

INTRODUCED: May 10, 2021

AN ORDINANCE No. 2021-122

To authorize the Chief Administrative Officer to accept grant funds in the amount of \$100,000.00 from the Virginia Department of Conservation and Recreation, and to appropriate the funds received to the Fiscal Year 2020-2021 Special Fund Budget by increasing estimated revenues and the amount appropriated to the Department of Parks, Recreation and Community Facilities' Pump House Park special fund by \$100,000.00 for the purpose of funding the planning, engineering, and construction of trail access improvements in Pump House Park to comply with the Americans with Disabilities Act.

Patron – Mayor Stoney

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: MAY 24 2021 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to accept funds in the amount of \$100,000.00 from the Virginia Department of Conservation and Recreation for the purpose of funding the planning, engineering, and construction of trail access improvements in Pump House Park to comply with the Americans with Disabilities Act.

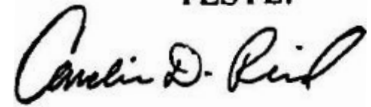
AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: MAY 24 2021 REJECTED: _____ STRICKEN: _____

§ 2. That the funds received are hereby appropriated to the Special Fund Budget for the fiscal year commencing July 1, 2020, and ending June 30, 2021, by increasing estimated revenues by \$100,000.00, increasing the amount appropriated for expenditures by \$100,000.00, and allotting to the Department of Parks, Recreation and Community Facilities' Pump House Park special fund the sum of \$100,000.00 for the purpose of funding the planning, engineering, and construction of trail access improvements in Pump House Park to comply with the Americans with Disabilities Act.

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

**A TRUE COPY:
TESTE:**

A handwritten signature in black ink, appearing to read "Carolin D. Reil".

City Clerk



CITY OF RICHMOND

INTRACITY CORRESPONDENCE

O&R REQUEST

DATE: March 10, 2021 **EDITION:** 1

TO: The Honorable Members of City Council

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

THROUGH: Lincoln Saunders, Acting Chief Administrative Officer *LS*

THROUGH: Reginald E. Gordon, Deputy CAO for Human Services *REG*

THROUGH: Sheila White, Acting Director of Finance *SW*

THROUGH: Jay A. Brown, Ph.D., Director of Budget and Strategic Planning *JAB*

FROM: Christopher Frelke, Director of Parks, Recreation and Community Facilities *CF*

RE: To accept and appropriate funds up to \$100,000.00 from the Virginia Department of Conservation and Recreation for the planning, engineering, design, and construction of an ADA compliant project that will increase ADA access to the public for trail use and park access in the James River Park System.

ORDINANCE OR RESOLUTION NO.: _____

PURPOSE: To authorize the Acting Chief Administrative Officer, on behalf of the City of Richmond, to accept and appropriate funds up to \$100,000.00 from the Virginia Department of Conservation and Recreation ("DCR") for the planning, engineering, design, and construction of an ADA compliant project that will increase ADA access to the public for trail use and park access in the James River Park System ("JRPS").

REASON: The City of Richmond Department of Parks, Recreation and Community Facilities ("DPRCF") recognizes the benefit of enhancing equitable accessibility and recreation experiences for citizens and visitors by creating walking and cycling paths and trails through our parks. Acceptance and authorization of these funds will be used to expand ADA accessible trail use and park access in JRPS to make improvements to Pump House Park.

RECOMMENDATION: It is recommended that these funds be appropriated to the Department of Parks, Recreation and Community Facilities existing Special Fund Pump House Park and to amend ordinance 2020-050.

BACKGROUND: Senate Caboose Bill 29, Chap. 1283, Item 363#2s of the 2019 Acts of the General Assembly Bill (the "Bill") authorizes DCR to provide a one-time payment in the amount of \$100,000.00 from the general fund in FY 2020 to the City to increase accessibility of public parks and connectivity of the ADA accessible elements in the JRPS. James River Park System is the

largest and most visited park in the City. The City of Richmond Department of Parks, Recreation and Community Facilities has identified Pump House Park, one of the parks within JRPS, as a park where an existing trail can be improved to become an ADA compliant trail for use by citizens and visitors to the park. This funding will help expand ADA compliant trail access from Pump House Drive to connect to the greater Pump House Park and Byrd Park Pump House building. Currently, there is no ADA compliant way for people with limited mobility to access the Canal System. Further, the only access to the Pump House building is by way of a steep asphalt path that connects the roadway from Pump House Drive to the existing arched bridge. The construction of an ADA compliant trail will lay the foundation for greater access to the Byrd Park Pump House building proper for public use and future events as described in the Byrd Park Pump House Master Plan. DCR and the City have outlined in the attached Memorandum of Agreement ("MOA") the responsibilities, terms, and conditions that each will provide as it relates to the disbursement of funds authorized by the Bill to increase ADA access to the public for trail use and park access in the JRPS. In accordance with the MOA, any planning, engineering, design, and construction to improve ADA access in JRPS is to be completed by June 30, 2021, unless agreed upon otherwise.

