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**TO:** GENERAL COMMITTEE

**SUBJECT:** CENTENNIAL PARK – LIONS CLUB OF BARRIE PAVILION PARTNERSHIP

**WARD:** 2

**PREPARED BY AND KEY CONTACT:** L. WORTON, ACTING MANAGER OF FACILITIES PLANNING AND DEVELOPMENT *fw*

**SUBMITTED BY:** R. PEWS, DIRECTOR OF CORPORATE FACILITIES *R*

**GENERAL MANAGER APPROVAL:** R. FORWARD, MBA, M.Sc., P.ENG, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT *R Forward*

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** C. LADD, CHIEF ADMINISTRATIVE OFFICER *CL*

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**RECOMMENDED MOTIONS**

1. That the Mayor and City Clerk be authorized to amend the executed joint funding agreement between the City and the Lions Club of Barrie by entering into an amending agreement which shall:
  - a) increase the total committed fundraising amount from \$50,000 to \$65,000 and,
  - b) increase the payback period from a five (5) year period to be paid to the City in five (5) equal instalments to a six (6) year period to be paid to the City in six (6) equal instalments beginning on October 1, 2016.

**PURPOSE & BACKGROUND**

2. In 2015 an architect was retained through an informal RFP to complete the design and specification for a new Lions Club of Barrie Pavilion at Centennial Park.
3. In March 2016, a geotechnical study was conducted and found that the existing soil conditions within the vicinity of the proposed pavilion are not adequate to support the superimposed loads of the pavilion under the current design. To accommodate the poor soil conditions, a deep pile foundation, complete with reinforced concrete grade beams, is now required. The revised foundation design will increase the overall cost of the project.
4. As recommended in Staff Report FCT001-15, the Lions Club of Barrie was approved as the title sponsor for the reconstruction of the Lions Club of Barrie Pavilion in Centennial Park with a sponsorship of \$50,000. As a result of poor soil conditions noted above, the Lions Club of Barrie has agreed to increase the total committed fundraising amount from \$50,000 to \$65,000.
5. In May of 2016, a request to increase the project funding was approved within the 2016 Capital Status Report for the Barrie Lions Club Pavilion from \$100,000 to \$140,000 in order to accommodate the additional cost of the deep pile foundation required.

## **ANALYSIS**

### **Funding**

6. As a result of the poor soil conditions the total gross cost of the reconstruction of the pavilion is estimated at \$130,000. The Lions Club of Barrie is committed to fundraising \$65,000 or 50% of the total capital cost over a six year period to be paid to the City in six equal instalments. The proposed amended agreement is attached to this report as Appendix "A".

### **Pavilion**

7. Facilities & Transit staff retained an architect in 2015 to complete the construction drawings for the building permit.
8. As identified in Staff Report FCT001-15, the Pavilion has been designed as an opened air park pavilion using natural and durable materials similar to the Centennial Park washrooms that will fit visually into the natural waterfront context.
9. As a result of the new design and the existing soil conditions, the existing foundation and concrete slab are not suitable for reuse as originally intended.

## **ENVIRONMENTAL MATTERS**

10. There are no environmental matters related to the recommendations.

## **ALTERNATIVES**

11. The following Alternatives are available for consideration by General Committee:

### **Alternative #1**

General Committee could choose to not approve the proposed change in terms to joint funding partnership with the Lions Club of Barrie.

This alternative is not recommended as the proposed agreement represents a significant funding contribution and a positive partnership between the private and public sectors that will benefit the community and save tax dollars.

### **Alternative #2**

General Committee could choose to defer the reconstruction of the Lions Club of Barrie Pavilion until 2020 following receipt of the full \$65,000 contribution from the Club.

This alternative is not recommended as this would extend the timelines for the replacement of a highly used and valued asset on the City's waterfront.

## **FINANCIAL**

12. The payment terms for the sponsorship contribution of (6) years, as set out in the attached amended joint funding agreement, will not negatively impact the City's ability to prioritize and fund other tax-based projects through the five-year Capital and Annual Business Plan process.
13. The construction cost estimate for the reconstruction of the pavilion is \$130,000 which is to be shared by the Lions Club of Barrie and the City.
14. The previous agreement executed on February 2<sup>nd</sup>, 2015 had initiated payments on December 1, 2015, however a payment has not been received to date. The proposed Amending Agreement to

the Joint Development and Funding Agreement included in Appendix 'A' of this report would amend the previous agreement dated February 2<sup>nd</sup>, 2015.

**LINKAGE TO 2014 – 2018 COUNCIL STRATEGIC PLAN**

15. The recommendation(s) included in this Staff Report support the following goals identified in the 2014-2018 Strategic Plan:
  - Responsible Spending
  - Inclusive Community
  
16. By partnering with the Lions Club of Barrie there is expanded and improved community involvement in the delivery of City facilities and services.

