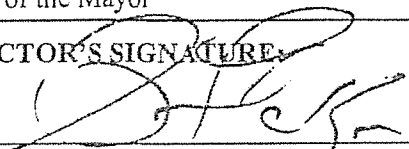
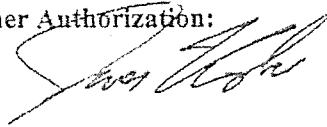


TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: An ordinance approving and authorizing a Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.		Page 1 of 1	Agenda Item #
FROM: (Department or other point of origin): Andrew F. Icken, Chief Development Office Office of the Mayor		Origination Date:	Agenda Date:
DIRECTOR'S SIGNATURE: 		Council District affected: C	
For additional information contact: Andy Icken – 832-393-1064 James Koski – 832-393-0833		Date and identification of prior authorizing Council Action: Ordinance No. 2015-0215 April 1, 2015	
RECOMMENDATION: Approve an Ordinance approving and authorizing Development, Construction, Operations, Maintenance, and Concession Agreement between the City of Houston, Texas, Uptown Development Authority, and Memorial Park Conservancy.			
Amount and Source of Funding: \$200,000 General Fund (FY2016)			
SPECIFIC EXPLANATION: On April 1, 2015, the City Council by Ordinance 2015-0215 unanimously approved a Memorial Park Master Plan which envisions the restoration, enhancement, and redevelopment of Memorial Park in a manner appropriate to meet the demands of the more than four million current annual visitors. It is recommended that City Council approve an ordinance allowing the City of Houston, Memorial Park Conservancy (MPC) and Uptown Development Authority (UDA) to operate, maintain, and develop Memorial Park in a manner consistent with and to implement the Master Plan. Note that the Houston Arboretum and Nature Center and the Memorial Park Golf Course are excluded from the scope of the agreement. The City, by working in partnership with MPC and UDA through this agreement, contemplates a more expeditious and complete implementation of the Master Plan. A combination of private and governmental funding sources will create a more robust restoration and maintenance level for Memorial Park, as well as upgraded public infrastructure and recreational facilities. MPC will fundraise for maintenance, operations, and capital improvements for Memorial Park. MPC will assume general greenspace maintenance and some operational responsibilities upon approval of the agreement. As funds are raised and new recreational facilities are constructed, MPC will take on the additional maintenance and operational roles associated with those projects. The City will continue to provide funding for Memorial Park at fiscal year 2016 budgeted levels. UDA developed an amended project plan, which was approved by the City Council by Ordinance No. 2013-470 on May 15, 2013, which includes funding for infrastructure enhancements and improvements for Memorial Park in accordance with the Master Plan. In addition, UDA will provide funding to help restore the ecological integrity of Memorial Park over the next 10 years. On December 3, 2015, a presentation was given to the Quality of Life Committee providing an overview of the terms of the agreement. Attached to this RCA are the key terms of the agreement.			
REQUIRED AUTHORIZATION			
Finance Budget:	Other Authorization:	Other Authorization: 	

Memorial Park Development Agreement

Key Terms

December 2015

Objective

The agreement creates a partnership between the City of Houston, Memorial Park Conservancy (MPC), and Uptown Development Authority (UDA) for implementation of the Memorial Park Master Plan. A combination of private and governmental funding sources will create a more robust restoration and maintenance level for Memorial Park, as well as upgraded public infrastructure and recreational facilities.

Contracting Parties

- City of Houston
- Memorial Park Conservancy, a Texas nonprofit corporation
- Uptown Development Authority, a Texas local government corporation

Contract Form/Length

- 30 years with option to renew for two (2) consecutive renewal terms of 30 years each, subject to approval of City Council. Contract effective date is 30 days after the countersignature date.
- Houston Arboretum and Nature Center and Memorial Park Golf Course are excluded from the scope of the agreement.

Role of Each Party

City of Houston:

- Provide funding for Memorial Park at fiscal year 2016 budgeted levels. Currently, \$400,000 annually for maintenance of greenspace to be performed by MPC.
- Final approval over project design, operations, and maintenance standards.
- Projects will be listed in City's Capital Improvement Plan for Council approval.
- Continued operations and maintenance of current facilities until new ones are built. Currently, \$750,000 budgeted for Tennis Center, sports fields, Running Center, Fitness Center and swimming pool.
- Provide electricity, water, stormwater, and sanitary services incidental to the operations of Memorial Park.

MPC:

- MPC will fundraise for maintenance, operations, and capital improvements for Memorial Park.
 - Fundraising commitment of \$1 million for maintenance and operations annually.
 - Fundraise for capital projects to implement Master Plan. MPC has received commitments for over \$10 million in 2015.
 - Fundraise at least 3 percent of base capital investment for repairs and replacement.
 - Provide good faith efforts to raise funds for an endowment fund to support Park and operations.
- MPC will assume general greenspace maintenance and some operational responsibilities upon approval of the agreement. As funds are raised and new recreational facilities are constructed, MPC will take on the additional maintenance and operational roles associated with those projects.

UDA:

- Fund public infrastructure enhancements and improvements as detailed in UDA project plan. Current project plan calls for \$24 million related to the scope of this agreement.

Memorial Park Development Agreement

Key Terms

December 2015

- Provide \$1 million each year for 10 years for ecological restoration projects.
- Beginning in year 6 after approval of the agreement, provide an additional 3 percent of UDA's investment in infrastructure projects for maintenance and repairs.

Standards Committee

- Composed of nine (9) members; three representatives from City, three from MPC, and three from UDA. Duties include:
- Oversight of maintenance standards, concessions and programs, employee/volunteer performance standards, naming and sponsorship policy.
- Approval of future development projects, ensuring consistency with Master Plan, adequate funding for project, operations, and ongoing maintenance.

MWBE

- Must follow City of Houston Chapter 15 code of ordinances.
- Record keeping and reports consistent with Office of Business Opportunity standards.

Program and Event Fees

- All fees to remain consistent with current City and Houston Parks and Recreation Department fees. Any changes or new fee structures for new events or programs will be subject to City Council approval.

Naming Rights

- Naming rights granted consistent with City Ordinances and Houston Parks and Recreation Department Policies and subject to Standards Committee oversight.

Annual Audits

- MPC will provide copies of its annual financial audits.