FISCAL IMPACT/COST: The City will be reimbursed up to \$100,000.00 for the planning, engineering, design, and construction of an ADA compliant trail in JRPS pursuant to the terms of the attached MOA between DCR and the City. The City of Richmond Department of Parks, Recreation and Community Facilities is able to advance the \$100,000.00 for later reimbursement.

FISCAL IMPLICATIONS: Long term upkeep of the trail will be incorporated into the DPRCF budget.

BUDGET AMENDMENT NECESSARY: Yes

REVENUE TO CITY: up to \$100,000.00 in the form of a reimbursement

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: April 12, 2021

CITY COUNCIL PUBLIC HEARING DATE: April 26, 2021

REQUESTED AGENDA: Consent Agenda

RECOMMENDED COUNCIL COMMITTEE: Land Use, Housing and Transportation

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: None

AFFECTED AGENCIES: Department of Parks, Recreation, and Community Facilities, Department of Budget and Strategic Planning, Department of Finance

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

ATTACHMENTS: Attachment A – Memorandum of Agreement between DCR and the City of Richmond

STAFF: Christopher Frelke, Director
Parks, Recreation and Community Facilities, 646-5733

Bryce Wilk, Maintenance and Operations Superintendent, Senior-- Southern District
Parks, Recreation and Community Facilities, 347-0066

MEMORANDUM OF AGREEMENT
BETWEEN
VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION
AND
CITY OF RICHMOND

This Memorandum of Agreement (“Agreement”) is entered into this ____ day of _____, 2021 by and between the Virginia Department of Conservation and Recreation (the “Department”), and the City of Richmond, a municipal corporation and political subdivision of the Commonwealth of Virginia, (the “City”), collectively the “Parties.

WHEREAS, Senate Caboose Bill 29, Chap. 1283, Item 363#2s, of the 2019 Acts of the General Assembly Bill, authorizes the Department to provide a one-time payment in the amount of \$100,000.00 from the general fund in FY 2020 to the City to increase accessibility of public parks and connectivity of the ADA accessible elements in the James River Park System (“JRPS”); and

WHEREAS, the JRPS is owned by the City; and

WHEREAS, the Parties desire to enter into an agreement governing the planning, engineering, design, and construction of an ADA compliant project (“Project”) that will increase ADA access to the public for trail use and park access in the JRPS;

NOW THEREFORE, the Parties do hereby agree as follows:

I. PURPOSE

The purpose of this Agreement is to outline the responsibilities, terms, and conditions that the Department and City will provide as relates to the Project authorized by Senate Caboose Bill 29, Chap. 1283, Item 363#2s. of the 2019 Acts of the General Assembly Bill.

II. DURATION

This Agreement will remain in effect until the Project is completed and the Department reimburses the City for the total amount of the funds expended by the City, up to \$100,000.00, to plan, engineer, design, and construct the Project. The City will use reasonable efforts to complete the Project by June 30, 2021. The Parties agree that this Agreement may be amended to extend completion of the Project beyond June 30, 2021 pursuant to Section V of this Agreement. Any extension of the Project beyond June 30, 2021 will be subject to the terms stated in Sections IV and V of this Agreement.

III. INCORPORATED DOCUMENTS

This agreement incorporates by reference the following documents:

- A. 363#2c (DCR) James River Park System: ADA Compliance HB29 – (Conference Report) (Attachment A)
- B. 2020 Session Budget Amendments – HB29 Conference Report Bill Order >> Item 363#2c, James River Park System, ADA Compliance (Attachment B)
- C. Project Scope of Work (Attachment C)

