

INTRODUCED: November 13, 2023

AN ORDINANCE No. 2023-338

To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a First Amendment to Grant Contract between the City of Richmond and the Richmond Redevelopment and Housing Authority for the purpose of granting \$52,000.00 to the Richmond Redevelopment and Housing Authority to facilitate the installation of public art as part of the playground renovation at Hillside Court Apartments.

\_\_\_\_\_  
Patrons - Mayor Stoney, Ms. Robertson, and Mr. Addison

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney  
\_\_\_\_\_

PUBLIC HEARING: DEC 11 2023 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for an on behalf of the City of Richmond, is hereby authorized to execute a First Amendment to Grant Contract between the City of Richmond and the Richmond Redevelopment and Housing Authority for the purpose of granting \$52,000.00 to the Richmond Redevelopment and Housing Authority to facilitate the installation of public art as part of the playground renovation at Hillside Court Apartments. The First Amendment to Grant Contract shall be substantially in the form of the document attached to this ordinance.

AYES: 8 NOES: 0 ABSTAIN: \_\_\_\_\_

ADOPTED: DEC 11 2023 REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

§ 2. This ordinance shall be in force and effect upon adoption.

APPROVED AS TO FORM:

1K1...y

ty Attorney's Office

A TRUE COPY:  
TESTE:

*Carlin D. Reed*

City Clerk



# City of Richmond

900 East Broad Street  
2nd Floor of City Hall  
Richmond, VA 23219  
www.rva.gov

## Master

**File Number: Admin-2023-1834**

<b>File ID:</b> Admin-2023-1834	<b>Type:</b> Request for Ordinance or Resolution	<b>Status:</b> Regular Agenda
<b>Version:</b> 1	<b>Reference:</b>	<b>In Control:</b> City Clerk Waiting Room
<b>Department:</b>	<b>Cost:</b>	<b>File Created:</b> 10/26/2023
<b>Subject:</b>	<b>Final Action:</b>	
<b>Title:</b>		

**Internal Notes:**

**Code Sections:**

**Agenda Date:** 11/13/2023

**Indexes:**

**Agenda Number:**

**Patron(s):**

**Enactment Date:**

**Attachments:** O&R Transmittal Memo - Admin-2023-1834,  
Ordinance - Approved as to Form - Admin-2023-1834,  
1st Amendment to Contract - Approved as to Form -  
Admin-2023-1834, Original Contract (Ord 2023-030)-  
Admin-2023-1834

**Enactment Number:**

**Contact:**

**Introduction Date:**

**Drafter:** Matthew.Ebinger@richmondgov.com

**Effective Date:**

**Related Files:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	10/26/2023	Matthew Ebinger	Approve	10/30/2023
1	2	10/26/2023	Kris Daniel-Thiem - FYI	Notified - FYI	
1	3	10/26/2023	Kevin Vonck	Approve	11/2/2023
1	4	10/26/2023	Alecia Blackwell - FYI	Notified - FYI	
1	5	10/26/2023	Sharon Ebert - FYI	Notified - FYI	
1	6	10/26/2023	Caitlin Sedano - FYI	Notified - FYI	
1	7	10/30/2023	Jeff Gray	Approve	10/31/2023
1	8	11/2/2023	Lincoln Saunders	Approve	11/1/2023
1	9	11/9/2023	Mayor Stoney	Approve	11/6/2023

### History of Legislative File

Text of Legislative File Admin-2023-1834

# City of Richmond

## Intracity Correspondence

### O&R Transmittal

**DATE:** October 26, 2023

**TO:** The Honorable Members of City Council

**THROUGH:** The Honorable Levar M. Stoney, Mayor

**THROUGH:** J.E. Lincoln Saunders, Chief Administrative Officer

**FROM:** Kevin J. Vonck, Director of Planning & Development Review

**RE:** To authorize the Chief Administrative Officer, for and on behalf of the City of Richmond, to execute a First Amendment to Grant Contract between the City of Richmond and the Richmond Redevelopment and Housing Authority for the purpose of granting \$52,000.00 to the Richmond Redevelopment and Housing Authority to facilitate the installation of public art as part of the playground renovation at Hillside Court Apartments.

### ORD. OR RES. No.

**PURPOSE:** This ordinance would authorize an amendment to the terms of the contract between the City of Richmond and Richmond Redevelopment and Housing Authority pertaining to a Public Art Commission (PAC) art installation at Hillside Court. The contract was attached to Ord 2023-030, adopted February 13, 2023. The proposed amended contract has been amended in clause 2 (a-c) by deleting the words “120 days” and replacing them with the words “365 days” indicating the time in which RRHA must complete the project.

**BACKGROUND:** Councilwoman Ellen Robertson approached the PAC requesting a public art installation be created for the Hillside Court Apartments as part of a larger playground renovation that was underway. The Public Art Commission (PAC) selected, and City Planning Commission approved, an artist for an installation as part of the playground+ project at the Hillside Court Apartments complex. Since the work will be installed on property owned by the RRHA, not the City, the PAC is granting the funds for the project to RRHA in the amount of fifty-two thousand dollars (\$52,000.00). RRHA is contracting with the artist and architect for the installation of the work and will own the work thereafter. This option was preferred over (i) City contracting for and owning the work

and (ii) accompanying establishment of a City easement for the work on RRHA property.

