MART's standard print, radio and online advertising during the campaign period.
4. Promote ICON campaign in social media posts/blogs/articles.
5. Business outreach to SAVE MART's national food suppliers to become a campaign corporate sponsor.
6. Hold press conferences and attend neighborhood association meetings to feature ICON sales, tally of donations, and solicit local business sponsors.

III. Campaign Schedule (Preliminary*):

1. January 24th - Sponsorship Agreement approved.
2. Week of January 23 thru 27 – ICON design and campaign slogan and signage approved.
3. Week of January 30 thru February 3 – Hold a press conference and issue press release announcing plan to “Save Sacramento Pools.” Introduce SAVE MART’s primary sponsorship and financial commitment to match donations by Sacramento citizens and businesses. Challenge the public to step up and join the cause to save our pools this summer.
4. February 1 thru March 31 - ICON sales period.
5. February 6 thru February 24 – Media interviews and business outreach to SAVE MART’s national food suppliers.
6. February 6 thru March 16 – Attend neighborhood association meetings to inform and promote “Save our Pools” campaign.
7. Week of March 5 thru 9 – Hold in-store (or at a pool) press conference promoting ICON sales and announcing current donations tally and SAVE MART contribution.
8. Week of March 19 thru 23 – Issue press release promoting ICON sales, announcing current donations tally and SAVE MART contribution, and number of pools that have been saved from closing thus far.
9. Week of April 2 thru 6 – Hold a press conference, issue press release and participate in a fun “competition” at a pool to be opened this summer from contributions, announce final ICON sales, corporate and business donations, SAVE MART contribution, and number of pools saved from closing this summer due to campaign effort.

* Dates subject to change by mutual agreement.

IV. Sponsorship Acknowledgment:

1. Design and print banners acknowledging SAVE MART’s, corporate and business sponsors’, and community’s contributions to be displayed at all pools opened during the summer with campaign donations.
2. Design and print flyers and stickers (using ICON design) to hand-out to families and kids at pools on opening day (optional).
3. Other recognition of campaign success as mutually agreed by the parties.

Exhibit B

**CITY'S "HELP SAVE MART SAVE THE POOLS" CAMPAIGN PROMOTION
AND SPONSORSHIP ACKNOWLEDGMENT COMMITMENTS**

I. ICON Sales and Sponsorship Promotion Efforts:

1. Mayor, Council Members and CITY staff to participate in press conference to kick-off campaign.
2. Mayor, Council Members and CITY staff to contact the local chambers of commerce and business and community leaders to request assistance in promoting the "Save Sacramento Pools" campaign.
3. Mayor, Council Members and CITY staff to make phone calls, send letters and e-mails, and use other direct contacts to local businesses to solicit donations to maximize SAVE MART's contribution.
4. CITY staff to make phone calls, send letters and e-mails, and use other direct contacts to members of aquatic programs, pool user groups, neighborhood associations and other civic organizations to promote campaign and sale of the ICONs at SAVE MART stores.
5. Distribute flyers to students participating in after-school child care and enrichment programs operated by CITY to promote campaign and sale of the ICONs at SAVE MART stores, subject to SAVE MART supplying the print materials.
6. CITY representatives to attend neighborhood association meetings with SAVE MART representatives to feature ICON sales, tally of donations, and solicit local business sponsors.
7. Promote campaign and sale of the ICONs at SAVE MART stores on CITY's website and CITY's social media posts/blogs/articles.
8. Promote campaign and sale of the ICONs at SAVE MART stores on three digital billboards and one standard billboard along local freeways which CITY has rights of use, subject to space availability and SAVE MART supplying media design and print material.
9. Display banners at City Hall, Sacramento Softball Complex, pool locations, and other CITY property located along freeways and major streets to promote campaign and sale of the ICONs at SAVE MART stores, subject to SAVE MART supplying the banners.
10. Include inserts in utility mailings to promote campaign and sale of the ICONs at SAVE MART stores, subject to SAVE MART supplying the print materials.

11. Recorded information regarding campaign and sale of the ICONs at SAVE MART stores broadcasted to citizens while on hold on CITY's 311 information line.

II. Sponsorship Acknowledgment:

1. Announce campaign success and acknowledge SAVE MART's and other major sponsors' contributions in press releases and on CITY's website and social media posts/blogs/articles.
2. Acknowledge campaign success and SAVE MART and other major sponsors' contributions to pool operations in CITY's Recreation Magazine and Neighborhood Services newsletter.
3. Display banners provided by SAVE MART at all pools operated during summer of 2012 with funding from campaign.
4. Distribute flyers and stickers provided by SAVE MART to hand-out to families and kids at pools on opening day.
5. Other recognition of campaign success as mutually agreed by the parties.