IV. CONDITIONS

- A. During the duration of this Agreement, the Department and the City understand that the City will:
 - 1. Complete a Project, including planning, engineering, design, and construction, that will increase ADA access to the public for trail use and park access in the JRPS Plan by June 30, 2021 unless agreed upon otherwise.
 - 2. Notify the Department promptly if it becomes apparent that the Project cannot be completed prior to June 30, 2021.
 - 3. Comply with, where applicable, any and all laws, statutes, ordinances, rules, regulations or requirements of federal, state, and local government, and any agency thereof, which relate to or in any manner affect the performance of this Agreement, including the Virginia Public Procurement Act and local procurement requirements.
 - 4. Upon completion of the Project, provide a final report to Kelly McClary, Director of Planning and Recreation Resources for the Department, at the address provided in Section 8 of this Agreement, prior to June 30, 2021, illustrating the expenditure of up to \$100,000.00 for the Project. Information in the report on the Project will include, but not be limited to, pictures of the Project and financial documentation showing expenditure of funds.
 - 5. Upon partial completion of the Project, provide a final report of the work that has been completed, to Kelly McClary, Director of Planning and Recreation Resources for the Department, at the address provided in Section 8 of this Agreement, prior to June 30, 2021, illustrating the expenditure of up to \$100,000.00 for the Project. Information in the report on the Project will include, but not be limited to, pictures of the Project and financial documentation showing expenditure of funds.
- B. During the duration of this Agreement, the Department and the City understand that the Department will:
 - 1. Upon verification of completion of the Project, reimburse the City by means of a one-time disbursement, up to \$100,000.00, for the expenditures made to complete the Project, including but not limited to planning, engineering, design, and construction, subject to appropriations and pursuant to Senate

Caboose Bill 29, Chap. 1283, Item363#2s of the 2019 Acts of the General Assembly.

2. Upon verification of partial completion of the Project, reimburse the City by means of a one-time disbursement, up to \$100,000.00, for the expenditures made to partially complete the Project, including but not limited to planning, engineering, design, and construction, subject to appropriations and pursuant to Senate Caboose Bill 29, Chap. 1283, Item363#2s of the 2019 Acts of the General Assembly.
- C. The Parties agree that the City will only be reimbursed a maximum amount of \$100,000.00 and only for expenditures made to complete or partially complete the Project, including but not limited to planning, engineering, design, and construction.

V. MODIFICATIONS

Any modifications to this Agreement will be in writing and signed by the duly authorized representatives of the Parties. In the event that the Project cannot be completed by June 30, 2021, the Parties may agree to extend this Agreement beyond that date, provided the Department is able to secure the funds to reimburse the City for planning, engineering, design, and construction of the Project after June 30, 2021.

VI. ENTIRETY OF THE AGREEMENT

The terms and conditions of this Agreement are fully set forth in this document and attachments incorporated by reference and shall take effect as of the date of the last signature below and shall continue in effect until such time as the Project is completed and the funds obligated hereby are fully disbursed.

VII. TERMINATION

Either party may terminate this Agreement, without cause, prior to the completion of the Project, by delivery of written notice to the other party at least thirty (30) calendar days prior to the date of termination. If this Agreement is terminated prior to the completion of the Project, the Department agrees to reimburse the City for all costs already expended or encumbered for planning, engineering, design, and construction of the Project as of the termination date.

VIII. NOTICES

Any notice to be given under this Agreement shall be in writing and deemed to be sufficiently given by any one or combination of the following, whichever occurs first: (i) delivered by hand to the last known business address of the person to whom the notice is due, (ii) delivered by hand to the person's authorized agent, representative or officer wherever they may be found or (iii) enclosed in a postage prepaid envelope

addressed to such last known business address and delivered to a United States Postal Service official or mailbox. Notice is effective upon such delivery.

The Department

Kelly McClary
Director, Planning and Recreation Resources
Division of Planning and Recreation Resources
600 East Main Street
Richmond, VA 23219
804-225-2738
Kelly.mcclary@dcr.virginia.gov

The City

Christopher Frelke
Director, Parks, Recreation and Community Facilities
City of Richmond
1209 Admiral Street
Richmond, VA 23220
804-646-1128
Christopher.frelke@richmondgov.com

- IX. AUTHORIZATION TO ACT.** The Chief Administrative Officer of the City of Richmond, Virginia or a designee thereof is authorized to act on behalf of the City under this Agreement.

IN WITNESS THEREOF, the Parties have caused this Agreement to be executed by their undersigned officials as duly authorized.

VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION

By:

Clyde Cristman
Agency Director

Date: _____

CITY OF RICHMOND

By:

Lincoln Saunders
Acting Chief Administrative Officer

Date: _____

Approved as to Form:

Keisha Dillard-Brady
Keisha Dillard-Brady
Senior Assistant City Attorney

Date: 4/29/21