



APPROVED  
BY THE CITY COUNCIL

1.5

OCT 1 1998

OFFICE OF THE  
CITY CLERK

AG 98-163

NEIGHBORHOOD SERVICES  
DEPARTMENT

CITY OF SACRAMENTO  
CALIFORNIA

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SACRAMENTO, CA  
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September 14, 1998

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT:** AUTHORIZE THE RESOLUTION TO APPROVE THE AGREEMENT WITH THE SACRAMENTO TREE FOUNDATION TO ADMINISTER THE APPROVED PETROLEUM VIOLATION ESCROW ACCOUNT (PVEA) GRANT FUNDING

**LOCATION AND COUNCIL DISTRICT:** Oak Park Neighborhood, Council District 5

**RECOMMENDATION:**

Staff recommends City Council approve the attached Agreement with the Sacramento Tree Foundation.

**CONTACT PERSON:** Victor L. Edmisten, Parks and Recreation Manager, 264-5336

**FOR COUNCIL MEETING:** October 1, 1998

**SUMMARY:**

This report provides information related to the Oak Park NeighborWoods project and recommends that City Council approve the attached Agreement, which authorizes the payment of \$55,000 to the Sacramento Tree Foundation to implement this program.

**COMMITTEE/COMMISSION ACTION:** At their regularly scheduled meeting of September 3, 1998, members of the Citizen's Advisory Committee were presented information on this subject. They expressed their support of this agreement between the City and the Sacramento Tree Foundation for a collaborative tree planting project targeting the Oak Park community.

**BACKGROUND:**

In February, 1998 the City was informed that it was the recipient of an appropriation of \$55,000 from the Petroleum Violation Escrow Account (PVEA) funds to purchase and plant trees for energy conservation in

City Council  
PVEA Supplemental Agreement  
September 14, 1998

the Oak Park community. Assembly Member Deborah Ortiz was instrumental in securing this appropriation for the City of Sacramento. In August, 1998, prior to the funds being released, the Federal Department of Energy accepted the proposed project.

**FINANCIAL CONSIDERATIONS:**

The grant appropriation is for \$55,000 with no local match required. Participating in this pilot project does not commit the City to participate in future projects or funding for long-term stewardship.

**ENVIRONMENTAL CONSIDERATIONS:**

As the grant administrator, it shall be the responsibility of the Sacramento Tree Foundation to ensure all applicable environmental requirements are met and any necessary permits are obtained.

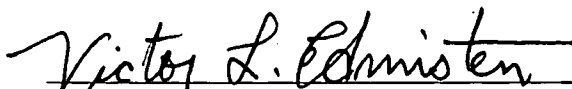
**POLICY CONSIDERATIONS:**

This action is consistent with the City's priority of Neighborhood Revitalization and Enhancement and Environmental Protection and Improvement.


**M/WBE CONSIDERATIONS:**

None at this time. Any goods or services provided as a result of this grant shall be acquired in accordance with the terms of the grant administration agreement.

Respectfully submitted,

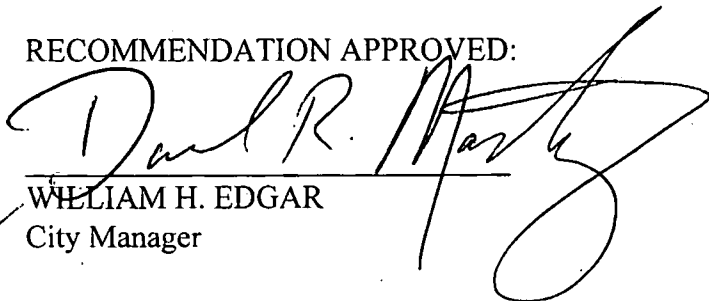


VICTOR L. EDMISTEN, Parks and Recreation Manager



GARY LITTLE, Director, Area 2  
Neighborhoods, Planning Development Services

RECOMMENDATION APPROVED:



WILLIAM H. EDGAR  
City Manager

APPROVED  
BY THE CITY COUNCIL

AGREEMENT 98-163

OCT 1 1998

OFFICE OF THE  
CITY CLERK  
**THIS AGREEMENT**, made and entered into this 1st day of October, 1998, by and between the CITY OF SACRAMENTO, a municipal Corporation, (hereinafter "City"), and the SACRAMENTO TREE FOUNDATION (hereinafter "Recipient").