**APPENDIX "A"**

**Proposed Amending Agreement between the City and the Lions Club of Barrie**

**AMENDING AGREEMENT TO A JOINT DEVELOPMENT AND FUNDING AGREEMENT**

This Amending Agreement made as of the \_\_\_ day of \_\_\_, 2016.

**BETWEEN:**

**THE CORPORATION OF THE CITY OF BARRIE**  
("Barrie")

- and -

**THE LIONS CLUB OF BARRIE**  
(the "Lions Club")

**WHEREAS:**

- A. Barrie owns the lands and premises known as Centennial Park located on the waterfront of Kempenfelt Bay;
- B. Barrie and the Lions Club wish to reconstruct a pavilion located in Centennial Park (as outlined in red in Schedule A) for the use and benefit of members of the public (the "Lions Pavilion");
- C. The Lions Club has offered to contribute to the cost of reconstructing the Lions Pavilion;
- D. Barrie was authorized to enter into a Joint Development and Funding Agreement (the "Agreement") with the Lions Club by motion 15-G-020;  
  
Following Execution of the Agreement by Barrie and the Lions Club, it was determined that additional funding would be required in order to complete the reconstruction of the Lions Pavilion;
- E. Barrie and the Lions Club have agreed to amend the Agreement to reflect the need for additional funding for the reconstruction of the Lions Pavilion;
- F. Barrie is authorized to enter into this amending agreement to the Agreement (the "Amending Agreement") by motion 16-G-\_\_\_\_\_

**NOW THEREFORE** in consideration of the sum of Two Dollars (\$2.00) paid by each party to the other and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 1 of the Agreement shall be deleted and replaced with the following:

"The Lions Club shall pay to Barrie, the sum of sixty-five thousand dollars (\$65,000.00), to be paid in equal installments of ten thousand eight hundred thirty-three dollars and thirty-three cents (\$10,833.33) on the 1st day of October over six years starting on October 1, 2016 to be used towards the cost of designing and reconstructing the Lions Pavilion."

2. Section 2 of the Agreement shall be deleted and replaced with the following:

In consideration of the commitment to pay the above noted funds, Barrie commits to:

- a. Pay the remainder of the funds required to restore the Lions Pavilion up to a maximum of \$65,000.00;
- b. Prepare a design for the restored Lions Pavilion in 2015;
- c. Develop and construct the Lions Pavilion in 2016;

- d. Name the pavilion, "The Lions Club of Barrie Pavilion".
3. The parties agree that all terms and conditions of the Agreement shall remain in full force and effect except as such terms and conditions have been varied by this Amending Agreement.
4. Notice to either party pursuant to this Amending Agreement shall be deemed to have been sufficiently given when mailed to such party as follows:

The Corporation of the City of Barrie  
70 Collier Street, P.O. Box 400  
Barrie, Ontario, L4M 4T5  
Attention: Director of Corporate Facilities

The Lions Club of Barrie  
386 Blake St.  
Barrie, ON  
L4M 1L3

5. If any part of this Amending Agreement or the application thereof shall, to any extent, be invalid or unenforceable, it shall be deemed to have been severed from this Agreement and the remainder of the terms and provisions will continue to operate in full force and effect and be binding upon the parties to the extent necessary to implement the intentions of this Amending Agreement.
6. This Amending Agreement shall enure to the benefit of and be binding upon the parties and their respective successors and permitted assigns.
7. This Amending Agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.
8. The parties acknowledge and agree that this Amending Agreement and any schedules may be executed in counterparts, which, taken together, shall constitute one and the same instrument. Fax copies of counterparts of this Amending Agreement shall be deemed to be originals and shall be binding upon the parties executing same in the same manner as if each party had executed the original.

**IN WITNESS WHEREOF** the parties have executed this Amending Agreement by their proper signing officers duly authorized in that regard.

(REST OF PAGE INTENTIONALLY BLANK – SIGNATURES TO FOLLOW)

**THE CORPORATION OF THE CITY OF BARRIE**

Per: \_\_\_\_\_  
J.R. Lehman, Mayor

Per: \_\_\_\_\_

Dawn McAlpine, City Clerk  
We have the authority to bind the corporation

**THE LIONS CLUB OF BARRIE**

Per: \_\_\_\_\_  
Name:  
Title:  
I have the authority to bind the corporation



**Schedule A: Location of Original and Proposed Lions Club of Barrie Pavilion**

**Centennial Beach Park:**



**Proposed reconstruction site of the  
Lion's Club of Barrie Pavilion.**