1 [Management and Operation Agreement Amendment - Retroactive - Friends of the Cable Car Museum - Cable Car Museum - Term Extension]

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3 **Resolution retroactively approving the First Amendment to the Management and**

4 **Operation Agreement between the Municipal Transportation Agency and Friends of the**

5 **Cable Car Museum to exercise the first option to extend the term for five years from**

6 **July 1, 2019, through June 30, 2024.**

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8   WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) operates a

9 cable car "barn" facility in a building located at 1201 Mason St. in the City and County of San

10 Francisco; the building consists of SFMTA's cable car maintenance facility and a Cable Car

11 Museum which is under SFMTA jurisdiction; and

12   WHEREAS, The Cable Car Museum provides a free educational museum experience

13 for residents and tourists alike; the Museum has various artifact displays including antique

14 cable cars, an observation deck overlooks the winding wheels pulls the cable car cables, and

15 a gift shop area; and

16   WHEREAS, On September 1, 2009, the SFMTA Board of Directors adopted Resolution

17 No. 09-155, authorizing the Director of Transportation to execute a Management and

18 Operation Agreement (Agreement) between SFMTA and Friends of the Cable Car Museum

19 (FCCM) to manage and operate the museum and gift shop for a ten-year term with two five-

20 year options to extend upon Board of Supervisors approval; and

21   WHEREAS, On November 3, 2009, the Board of Supervisors adopted Resolution

22 No. 432-09 approving the Management and Operation Agreement between the SFMTA and

23 FCCM; and

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1   WHEREAS, The Management and Operation Agreement expired on June 30, 2019,

2   and FCCM has operated the museum and gift shop on a month-to-month hold over basis,

3   while negotiations to amend the Agreement to extend the term ensued; and

4   WHEREAS, The proposed First Amendment to the Management and Operation

5   Agreement (First Amendment) would allow for an extension of the term for additional five

6   years, retroactive to July 2019, and would generate $174,744 in total Concession Fees for the

7   SFMTA which includes adjustments of annual Concession Fees to provide relief from the

8   economic constraints realized by FCCM pursuant to the COIVD-19 pandemic; and

9   WHEREAS, On January 14, 2020, the SFMTA, under authority delegated by the

10   Planning Department, determined that the First Amendment to the Cable Car Museum

11   contract is not defined as a "project" under the California Environmental Quality Act (CEQA)

12   pursuant Title 14 of the California Code of Regulations, Sections 15060(c) and 15378(b); and

13   WHEREAS, On November 16, 2021, the SFMTA Board of Directors approved

14   Resolution No. 211116-135 authorizing the Director of Transportation of the SFMTA to

15   execute the First Amendment and to forward to the Board of Supervisors for final approval;

16   and

17   WHEREAS, Consistent with Section 9.118 of the Charter, the First Amendment of the

18   Agreement requires Board of Supervisors approval because of the term of the Agreement and

19   the First Amendment exceeds ten (10) years; and

20   WHEREAS, A copy of the First Amendment to the Management and Operation

21   Agreement is on file with the Clerk of the Board of Supervisors in File No. 220209, which is

22   hereby declared to be part of this Resolution as if set forth fully herein; now, therefore, be it

23   RESOLVED, That the Board of Supervisors retroactively approves the First

24   Amendment to the Management and Operations Agreement between Municipal

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1   Transportation Agency and the Friends of the Cable Car Museum to extend the term of the

2   Agreement for an additional five years from July 1, 2019, through June 30, 2024; and, be it

3   FURTHER RESOLVED, That within thirty (30) days of the agreement being fully

4   executed by all parties, the Director of Transportation of the SFMTA shall provide the final

5   agreement to the Clerk of the Board for inclusion into the official file.

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Mayor Breed; Supervisor Mar
BOARD OF SUPERVISORS