

Meeting Date: 6/18/2013

Report Type: Consent

Report ID: 2013-00501



City Council Report

915 I Street, 1st Floor

www.CityofSacramento.org

Title: Supplemental Agreement with the County of Sacramento: Art in Public Places Program Administration

Location: Citywide

Issue: By agreement with the County, the City has agreed to administer the Sacramento International Airport Terminal Modernization Program Public Art Project. That agreement is set to expire on June 30, 2013. The supplemental agreement to extend the contract to June 30, 2014, is required to complete the project.

Recommendation: Pass a Motion authorizing the City Manager or his designee to execute Amendment No. 1 to Agreement No. 2009-0244 with the County of Sacramento to extend the time for completing the airport art project.

Contact: Shelly Willis, Interim Executive Director, (916) 808-3971, Sacramento Metropolitan Arts Commission; Barbara E. Bonebrake, Director, (916) 808-8225, Convention, Culture and Leisure Department

Presenter: N/A

Department: Convention Culture & Leisure

Division: Metro Arts-APP

Dept ID: 17001821

Attachments:

1-Description/Analysis

2-First Amendment

City Attorney Review

Approved as to Form

Kourtney Burdick

6/11/2013 10:02:45 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt

Russell Fehr

5/30/2013 11:35:34 AM

Approvals/Acknowledgements

Department Director or Designee: Rebecca Bitter - 6/6/2013 9:39:01 AM

Description/Analysis

Issue Detail: On March 10, 2009, City Council approved an agreement with the County of Sacramento to allow the City, acting through its Sacramento Metropolitan Arts Commission (SMAC) staff, to administer the Sacramento International Airport Terminal Modernization Program Public Art Project (G17601600) from March 30, 2009, through June 30, 2013 (Resolution 2009-134; City Agreement 2009-0244). Staff recommends that City Council approve an extension of the term of the agreement for another year to complete the design, fabrication, and installation of a remaining art project.

Policy Considerations: Sacramento County Code section 2.96.150 requires that 2%, or other amount as determined by the Board of Supervisors, of public construction projects be set aside for public artwork. The \$8 million dollar public art allocation was deemed appropriate by staff, and approved by the Commission and the Board of Supervisors on March 25, 2008. County policy and procedures allows up to 20% of the art program budget to be allocated to administration of public art programs.

SMAC is a City/County joint agency charged with administering the County Art in Public Places Program. Extending the agreement for another year will allow SMAC to finish administering the Terminal Modernization Program Public Art Project.

Economic Impacts: None.

Environmental Considerations: The Sacramento International Airport Terminal Modernization Program underwent the California Environmental Quality Act (CEQA) review by the County of Sacramento. The recommended action in this report is an activity that does not constitute a project under CEQA guidelines, California Code of Regulations, Title 14, Section 15378, and is therefore exempt from review.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: This recommendation is consistent with the March 10, 2009, City Resolution 2009-134 to facilitate the design, fabrication installation, maintenance, conservation, and education of public art at the Sacramento International Airport. An additional year is needed to complete this project.

Financial Considerations: The approved budget to administer the project is \$1 million and does not include funding for the fabrication and installation of artworks. Initial funding of \$95,000 was provided by the County through City Agreement 2007-1348 and the remaining \$905,000 is provided through the current City Agreement 2009-0244. To date, \$874,904 has been received from the County for program administration provided by the Sacramento Metropolitan Arts Commission. The current remaining budget of \$125,096 is sufficient for the remaining services to be completed within the scope of the original agreement.

Emerging Small Business Development (ESBD): Not applicable.

FIRST AMENDMENT TO AGREEMENT 2009-0244 FOR ART IN PUBLIC PLACES PROGRAM ADMINISTRATION, SACRAMENTO COUNTY AIRPORT SYSTEM

THIS FIRST AMENDMENT TO AGREEMENT 2009-0244 is made and entered into as of this ____ day of _____, 2013, by and between the COUNTY OF SACRAMENTO, a political subdivision of the State of California, hereinafter referred to as "COUNTY," and the CITY OF SACRAMENTO, a municipal corporation, acting by and through the SACRAMENTO METROPOLITAN ARTS COMMISSION, hereinafter referred to as "CITY."

RECITALS

WHEREAS, COUNTY owns and operates the Sacramento International Airport; and

WHEREAS, in furtherance of its Art-in-Public-Places program as set forth in Sacramento County Code sections 2.96.130 through 2.96.170, COUNTY has allocated certain construction funds for the establishment of art in public places; and

WHEREAS, a portion of such funds have been designated for the administration of art (hereinafter "Artwork") to be displayed in the public areas of the Sacramento County Airport System; and

WHEREAS, on September 9, 2008, the Sacramento County Board of Supervisors approved the Airport Art Plan ("Art Plan"); and

WHEREAS, the CITY has been designated to administer the Art-in-Public-Places program; and

WHEREAS, COUNTY will utilize those funds designated for Art-in-Public-Places to fund the cost of the administration; and

WHEREAS, on September 9, 2008, by Resolution No. 2008-0945, the Director of Airports was delegated the authority to negotiate, enter into, execute and administrate the Agreement; and

WHEREAS, both parties desire to formally amend said Agreement to extend the term to June 30, 2014, or upon completion of services, budget and contingency, contemplated by the Agreement; and

WHEREAS, Section II of the Agreement, as amended, extends its term so long as the remaining services to be completed are within the original scope of services and the total compensation is not increased.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, COUNTY and CITY agree as follows:

**First Amendment to Agreement for Art-in-Public Places Program Administration,
Sacramento County Airport System
Page 2**

1. Section II of the Agreement is amended to read as follows:

"This Agreement shall be effective and commence as of the date first written above and shall remain in effect until all services covered by this Agreement are completed or June 30, 2014, whichever occurs first. DIRECTOR and the City, acting through the City Manager or his designee, are authorized to amend this Agreement to extend the term, provided that the services remaining to be completed are within the scope of the original Agreement and the total compensation does not exceed the Maximum Total Payment Amount."

2. The Agreement, as amended, shall in all other respects remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to the Agreement to be duly executed as of the day and year first written above.

COUNTY OF SACRAMENTO, a political
subdivision of the State of California

CITY OF SACRAMENTO, a municipal
Corporation

By _____
John Wheat
Director of Airports

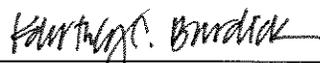
By _____
Barbara E. Bonebrake
Director, Convention, Culture and
Leisure Department

For: John F. Shirey, City Manager

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Diane E. McElhern
Deputy County Counsel



Kourtney Burdick
Deputy City Attorney

Attest:

City Clerk