



**COUNCIL COMMITTEE REPORT
COMMITTEE ON OPEN SPACE, ENVIRONMENT AND SUSTAINABILITY**

Date: April 29, 2015

Agenda Item #: 7

Agenda Item: Consider and develop recommendations on an amendment to the August 2013 Parkland Improvement and Use Agreement with the West Austin Youth Association regarding Lamar Beach and Town Lake Metropolitan Park.

Vote

The motion to send staff's recommendations to either the May 21, 2015 or June 4, 2015 Council meeting for Council approval was approved unanimously on a 3-0-0-1 vote with CM Zimmerman off the dais.

Sponsors/Department: Parks and Recreation Department

Summary of Discussion

CM Pool read the amendment to the Parkland Improvement and Use Agreement between the City of Austin and the West Austin Youth Association. A staff presentation was not included and there were no questions from the dais.

Public Comments

Melissa Morrow briefly spoke on the timeline of this agenda item and requested that a committee recommendation be presented to Council for approval any on either the May 21, 2015 or June 4, 2015.

Direction

CM Pool moved to accept staff's recommendations and send the recommendations to the May 21, 2015 Council meeting for Council approval.

Recommendation:

Staff's recommendations are as follows:

The Amendment to Parkland Improvement and Use Agreement ("**Amendment**") is made to the August 2013 Parkland Improvement and Use Agreement for the ball fields and improvements on the City-owned parcel of land known as Lamar Beach and Town Lake Metropolitan Park (the "**Original Agreement**"). The Amendment is entered into between the City of Austin, a home-rule municipal corporation of the State of Texas, acting by and through its Assistant City

Manager (the “City”) and the West Austin Youth Association (“WAYA”) through its duly authorized representative.

The parties agree to amend the Original Agreement as follows:

I. Section III, Subsection D is amended as follows:

D. Following the City’s review and approval of the Design Development Plan, approval of a site plan for the Construction Project, and prior to receipt of an approved building permit to install and construct the Construction Project in the Park, WAYA shall present to the City, for its review and approval, a construction schedule for construction and installation of the Construction Project (the “Timeline”), approval by the City not to be unreasonably withheld. The Parties agree that WAYA shall complete the Construction Project not later than ten years after both of the following have occurred: the Lamar Beach Metro Park Master Plan is adopted by City Council and the City confirms in writing that the Pressler Road extension is complete or the project abandoned. Following the City’s approval of an acceptable Timeline, WAYA shall thereafter adhere to that approved schedule. Changes to the Timeline may be made by written mutual agreement between WAYA’s President and the Director without a formal amendment to this Agreement. Construction work on the Construction Project shall not commence until the City has issued a written “Notice to Proceed”. All construction work shall meet or exceed City standards.

II. Section IX, Subsection A is amended as follows:

A. This Agreement shall have an effective date that is the last date this Agreement is executed by a party (the “Effective Date”). The term of this Agreement shall extend 50 years from the Effective Date (the “Term”). The Director may extend the Term for one period of twenty five years, by providing WAYA at least six months prior written notice of the extension prior to the expiration of the preceding term of this Agreement. Any such extension shall be on the same terms as herein provided of the original term of this Agreement unless officially amended.

III. The third bullet under Section 22 in Exhibit D (**Ball Fields Maintenance Standards**) is amended as follows:

- Parking Lots: Inspect monthly, Maintain surface with minimal holes. Resurface and repaint stripes as needed.

IV. Section VI is amended to add a new subsection H to read as follows:

H. As directed in Resolution No. 20140807-114, the City will negotiate a mutual parking and controlled access agreement to provide adequate parking areas during WAYA scheduled programming.

V. All other terms and conditions of the Original Agreement remain in full force and effect.

VI. This Amendment is effective upon execution by all parties and remains in effect until the Original Agreement terminates.