**COMMUNITY ENGAGEMENT:** Community members were engaged by the Public Art Commission in the selection of the artist and for feedback regarding the design of the artwork.

**STRATEGIC INITIATIVES AND OTHER GOVERNMENTAL:** Richmond 300 Master Plan and Richmond Public Art Master Plan; The proposed artwork has been approved by the Public Art Commission and Planning Commission.

**FISCAL IMPACT:** The Department of Planning and Development Review is incurring a cost of \$52,000, the source of which is a portion of the Public Art Commission's appropriated funds. The Department does not anticipate any impact to the City's future fiscal years. Indirect costs include staff time for processing the request; preparation of draft ordinance; and working RRHA to complete the contract amendment.

**DESIRED EFFECTIVE DATE:** Upon adoption

**REQUESTED INTRODUCTION DATE:** November 13, 2023

**CITY COUNCIL PUBLIC HEARING DATE:** December 11, 2023

**REQUESTED AGENDA:** Consent

**RECOMMENDED COUNCIL COMMITTEE:** Land Use, Housing, and Transportation

**AFFECTED AGENCIES:** Office of Chief Administrative Office  
Law Department (for review of draft ordinance)

**RELATIONSHIP TO EXISTING ORD. OR RES.:** Amendment of contract attached to  
Ord. 2023-030

**ATTACHMENTS:** Amended Contract, Original Contract, Draft Ordinance

**STAFF:** Matthew Ebinger, Planning Supervisor, Land Use Administration 646-6308  
Susan Glasser, Public Art Commission Secretary 646-6304

## FIRST AMENDMENT TO GRANT CONTRACT

**THIS FIRST AMENDMENT TO GRANT CONTRACT** (this “Amendment”) is made this \_\_\_ day of \_\_\_\_\_, 2023 (the “Effective Date”) by and between the City of Richmond, a municipal corporation and political subdivision of the Commonwealth of Virginia (the “City”), and the Richmond Redevelopment and Housing Authority, a political subdivision of the Commonwealth of Virginia (the “Recipient”).

### STATEMENT OF PURPOSE

- A. City and Recipient entered into that certain Grant Contract, dated April 19, 2023 (the “Grant Contract”), as authorized by Ordinance No. 2023-030, to further improve Recipient’s playground at Hillside Court through fabrication and installation of a unique piece of art at the Playground, which art is described in Exhibit A attached to the Grant Contract.
- B. The Grant Contract obligated Recipient to ensure completion of the Work within 120 days following commencement thereof.
- C. City and Recipient desire to amend the Grant Contract to afford Recipient 365 days to ensure completion of the Work following commencement thereof.

**NOW, THEREFORE**, City and Recipient, in consideration of the mutual promises and covenants contained in this Amendment and in the Grant Contract, and intending to be legally bound by this Amendment, agree that the Grant Contract is amended as follows:

1. Definitions. All capitalized terms used in this Amendment shall have the meanings assigned to them in the Grant Contract unless otherwise specified in this Amendment.
2. Extension of Time to Complete Work.
  - (a) The words “120 days” in the second line of subsection 3.B of the Grant Contract are hereby deleted and replaced by the words “365 days.”
  - (b) The words “120 days” in the second line of subsection 4.B of the Grant Contract are hereby deleted and replaced by the words “365 days.”
  - (c) The words “120<sup>th</sup> day” in the fourth line of the final paragraph of section 4 of the Grant Contract are hereby deleted and replaced by the words “365<sup>th</sup> day.”
3. Ratification. Except as expressly modified by this Amendment, the terms and conditions of the Grant Contract shall remain unchanged and in full force and effect. The Grant Contract, as modified by this Amendment, is hereby ratified and affirmed in all respects. If anything contained in this Amendment conflicts with any terms of the Grant Contract, then the terms of this Amendment shall prevail.

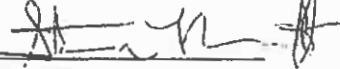
4. Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument, and electronic and facsimile signatures shall be deemed to be original signatures and of the same force and effect.

5. Miscellaneous. City and Recipient each agree that each has full right and authority to execute this Amendment, that the individual executing this Amendment on behalf of each has the authority to bind it, and that no further approvals or consents are required for either to execute this Amendment. This Amendment shall become effective and binding upon execution and delivery by both City and Recipient.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, City and Recipient have caused this Amendment to be executed as of the dates respectively listed below.

RECIPIENT:

By: 

Steven Nesmith

Chief Executive Officer

Date: 8/30/23

CITY:

By: \_\_\_\_\_

J.E. Lincoln Saunders

Chief Administrative Officer

Date: \_\_\_\_\_

APPROVED AS TO FORM:



City Attorney's Office