

**Council Meeting: October 30, 2012**

SUBJECT: Discussion and Possible Action on a Proposal to Amend the Agreement with California Sports Center for Operation of Fremont Pool through August 31, 2013.

BACKGROUND

In July 2000, the City entered into a 25-year agreement with the Fremont Union High School District for the construction and operation of a 50-meter swim pool at Fremont High School. The City and District share ongoing operational, staffing and utility costs. The pool opened to the public in June 2001 and has been operated under a license agreement between the City and California Sports Center since that time.

The California Sports Center license agreement to operate public programs at Fremont High School Pool ends July 31, 2013. The City intends to undertake a competitive Request for Proposals (RFP) process to maximize the value of program operations. The purpose of this report is to extend the City's agreement with California Sports Center from August 1, 2013 to August 31, 2013.

EXISTING POLICY

Operating and contracting for the operation of the public's use of Fremont High School Swim Pool and providing swim programs to the public is supported by the following:

Sunnyvale Consolidated Plan:

CC-10.6: Leverage available resources by pursuing co-funded and/or cooperative agreements for provision and maintenance of programs, facilities and services, in order to maximize benefits to the community. Partners may include, but are not limited to, school districts, non-profit groups, governmental agencies and businesses.

DISCUSSION

The California Sports Center was recently advised that it is the City's intention to go out to bid for the provision of public programs at Fremont Pool beginning August 1, 2013. California Sports Center's current agreement runs through July 31, 2013. During recent discussions, both the contractor and City staff agreed that the middle of the summer is an awkward time to terminate an agreement for an aquatics program that is operating at full capacity during the summer months.

California Sports Center has agreed to amend their existing agreement with the City to extend it until the end of summer programs. Pending Council action, the new termination date will be August 31, 2013. Whether California Sports Center or a new contractor is selected to operate public programs, the official start-up of programs will begin with the FY 13/14 school year, September 1, 2013.

FISCAL IMPACT

There is no fiscal impact anticipated as a result of approving the one month extension to the agreement. California Sports Center will pay a prorated amount for one month of additional operations of \$3,941.56.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

ALTERNATIVES

1. Approve amendment to existing agreement between City and California Sports Center to extend agreement termination date from August 1, 2013 to August 31, 2013. (Attachment A – Amendment to Agreement Between the City of Sunnyvale and California Sports Center for Management, Operation and Supervision of Public Swimming Programs at Fremont High School Pool)
2. Keep agreement termination date July 31, 2013.
3. Other action as determined by City Council.

RECOMMENDATION

Approve amendment to existing agreement.

Reviewed by:

Lisa G. Rosenblum, Director, Library and Community Services

Prepared by: Nancy Bolgard Steward, Superintendent of Community Services

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Amendment to the Agreement Between the City of Sunnyvale and California Sports Center for Management, Operation and Supervision of Public Swimming Programs at Fremont High School Pool

**AMENDMENT TO THE AGREEMENT BETWEEN
THE CITY OF SUNNYVALE AND CALIFORNIA SPORTS CENTER FOR
MANAGEMENT, OPERATION AND SUPERVISION OF PUBLIC SWIMMING
PROGRAMS AT FREMONT HIGH SCHOOL POOL**

This Amendment dated _____, 2012, is by and between the City of Sunnyvale, a municipal corporation ("CITY"), and California Sports Center.

WHEREAS, the current service agreement expires on July 31, 2013, and

WHEREAS, CITY and CONTRACTOR wish to extend their business relationship throughout the end of the summer aquatic season;

WHEREAS, the purpose is to avoid causing a potential break in service mid-season;

WHEREAS, CONTRACTOR will pay a prorated payment of \$3,941.56 for the additional month of operation in addition to charges relating to water, gas and electrical use of the pool building;

THEREFORE, the parties hereby agree to extend the Agreement for one month. The Agreement will have a new termination date of August 31, 2013.

IN WITNESS WHEREOF, the parties have executed this Amendment.

CITY OF SUNNYVALE

Gary Luebbers
City Manager

APPROVED AS TO FORM:

CALIFORNIA SPORTS CENTER

City Attorney

Director