



MEMORANDUM

Council Agenda
Item No. IX. BK
5/23/2023

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Amendment No. 7 to the Lease and Operation Agreement with the Oklahoma City Riverfront Redevelopment Authority and the Riversport Foundation for lease and operation of the Oklahoma City Whitewater Facility, 800 Riversport Drive, not to exceed \$4,400,000. Ward 7.

Location:

800 Riversport Drive

Background:

The MAPS 3 program, funded by the Oklahoma City Capital Improvements Sales Tax approved on December 8, 2009, included construction of the Oklahoma City Whitewater Facility (Whitewater Facility), which opened in May 2016. On May 19, 2015, The City of Oklahoma City (City), the Oklahoma City Riverfront Redevelopment Authority (OCRRA), and the Riversport Foundation (Foundation) entered into a Lease and Operation Agreement (Operating Agreement) for the Whitewater Facility.

On March 28, 2017, the Operating Agreement was amended to allow the Foundation to charge parking fees. On July 3, 2018, the Operating Agreement was amended a second time to provide for reimbursement of certain unanticipated expenses incurred by the Foundation in the opening of the Whitewater Facility.

On September 24, 2019, the Operating Agreement was amended a third time to provide a management fee, not to exceed \$1,500,000, for Fiscal Year 2019-2020; establish a reserve fund for Whitewater Facility maintenance; and offer public-outreach programs at the Whitewater Facility. On August 4, 2020, the Operating Agreement was amended a fourth time to provide a management fee, not to exceed \$1,500,000, for Fiscal Year 2020-2021; require additional financial and maintenance reporting by the Foundation; and provide for other terms and conditions.

On July 6, 2021, the Operating Agreement was amended a fifth time to provide a management fee, not to exceed \$1,500,000, for Fiscal Year 2021-2022; modify insurance requirements; and provide for other terms and conditions. On April 12, 2022, the Operating Agreement was amended a sixth time to provide a COVID-19 pandemic-related supplement to the management fee for Fiscal Year 2021-2022; provide for a management fee, not to exceed \$1,500,000, for Fiscal Year 2022-2023; and incorporate the Oklahoma River racecourse starting systems and related appurtenances, which were previously maintained under a separate memorandum of understanding, into the Operating Agreement.

The parties wish to amend the Operating Agreement a seventh time (7th Amended Agreement) to provide a supplement, not to exceed \$1,400,000, to the Fiscal Year 2022-2023 management fee to cover additional operating and management costs incurred by the Foundation prior to June 30, 2023; to provide for a management fee, not to exceed \$1,500,000, for Fiscal Year 2023-2024; and to separately provide for up to \$1,500,000, as approved by the City Manager, for supplemental needs identified in Fiscal Year 2023-2024. All other terms and conditions of the Operating Agreement, as amended previously, will remain in effect. On May 23, 2023, OCRRA is also scheduled to approve the 7th Amended Agreement.

Source of Funds:

Not to exceed \$4,400,000 OCRRA – Whitewater Facility Management Fee Funds – Park Trust Activity – Professional Services – Other (OCRRA – 200 – 0878 – 5502000 – 52040046)

Review:

Parks and Recreation

Recommendation: Agreement be approved.