



Recommendation for Action

File #: 20-1248, **Agenda Item #:** 21.

2/20/2020

Posting Language

Authorize the execution of Amendment No. 1 to the Parkland Improvement, Management, and Operations Agreement for Republic Square Park between the City, Austin Parks Foundation, and the Downtown Austin Parks, LLC, related to landscaping, waste, recycling, and utilities for an additional amount not to exceed \$14,000 annually.

Lead Department

Parks and Recreation Department.

Fiscal Note

Funding in the amount of \$14,000 is available in the Fiscal Year 2019-2020 Parks and Recreation Department's Operating Budget. Funding for the remaining contract term is contingent upon available funding in future budgets.

Prior Council Action:

Amendment Resolution was approved on consent by City Council on 12/13/2018 on Council Member Garza's motion, Council Member Alter's second on an 8-0 vote. Mayor Adler and Council Member Flannigan were off the dais. Council Member Renteria was absent.

For More Information:

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Council Committee, Boards and Commission Action:

January 28, 2020 - Recommendation to the City Council to authorize execution of Amendment No 1. approved 8-0 by the Parks and Recreation Board.

Additional Backup Information:

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 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. With this agreement, 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. Additionally, in the original agreement, PARD performed all maintenance with no reimbursement to DAA and paid annual utility payments to DAA based on the average utility costs incurred during the final three

years prior to the construction of the Park Improvements. 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. Low cost and free programming and events are part of the event scheduling. Downtown Austin Parks, LLC is committed to providing low cost and free programming and events every year.

The Amended Parkland Improvement, Management, and Operations Agreement will:

- Incorporate 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.
- Amend and replace the language in Section V, Paragraph C, 3., Annual Programming, 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.
- Amend Section V, Management and Operational Responsibilities, by adding Paragraph G for DAP to provide baseline services to the maintenance and operation of the Park.
- Amend and replace 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.
- Amend 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.
- Add 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.

Council's authorization will allow PARD to amend the current agreement to include the above-referenced changes to the Parkland Improvement, Management, and Operations Agreement with APF and the DAA for Republic Square.