



Legislation Details (With Text)

File #: 2016-0462 **Version:** 1

Type: Resolution **Status:** Passed Finally

File created: 5/27/2016 **In control:** Committee on Public Works

On agenda: 6/15/2016 **Final action:** 6/21/2016

Enactment date: 6/21/2016 **Enactment #:** 367

Effective date: 6/28/2016

Title: Resolution amending Resolution No. 795 of 2015, entitled "Resolution authorizing the Mayor and the Directors of the Departments of Public Works, Office of Management and Budget, Finance, and Parks and Recreation to enter into a Lease Agreement with C R JRS CHIP, Inc. d/b/a The First Tee of Pittsburgh at the Bob O'Connor Golf Course at Schenley Park," so as to change the terms of the lease.

Sponsors:

Indexes: AGREEMENTS (AMENDING), LEASE/LICENSE AGREEMENT

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------------|---------------------------|--------|
| 6/28/2016 | 1 | Mayor | Signed by the Mayor | |
| 6/21/2016 | 1 | City Council | Passed Finally | Pass |
| 6/15/2016 | 1 | Standing Committee | AFFIRMATIVELY RECOMMENDED | Pass |
| 6/8/2016 | 1 | Standing Committee | Held in Committee | Pass |
| 6/1/2016 | 1 | City Council | Read and referred | |

Resolution amending Resolution No. 795 of 2015, entitled "Resolution authorizing the Mayor and the Directors of the Departments of Public Works, Office of Management and Budget, Finance, and Parks and Recreation to enter into a Lease Agreement with C R JRS CHIP, Inc. d/b/a The First Tee of Pittsburgh at the Bob O'Connor Golf Course at Schenley Park," so as to change the terms of the lease.

WHEREAS, at the end of 2006, the City agreed to lease its then-named Schenley Park Golf Course to The First Tee of Pittsburgh ("TFTP") for four years beginning on January 1, 2007, and for another four years beginning on January 1, 2011; and

WHEREAS, the parties now wish to execute a new Lease Agreement for twenty (20) years for the Bob O'Connor Golf Course at Schenley Park (the "Golf Course") with both parties providing financial contributions to provide necessary capital improvements, maintenance, construction and demolition funding; and

WHEREAS, TFTP has proposed to undertake certain capital improvements to the Golf Course, specifically to include the demolition of the existing clubhouse and construction of a new clubhouse (the "Project"); and

WHEREAS, the City has, contingent upon necessary annual appropriations, offered to contribute designated amounts to assist with the capital improvements and maintenance of the Golf Course, which amounts TFTP must match in addition to TFTP providing all annual supplementary funding required to cover any capital,

operational, and/or maintenance deficits.

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

Section 1. The Mayor and the Directors of the Departments of Public Works, Finance, and Parks and Recreation are hereby authorized to enter into a Lease Agreement or Agreements with The First Tee of Pittsburgh (“TFTP”) for a term of twenty (20) years, 2016 through 2035, commencing as of January 1, 2016, for the Bob O’Connor Golf Course at Schenley Park. Pursuant to said Lease, the City will allocate an amount not to exceed Two Hundred Thousand Dollars (\$200,000.00) annually for capital improvements and maintenance in the years 2016, 2017, 2018, and 2019, and an amount not to exceed Forty-Four Thousand Dollars (\$44,000.00) annually for capital improvements and maintenance in the years 2020 through 2035. When necessary conditions have been met by TFTP, such City contributions shall be paid from the following chart account:

