

1 [Approval of Fifth Amendment to the Management Agreement for Moscone Convention
2 Center.]

3 **Resolution approving and authorizing the City Administrator to enter into a Fifth**
4 **Amendment to the Management Agreement for Moscone Convention Center.**

5
6 WHEREAS, Pursuant to Board of Supervisors Resolution No. 895-90, on November 6, 1990,
7 the City and County of San Francisco ("City") and Facility Management Incorporated of
8 California ("FMI") entered into a Management Agreement (the "Agreement") for the
9 management of George R. Moscone Convention Center, Brooks Hall, and Civic Auditorium;
10 and,

11 WHEREAS, Pursuant to a certain Agreement to Assignment dated March 18, 1991, the City
12 consented to an assignment of the Agreement from FMI to Spectator Management Group
13 ("SMG"); and,

14 WHEREAS, Under the Agreement, the City has an option to renew the Agreement for a term
15 of five years; and,

16 WHEREAS, By the First Amendment to the Agreement, dated December 20, 1993, the City
17 exercised its option to renew the term of the Agreement for an additional five years
18 commencing July 1, 1994, and ending June 30, 1999; and in order to increase the
19 participation of minority owned businesses in the management of the Moscone Convention
20 Center and Civic Auditorium, the City agreed to SMG's assignment of an interest in the
21 Agreement to Thigpen Limited, Incorporated, a certified local woman-owned business, with
22 further assignment by Thigpen and SMG of their interests in the Agreement to Moscone
23 Center Joint Venture ("MCJV"); and,
24
25

1 WHEREAS, By the Second Amendment to the Agreement, dated January 14, 1999, the City
2 exercised its option to renew the term of the Agreement for an additional five year term
3 commencing July 1, 1999, and ending June 30, 2004; and,

4 WHEREAS, By the Third Amendment to the Agreement, dated June 10, 2003, the City
5 exercised its option to renew the term of the Agreement for an additional five year term
6 commencing July 1, 2004, and ending June 30, 2009; and,

7 WHEREAS, By the Fourth Amendment to the Agreement, dated October 22, 2007, the City
8 and MCJV agreed that MCJV would perform certain public works improvements on behalf of
9 the City through the hiring of contractors pursuant to Section 6.66 of the San Francisco
10 Administrative Code; and,

11 WHEREAS, The City Administrator and MCJV have agreed to amend the Agreement to (i)
12 extend the term of the Agreement as to Moscone Convention Center for an additional eight
13 years commencing July 1, 2009, and ending June 30, 2017; (ii) require MCJV to make certain
14 capital contributions to the City in the amount of \$8,500,000; (iii) revise certain contractual
15 clauses regarding the calculation and payment of fees for food, beverage and merchandise;
16 and (iv) remove certain contractual clauses that authorized the City to terminate the
17 Agreement for its convenience; and,

18 WHEREAS, A copy of the form of the Fifth Amendment is on file with the Clerk of the Board of
19 Supervisors in File No. 081503, which is hereby declared to be a part of this resolution as
20 if set forth fully herein, now, therefore, be it

21 RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby
22 approves and authorizes the City Administrator to enter into the Fifth Amendment to the
23 Agreement.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 081503

Date Passed:

Resolution approving and authorizing the City Administrator to enter into a Fifth Amendment to the Management Agreement for Moscone Convention Center.

December 16, 2008 Board of Supervisors — ADOPTED

Ayes: 9 - Alioto-Pier, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Campos, Mirkarimi

File No. 081503

I hereby certify that the foregoing Resolution was ADOPTED on December 16, 2008 by the Board of Supervisors of the City and County of San Francisco.

12/19/2008

Date Approved

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom