

Regular Meeting: Max W. Wells, President, presiding

Present: Max W. Wells, President; Jesse Moreno, Vice President; Celina Barajas, Barbara A. Barbee, Lawrence Hochberg, Sean Johnson, Lawrence S. Jones, Amy W. Monier, Susan Rader, Marlon Rollins, Raquel A. Rollins, Rodney Schlosser, Paul Sims, Robb P. Stewart, Yolanda F. Williams – 15

Absent: None

Agenda Item 1. No speakers.

Agenda Item 2. A motion by Amy Monier, seconded by Barbara Barbee, for approval of minutes of the May 19, 2016 Park and Recreation Board Meeting, was carried. The vote was unanimous.

CONSENT AGENDA (ITEMS 3-8)

ADMINISTRATION AND FINANCE COMMITTEE – MISCELLANEOUS

Agenda Item 3. Fair Park (7) – A motion by Rodney Schlosser, seconded by Raquel Rollins, to authorize a one-year agreement with the Dallas Wind Symphony, now known as Dallas Winds, for use of the Band Shell at Fair Park located at 1465 First Avenue – Estimated Revenue: \$1,000, was carried. The vote was unanimous.

BACKGROUND

The Dallas Wind Symphony has used the Band Shell at Fair Park for concerts, office space, and temporary storage and display of museum exhibits since 1993. The Park Board initially approved a five-year agreement with two one-year options for use of the Band Shell on September 16, 2004. Since that time the Board has authorized five one-year agreements, the current which will expire on September 30, 2016.

During the 2014-2015 season, the Dallas Wind Symphony performed at Fair Park Fourth and Dog Bowl. The Dallas Wind Symphony also performed at the Fair Park Sparks! and the Fair Park Fourth events to support efforts of Fair Park Administration and Friends of Fair Park.

The Dallas Wind Symphony wishes to enter into a one-year agreement with the City of Dallas in accordance with the following deal points:

1. Term of the agreement will be from October 1, 2016 to September 30, 2017.
2. City will provide office space and non-exclusive use of the Band Shell for the purpose of conducting concerts by the Dallas Wind Symphony.
3. Dallas Wind Symphony shall provide a minimum of three performances at Fair Park during the term of this agreement and schedule such in a manner which shall not conflict with other Fair Park activities.
4. City will retain all parking and food and beverage concession revenues.
5. City shall be responsible for all the utilities including electricity, gas, water and sanitation services.
6. Dallas Wind Symphony accepts that this agreement is subject to the contract between State Fair of Texas Association Inc. and the City of Dallas.
7. Dallas Wind Symphony accepts the Premises in its current condition and agrees to return the Premises to the same condition at the conclusion of the Agreement.

8. Dallas Wind Symphony shall be responsible for acquiring all equipment needed to facilitate its operation.
9. Dallas Wind Symphony will provide monthly attendance reports to Fair Park Administration by the 5th of each month during the term of the contract.
10. Dallas Wind Symphony shall exercise every necessary precaution for the safety of the Premises and the protection of any and all persons or property located adjacent to or making passage through the Premises.
11. Dallas Wind Symphony shall pay for telephone services, office equipment and all personnel necessary to operate and maintain the Premises during the Term of this Agreement.
12. Dallas Wind Symphony shall establish office hours of operation subject to Director's approval.
13. Dallas Wind Symphony shall be responsible for the supervision of its staff (including any volunteers).
14. Dallas Wind Symphony shall be responsible for all security inside the Premises and the Director reserves the right to determine whether a particular event requires security services. In addition, City will not be liable for any loss or damage sustained by Dallas Wind Symphony in the execution of this Agreement.
15. Dallas Wind Symphony agrees to acknowledge City for its support in all appropriate printed materials and electronic media. City reserves the right to approve, in whole or in part, the form of such acknowledgements which Dallas Wind Symphony proposes to include in any printed and electronic materials.
16. Dallas Wind Symphony shall commence, defend and settle in good faith such legal actions or proceedings concerning the maintenance and operation of the Premises as are necessary or required in the opinion of the Dallas Wind Symphony, without involving the City and at no cost or liability to the City.
17. Dallas Wind Symphony understands that Director's approval may be necessary for approving any plans and specifications (including modifications) before starting construction on any improvements to the Premises.
18. Dallas Wind Symphony shall maintain or cause to be maintained all necessary license, permits and authorizations for the operation of the Premises.
19. Dallas Wind Symphony shall comply with all applicable Park and Recreation Board policies, city ordinances and other laws.
20. Dallas Wind Symphony shall conduct its operations in a clean, orderly and responsible manner, and shall comply at all times with existing ordinances and laws.
21. Dallas Wind Symphony shall provide all required insurance for fire, commercial liability, accident and injury and shall indemnify the City and name the City as an additional insured.
22. Dallas Wind Symphony agrees that the City may assign this contract.

Park and Recreation Board consideration of this agreement with the Dallas Wind Symphony is being requested.

FISCAL INFORMATION

The City of Dallas will retain all parking and food and beverage revenues, less sales tax. Estimated Revenue is \$1,000.

Agenda Item 4. Park and Recreation Department (All) – A motion by Rodney Schlosser, seconded by Lawrence Jones, to authorize a recommendation to the Dallas City Council to amend Chapters 32 and 41 of the Dallas City Code to prohibit smoking on park grounds, with limited exceptions, was carried. The vote was unanimous.

DEFINITIONS.

In this Chapter:

- (1) PARK PROPERTY means any property under the control and jurisdiction of the City of Dallas Park and Recreation Board.
- (2) PARTNER means any entity that contracts with the city for the operation, maintenance, or management of a park.

SMOKING PROHIBITED.

- (a) General Rule. A person commits an offense if he smokes or lights any burning tobacco products, including, but not limited to, cigars, cigarettes, hookahs, cigarillos, and pipers on park property.
- (b) Exceptions. It is a defense to prosecution if the person was smoking in a location that was not an indoor or enclosed area, as that term is defined in this chapter, and that was:

- (1) a golf course, if the location was:
 - (i) between the tee box of the first hole and the end of the green of the 18th hole;
 - (ii) on the driving range; or
 - (iii) on the outdoor patio.
- (2) the Elm Fork Shooting Range; or
- (3) a partner site, if pursuant to the terms of a contract that has been fully executed by the partner and the third party on or before the effective date of this ordinance.

BACKGROUND

Chapter 41 of the Dallas City Code generally prohibits smoking (1) in any indoor enclosed area in the City; (2) within 15 feet of any entrance to an indoor or enclosed area in the City and (3) in any area designated as nonsmoking by the owner, operator, or person in control of the area and marked with a no smoking sign complying with Section 41-3. The current code does not prohibit smoking outdoors in parks.

On November 6, 2014, the Park and Recreation Board was briefed on proposed changes to the smoking ordinance that would include a ban on smoking outdoors on park property. The briefing included information on benefits, potential challenges and peer and area city comparisons. Staff was directed by the Park and Recreation Board to continue research and to prepare proposed recommendations, changes, and exceptions for consideration by the Administration and Finance Committee of the Park and Recreation Board.

The Committee has discussed the proposed changes over the past year with input from staff. After discussion with the committee and stakeholders, staff recommended an amendment to Chapter 41 of the Dallas City Code that would make it an offense for anyone to smoke on park property, with the following exceptions:

1. Allow partners, Fair Park tenants and special events to designate smoking areas based on criteria developed by the Park and Recreation Department.
2. Allow smoking on golf courses.
3. Allow smoking on park property by actors during filming or theatrical performances as permitted by the Office of Special Events.

On February 18, 2016, the Administration and Finance Committee discussed the exceptions and voted 4-3 to recommend to the Park and Recreation Board an outright ban on smoking outdoors on park property with no exceptions.

On March 10, 2016, the Park and Recreation Board deferred this item and sent the item back to the Administration and Finance Committee for further review.

On May 19, 2016, after further discussion, the Administration and Finance Committee recommended moving forward with a voting action item for the Committee on June 2, 2016, an amendment to Chapter 41 of the Dallas City Code that would make it an offence for anyone to smoke on park property, with the following exceptions:

1. Golf courses between the tee box of the 1st hole and the end of the green of the 18th hole, driving range and open portion of outdoor patios.
2. The Elm Fork Shooting Range.
3. Grandfathering existing contracts between partners and third parties for 12 months from the date of implementation (Dallas Arboretum, Lee Park and Arlington Hall Conservancy).