| Budget Year | Department | Project | Amount |
|-------------|------------|------------|---------------|
| 2016 | 400000 | 4023845216 | \$ 200,000.00 |
| 2017 | 400000 | 4023845217 | \$ 200,000.00 |
| 2018 | 400000 | 4023845218 | \$ 200,000.00 |
| 2019 | 400000 | 4023845219 | \$ 200,000.00 |
| 2020 | 400000 | 4023845220 | \$ 44,000.00 |
| 2021 | 400000 | 4023845221 | \$ 44,000.00 |
| 2022 | 400000 | 4023845222 | \$ 44,000.00 |
| 2023 | 400000 | 4023845223 | \$ 44,000.00 |
| 2024 | 400000 | 4023845224 | \$ 44,000.00 |
| 2025 | 400000 | 4023845225 | \$ 44,000.00 |
| 2026 | 400000 | 4023845226 | \$ 44,000.00 |
| 2027 | 400000 | 4023845227 | \$ 44,000.00 |
| 2028 | 400000 | 4023845228 | \$ 44,000.00 |
| 2029 | 400000 | 4023845229 | \$ 44,000.00 |
| 2030 | 400000 | 4023845230 | \$ 44,000.00 |
| 2031 | 400000 | 4023845231 | \$ 44,000.00 |
| 2032 | 400000 | 4023845232 | \$ 44,000.00 |
| 2023 | 400000 | 4023845233 | \$ 44,000.00 |
| 2024 | 400000 | 4023845234 | \$ 44,000.00 |
| 2035 | 400000 | 4023845235 | \$ 44,000.00 |

At the conclusion of the initial twenty-year term, e.g. on December 31, 2035, TFTP and the City shall have a bilateral option to renew thereafter with the same terms as set forth herein (unless otherwise noted herein) for an additional five-year period (2036-2040), after which TFTP and the City shall have a bilateral option to renew for an additional four-year period (2041-2045). The Agreement(s) shall be approved by the City Solicitor as to form and substance.

Section 2. The City’s obligation to forward TFTP more than forty-four thousand dollars (\$44,000.00) (The “Base Funding Amount”) of the annual allocated not-to-exceed amount of Two Hundred Thousand Dollars

(\$200,000.00) or whatever total is agreed to by the City for a particular year (the “Total Funding Amount”) in years 2016 through 2019 for capital improvements and maintenance to the Golf Course shall be contingent upon TFTP first meeting the following conditions:

- A. TFTP must provide the City with an annual written report detailing annual fundraising efforts for the Project.
- B. TFTP must show the City proof of its required 1:1 match for each annual Total Funding Amount.
- C. TFTP must utilize a competitive selection process for design professionals similar to what the City uses and include the DPW's Architecture Division in the evaluation process. TFTP may also use to its advantage the on-call professional architecture and landscape architecture contracts that have already undergone the RFP process.
- D. TFTP must present each of the industry standard design phases for approval by the City's Department of Public Works, Bureau of Transportation and Engineering, Architecture Division. The design phases will consist of: conceptual design, schematic design, design development and construction documents. The design phases should work in conjunction with and clarify how the clubhouse building improvements are aligned with future golf course plans, the new golf course philosophy and any environmental and habitat restoration projects associated with the golf course. TFTP's design professional will be responsible for all licenses and permits for this project not limited to those required by the City of Pittsburgh's Permits, Licenses and Inspections (PLI). After approval by the City of the Construction Plan, TFTP should present final bid documents for approval by the City.

Upon final approve of the bid documents by the City, the total Remainder Amounts for the applicable years shall be transferred to the First Tee for use on the Project. In the interim, the annual Remainder Amount over and above the Base Amount shall be held by the City in the annually appropriated account.

Section 3. The City Controller shall encumber funds for the lease term years from and subject to the amount of funds to be appropriated by City Council in respective budget years from the following chart accounts:

| Budget Year | Department | Project |
|-------------|------------|------------|
| 2016 | 400000 | 4023845216 |
| 2017 | 400000 | 4023845217 |
| 2018 | 400000 | 4023845218 |
| 2019 | 400000 | 4023845219 |
| 2020 | 400000 | 4023845220 |
| 2021 | 400000 | 4023845221 |
| 2022 | 400000 | 4023845222 |
| 2023 | 400000 | 4023845223 |
| 2024 | 400000 | 4023845224 |
| 2025 | 400000 | 4023845225 |
| 2026 | 400000 | 4023845226 |
| 2027 | 400000 | 4023845227 |
| 2028 | 400000 | 4023845228 |
| 2029 | 400000 | 4023845229 |
| 2030 | 400000 | 4023845230 |

| | | |
|------|--------|------------|
| 2031 | 400000 | 4023845231 |
| 2032 | 400000 | 4023845232 |
| 2033 | 400000 | 4023845233 |
| 2034 | 400000 | 4023845234 |
| 2035 | 400000 | 4023845235 |