



Legislation Details (With Text)

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Enactment date: 8/5/2013 **Enactment #:** 572

Effective date: 8/6/2013

Title: Resolution authorizing the Mayor and the Directors of the Departments of Finance, Parks and Recreation and Public Works to enter into an Agreement with the Pittsburgh Parks Conservancy ("PPC"), pursuant to which the PPC will make renovations/capital improvements to the Frick Environmental Center (the "Center") and undertake natural area restoration in dedicated areas of the Frick Woods Nature Reserve and will thereafter further assist with operation and maintenance of the Center/Frick Woods Nature Reserve and with the provision of related programs.

Sponsors: Corey O'Connor

Indexes: AGREEMENTS

Code sections:

Attachments: 1. 2013-1649.doc, 2. 2013-1649 VERSION 2.doc, 3. 2013-1649 VERSION 3.doc, 4. Res 572 of 2013 (L)-License & Cooperatoin Agreement with PPC dated 12-18-2013

Date	Ver.	Action By	Action	Result
8/7/2013	3	Mayor	Signed by the Mayor	
8/5/2013	3	City Council	Passed Finally	Pass
7/31/2013	3	Standing Committee	AMENDED BY SUBSTITUTE	Pass
7/31/2013	3	Standing Committee	Affirmatively Recommended as Amended	Pass
7/24/2013	2	Standing Committee	Held in Committee	Pass
7/17/2013	2	Standing Committee	Held in Committee	Pass
7/10/2013	2	Standing Committee		
7/10/2013	2	Standing Committee		
7/2/2013	1	Standing Committee	Held in Committee	Pass
6/25/2013	1	City Council	Read and referred	

Resolution authorizing the Mayor and the Directors of the Departments of **Finance**, Parks and Recreation and Public Works to enter into an Agreement with the Pittsburgh Parks Conservancy ("PPC"), pursuant to which the PPC will make renovations/capital improvements to the Frick Environmental Center (the "Center") and undertake natural area restoration in dedicated areas of the Frick Woods Nature Reserve and will thereafter further assist with operation and maintenance of the Center/Frick Woods Nature Reserve and with the provision of related programs.

WHEREAS, pursuant to Resolution No. 285 of 1998, effective May 29, 1998, the City entered into a Cooperation Agreement, dated April 10, 2000, with the Pittsburgh Parks Conservancy ("PPC") to establish an alliance to provide infrastructure improvements, special care, and restoration for the City's four regional parks: Frick, Schenley, Highland and Riverview and, where possible, to also assist in the capital and operational

improvements for non-Regional neighborhood park areas; and

WHEREAS, pursuant to Resolution No. 364 of 2011, effective May 26, 2011, the City and the PPC agreed to extend the term of the Cooperation Agreement; and

WHEREAS, among the amenities of Frick Park is the Frick Environmental Center (the "Center"), which offers nature programs and environmental education to users of the park; and

WHEREAS, the Center's main building was destroyed by fire in 2002; and

WHEREAS, the Center is located in the Frick Woods Nature Reserve portion of Frick Park, which is the original 151 acres of Frick Park donated by Henry Clay Frick; and

WHEREAS, consistent with its mission and the Cooperation Agreement, PPC now desires to assist with the rebuilding of the Center and natural area restoration in designated areas of the Frick Woods Nature Reserve (collectively the "Construction Project"); and

WHEREAS, in 2014, the PPC will continue assisting with designated Center operations; and

WHEREAS, after the completion of the Construction Project, the PPC will further assist with the operation of and maintenance for the Center and designated areas of the Frick Woods Nature Reserve as well as with the provision of related programs at the Center for the benefit of the general public; and

WHEREAS, the City has already contributed \$750,000 of Frick Park Trust funds to the design and planning costs for the new Center and will contribute additional funding for the Construction Project; and

WHEREAS, therefore, the PPC and the City now wish to enter into a Agreement to describe the parties' responsibilities for the upcoming Construction Project and to define the scope of the services to be provided by the PPC thereafter for the Center and designated areas of the Frick Woods Nature Reserve.

SEE ATTACHMENT

Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1. The Mayor and the Directors of the Departments of **Finance**, Parks and Recreation and Public Works are hereby authorized to enter into an Agreement with the Pittsburgh Parks Conservancy ("PPC"), pursuant to which the PPC will make renovations/capital improvements to the Frick Environmental Center and designated areas of the Frick Woods Nature Reserve and will further assist with the operation of and maintenance for the Center and designated areas of the Frick Woods Nature Reserve as well as with the provision of related programs at the Center for the benefit of the general public.

Section 2. The Agreement shall include and/or be subject to the following terms and conditions:

- A. All improvements to the Center and designated surrounding park areas and all authorized use(s) by the PCC thereafter shall be consistent with the restrictions set forth in the pertinent documents conveying Frick Park to the City of Pittsburgh and, where applicable, to the prior approval of the administrator of the external Frick Park Trust Fund.
- B. The City has agreed to contribute Five Million, Two Hundred Thousand Dollars (\$5,

200,000.00), for the Construction Project (reconstruction of the Center and capital improvements to designated surrounded acreage of Frick Park) and/or operation of the Center. This funding has already been transferred to the City's internal Frick Park Trust Fund from the external Frick Park Trust Fund from the current administrator (BNY Mellon). Funds will be paid to the PPC as follows:

Two Million, Six Hundred Thousand (\$2,600,000.00) will be paid to the PPC upon full execution of the Agreement;

Two Million, Six Hundred Thousand Dollars (\$2,600,000.00) will be paid to the PPC at the commencement of the Construction Project. Commencement will be further defined in the Agreement.

Monies shall be paid to the PPC from the following account: JDE Account 5000771200.50000.00.

C.

Starting with the 2014 distribution, the City will begin to provide the PPC with 85% of its annual earnings from the external Frick Park Trust Fund to use for the operation of and maintenance for the Center for a period consistent with the remaining term of the Agreement. **All funding shall be made contingent upon the City's prior review and approval of the PPC's proposed upcoming annual budget for the Center by December 31st of the prior year and submission of the following year's budget.** This funding shall be paid to the PPC from the following account: JDE Account 5000771200.50000.00.

D.

The initial term of the Agreement will not exceed fifteen (15) years, with an option to renew the term for up to an additional fourteen years (14) years and three hundred sixty-four (364) days, subject to the written approval of both parties. Amendments to the Agreement for reasons other than the term extension are also permitted, subject to the written approval of both parties.

The Agreement shall be approved by the City Solicitor as to form and substance and shall contain such other terms and conditions as may be in the best interest of the City.