



Agenda Report

18-119

Agenda Date: 9/11/2018

REPORT TO COUNCIL

SUBJECT

Action on the Contribution Agreement with the Triton Museum of Art

BACKGROUND

The Triton Museum of Art (Triton) collects and exhibits contemporary and historical works with an emphasis on artists of the Greater Bay Area. The Triton moved to its location across from Santa Clara Civic Center in 1967. At the time, it was a 7.2855 acre lot that was owned by the City. As part of the original thirty (30) year land lease dated November 24, 1967, the Triton was tasked with constructing the buildings that are now known as the Pavilion and transferring the ownership of all the buildings on the property to the City at the end of the lease.

The City of Santa Clara and the Triton Museum of Art re-entered into a twenty (20) year Lease and Operation Agreement on April 16, 1998, which was termed to end on April 15, 2018. The Agreement allowed the City and Triton to extend the lease term for two additional five-year periods. In accordance with Council delegated authority, the City Manager executed an Amendment to the Lease Operation Agreement to extend the term for an additional five years, beginning on April 16, 2018 and ending on April 15, 2023.

As part of its Lease and Operation Agreement with the City, the Triton is responsible for maintaining and operating the public museum and other buildings on the property such as the Jamison Brown House and the Pavilion, and safekeeping the City's collection of art, which includes the Warburton Native American Collection and paintings by Theodore Wores, a 19th and early 20th century California Impressionist. The City is responsible for maintaining the exterior of the buildings on the property and providing electric, water, sanitary sewer, landscaping, and janitorial services.

Aside from the required services detailed in the Lease and Operation Agreement, the City also provides an annual contribution to the Triton to pay for expenses related to the museum's general operations, such as providing art exhibitions, events, and educational programs for the community. The current annual contribution totals \$289,560. The annual payment has remained this amount since FY 2010/11. Prior to FY 2010/11, the annual payments have varied totaling \$265,833 in FY 2004/05 rising to \$304,800 in FY 2008/09 and FY 2009/10.

DISCUSSION

On June 12, 2018, Council approved \$289,560 for the Triton Museum of Art as part of the City's FY 2018/19 Annual Operating Budget. This report recommends approval of the attached contribution agreement between the City and the Triton Museum which facilitates the payment of the appropriated funds in twelve equal installments of \$24,130.

Per the contribution agreement, the Triton Museum is responsible to provide, among other outcomes, quality art exhibitions, events and educational programs for the community; community outreach programs targeted towards art education for families and school children; and a qualified Museum staff member to serve as a juror for City-sponsored art competitions.

To streamline City operations, staff also recommends that the Council authorize the City Manager to execute the annual Contribution Agreement as long as the City and Triton have a valid Lease and Operation Agreement and the Council appropriates funds as part of the approval of the annual budget.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(4) in that it is a fiscal activity that does not involve any commitment to any specific project which may result in a potential significant impact on the environment.

FISCAL IMPACT

The proposed agreement is for an amount not to exceed \$289,560. The amount will be divided into twelve monthly installments of \$24,130. Funding for this contract was included in the FY 2018/19 Annual Operating Budget. Contributions beyond FY 2018/19 are subject to future City Council appropriation of funds.

COORDINATION

This report has been coordinated with the Finance Department and the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

1. Approve and authorize the City Manager to execute the FY 18/19 Contribution Agreement with Triton Museum of Art in the amount not-to-exceed \$289,560;
2. Authorize the City Manager to execute future Contribution Agreements in substantially the same form as long as the City has a valid Lease and Operation Agreement with the Triton Museum, subject to annual budget appropriations and;
3. Authorize the City Manager to make minor modifications to the Contribution Agreement if necessary.

Reviewed by: Walter C. Rossmann, Chief Operating Officer

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Contribution Agreement with the Triton Museum of Art