**WHEREAS**, Recipient needs funds for the purpose of planting and stewardship of trees in Council District 5 sites.

**WHEREAS**, Recipient has developed a goal to plant a million trees in the Capital area by 2001.

**WHEREAS**, Recipient has implemented a program called "Oak Park NeighborWoods Shade Tree Project."

**WHEREAS**, the City Council by action taken has agreed to pay the Recipient a total of Fifty-five Thousand Dollars (\$55,000) for the period of July 1, 1998 - June 30, 1999:

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements herein contained, it is hereby covenanted and agreed as follows:

1. The City will pay Recipient the amount of \$55,000 upon full execution of this agreement.
2. Recipient agrees to work with community groups to plant trees in the greater Oak Park area over the next year.
3. Recipient agrees to use the funding for the purpose described herein and Recipient hereby agrees to use said funds exclusively for the purposes described herein.
4. Recipient further agrees that the Director of Administrative Services, or designee, shall at all times have access to the books, records, and accounts kept by Recipient in connection with all sums expended and services provided under this Agreement, for the purpose of making an audit of all expenditures made and services delivered by Recipient in the performance of this Agreement.
5. Recipient certifies that any goods or services provided and any persons employed pursuant to this Agreement shall be without discrimination based on sex, color, race, religion, national origin, ancestry, handicap or sexual orientation.
6. Recipient and the agents and employees of Recipient, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the City.
7. Recipient shall assume all responsibility for its activity and operation; shall bear all losses and damages directly or indirectly resulting to it, to the City and to City employees, that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences, or other causes not predicted on active negligence of the City.

- 8. Recipient shall assume the defense of, and indemnify and hold harmless the City and its officers and employees from all claims, loss, damage, injury, and liability of every kind, nature, and description, including punitive damage and attorney's fees reasonably incurred, directly or indirectly arising from the performance of Recipient's operations under this Agreement.
- 9. If for some reason the grant funds are not secured from the Petroleum Violation Escrow Account (PVEA), the City will not be required to pay the Sacramento Tree Foundation any or all costs the Sacramento Tree Foundation has incurred from operating the program.

**IN WITNESS WHEREOF**, the parties hereto execute this Agreement as of the day and year first above written.

CITY OF SACRAMENTO, a  
Municipal Corporation

SACRAMENTO TREE FOUNDATION, a  
non-profit organization.

By \_\_\_\_\_  
William H. Edgar, City Manager

By Ray Trethewey  
Ray Trethewey, Executive Director

APPROVED AS TO FORM:

By [Signature]  
President, Board of Directors

[Signature]  
City Attorney

By Brooke Bowden Omick  
Secretary, Board of Directors

ATTEST:

\_\_\_\_\_  
City Clerk

**APPROVED**  
BY THE CITY COUNCIL

**OCT 1 1998**

OFFICE OF THE  
CITY CLERK

**RESOLUTION NO. 98-492**

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**RESOLUTION TO APPROVE THE AGREEMENT WITH THE SACRAMENTO TREE  
FOUNDATION TO ADMINISTER THE PETROLEUM VIOLATION ESCROW ACCOUNT  
(PVEA) GRANT FUNDING**

**WHEREAS**, the City of Sacramento is the recipient of the federal Department of Energy grant in the amount of \$55,000 for a neighborhood tree planting program;

**WHEREAS**, the City of Sacramento will be collaborating with the Sacramento Tree Foundation to administer the Oak Park NeighborWoods tree planting project;

**WHEREAS**, this project will improve the quality of life for the residents and businesses of the Oak Park neighborhoods by enhancing the energy saving benefits of the urban forest which they live, work and play;  
and

**WHEREAS**, the City Manager is authorized to sign agreements approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. Approves the Agreement with the Sacramento Tree Foundation to administer the Petroleum Violation Escrow Account grant funding.
2. Appoints Victor L. Edmisten as agent of the City of Sacramento to administer the grant application on behalf of the City.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_