

AMENDMENT NO. 1
PARKLAND IMPROVEMENT, MANAGEMENT, AND OPERATIONS AGREEMENT
BETWEEN THE CITY OF AUSTIN,
AUSTIN PARKS FOUNDATION,
AND
DOWNTOWN AUSTIN PARKS, LLC

Agreement Overview

The City of Austin (City), Austin Parks Foundation (APF), and the Downtown Austin Alliance (DAA) agreed that the public benefits of Republic Square Park would be substantially enhanced through the re-improvement of the Park in accordance with a previously developed Republic Square Master Plan for the Park. They further agreed that this goal could best be achieved by utilizing the services of APF and DAA as non-profits in connection with the re-improvement management, and operation of the Park.

On February 10, 2015, the Parks and Recreation Department (PARD) entered into a Parkland Improvement, Management, and Operations Agreement with APF and the DAA for Republic Square, which is parkland property leased to the City by the State of Texas.

- APF was responsible for the design, permitting, bidding, and construction of improvements to Republic Square that conformed to the Republic Square Master Plan.
- Upon completion of the construction of improvements, DAA became responsible for the management and operation of Republic Square. After the execution of the contract, DAA assigned the agreement to Downtown Austin Parks, LLC. (DAP) on September 9, 2016, with the approval of the PARD director.
- PARD performed all maintenance with no reimbursement to DAA. Later, DAA began performing baseline landscaping services (mowing, horticulture and litter abatement) for PARD. As such, PARD agreed to annually reimburse DAA \$7,000 for these services and \$7,000 for utilities based on the three previous year's average.

On December 13, 2018, City Council approved Resolution No. 20181213-018 to authorize an amendment to allow the City Manager to maintain and approve the list of events requiring full closure of the Park annually and setting a limit at 20 such events per year and for any events in excess of 20 the City Manager is directed to obtain Council approval.

What is the Purpose of the Agreement?

The purpose of this Agreement is to amend (Amendment No. 1) the Parkland Improvement, Management, and Operations Agreement Between the Austin Parks Foundation, a Texas nonprofit corporation ("APF"), Downtown Austin Parks, LLC, a Texas nonprofit corporation ("DAP"), and the City of Austin for Republic Square

What Does the Amendment Address?

The amendment:

- Incorporates the Reassignment and Assumption of Parkland Improvement, Management, and Operations Agreement from Downtown Austin Alliance to the Downtown Austin Parks LLC on September 9, 2016.

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- Amends and replaces the language in Section V, Paragraph C, 3., Annual Programing, to incorporate Resolution 20181213-018 to allow the City Manager to maintain and approve the list of events requiring full closure of the Park annually and setting a limit at 20 such events per year.

Note: Over the last two years, there have been approximately 12 events, 6 days per year, that have impacted the SFC operation of the Farmer’s Market.

- Amends Section V, Management and Operational Responsibilities, by adding Paragraph G for DAP to provide baseline services to the maintenance and operation of the Park.
- Amends and replaces the language in Section VI, Paragraph A, Responsibilities and Agreements by City, for access to waste and recycling dumpsters at an alternative mutually agreeable location.
- Amends Section VI, Paragraph C, 3., to allow for City to provide DAP an annual funding payment for utilities and landscaping in connection with maintenance and operation of the Park.
- Adds Section XVIII, Invoice Process, to detail the DAPs invoice submission requirements for the annual payment for utility and landscaping costs in connection with maintenance and operation of the Park.
- All other provisions of the Agreement shall remain in full force and effect.

How Will the Funds be Allocated?

The City will remit to DAP an annual payment of \$14,000 for utility and landscaping costs.

What is the Term of the Agreement?

The term of this Agreement begins on the Effective Date for an initial fifteen (15) year term and may be further extended for successive ten (10) year periods by amendments to the Agreement.

What Services and Deliverables will DAP Provide?

DAP will provide the following baseline services to the maintenance and operation of the Park:

- All landscaping services, including mowing of the grass, weeding, and power blowing on a regular schedule as established in each Annual Programming Plan.

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- Trash removal and disposal on a regular schedule as established in each Annual Programming Plan.

What Services and Deliverables will City Provide?

- The City will provide DAP with access to waste and recycling dumpsters at an alternative mutually agreeable location. The costs to the City for access to these receptacles will be deducted from the annual payment for utility costs the City remits to DAP.
- The City shall provide to DAP funding sources in connection with the maintenance and operation of the Park.
- If a request is received from DAP to adjust the utility or landscaping payment, PARD will seek approval through the City's Annual Budget process. Funding will be contingent upon Council approval.
- The annual utility and landscaping payment shall be paid following the adoption of each annual City budget within 30 days after DAP submits a complete invoice

What are the Previous Steps?

- Approved by the Concessions & Contracts Committee – September 10, 2019
- On September 24, 2019, the Parks and Recreation Board voted to delay the agenda item to a future meeting date to allow for the resolution of the Sustainable Food Center scheduling issue.
- Approved by Concessions & Contracts Committee – January 14, 2020

What are the Next Steps?

- Request for Parks and Recreation Board Action – January 28, 2020
- Request for City Council Action – February 20, 2020
- Execution of the Amended Agreement.