FISCAL INFORMATION

This action has no cost consideration to the City.

Agenda Item 5. Fair Park (7) – A motion by Rodney Schlosser, seconded by Raquel Rollins, to authorize a Resolution of the City of Dallas Park and Recreation Board supporting application for the designation of Fair Park located at 3809 Grand Avenue, as a cultural district as deemed by the Texas Commission on the Arts – Financing: No cost consideration to the City, was carried. The vote was unanimous.

BACKGROUND

The Texas Commission on the Arts (TCA) can designate cultural arts district in cities as authorized by House Bill 2208 of the 79th Legislature. Cultural districts can increase business, generate activity, attract tourists, stimulate cultural and economic activities, and help support community revitalization.

In January 2016, the City Manager's Office received a notice from the Honorable State Representative Helen Giddings office about the Texas Commission on the Arts Cultural Districts Designation Program. It was suggested that the City consider applying to have Fair Park become a designated Cultural District, which could open up some funding streams for capital improvements, economic development, and programming. The City of Dallas submitted a non-binding letter of intent to submit prior to the January 30, 2016 deadline. The final application filing deadline is June 15, 2016.

The goal of the TCA cultural arts program is to recognize outstanding community cultural efforts across the state in an effort to promote cultural tourism opportunities for designated places and bring audiences to the community. Those receiving a cultural district designation are able to apply for Arts Respond project support grants that comply with the priority areas of Texas government (education, health and human services, economic development, criminal justice and public safety, and natural resources and agriculture) from TCA to support activity that takes place in the cultural district.

Fair Park has been a gathering place for people for more than a hundred and thirty years and it was the Texas Centennial of 1936 that launched its permanence on the Dallas landscape. In addition to its current cultural institutions, many of Dallas' cultural institutions had their beginnings at Fair Park to include the Dallas Museum of Art, the Perot Museum of Nature and Science, the Dallas Symphony, the Dallas Opera, and numerous theater groups.

Fair Park has the largest collection of Art Deco architecture in the United States and extensive public art. In addition to its cultural institutions, the Park annually hosts large events such as Earth Day Texas, North Texas Irish Festival, KwanzaaFest, the Taste of Dallas, Fair Park Fourth, the Diwali Mela Festival, Festival de Mayo, the State Fair of Texas, and the Zaxby's Heart of Dallas Bowl at the Cotton Bowl.

Securing designation as a cultural district would invigorate a new level of vibrancy for the Park's future with all cultural institutions and events being encouraged to actively support, promote and help maintain activities and events in said district.

The Park and Recreation Board are requested to adopt a resolution supporting application for the designation for Fair Park as a cultural district as deemed by the Texas Commissions of the Arts.

FISCAL INFORMATION

No cost consideration to the City.

PLANNING AND DESIGN COMMITTEE – CONTRACT AWARDS

Agenda Item 6. Singing Hills Recreation Center (8) – A motion by Amy Monier, seconded by Robb Stewart, to authorize a contract with MART, Inc., best value proposer of four, for a new recreation center at Singing Hills Recreation Center located at 6805 Patrol Way – Not to exceed \$4,470,001 – Financing: Park and Recreation Program Funds (\$500,000), Capital Construction Funds (\$900,000), 2006 Bond Funds (\$147,082), and General Obligation Commercial Paper Funds (\$2,922,919), was carried. The vote was unanimous.

WHEREAS, on March 25, 2016, four proposals were received for a new recreation center at Singing Hills Recreation Center located at 6805 Patrol Way; and

<u>Proposer's</u>	<u>Base Price</u>	<u>Alter. Nos. 1, 2b and 7**</u>	<u>Total Price</u>	<u>Scores</u>
MART, Inc.	\$4,272,000	\$198,000	\$4,470,000	4,217.25
J.C. Commercial, Inc.	\$4,600,777	\$214,000	\$4,814,777	4,204.12
DENCO CS Corporation	\$6,006,568	\$162,929	\$6,169,497	2,784.70
3i Contracting, LLC			***Withdraw	

**Alternate No. 1 - provides for installation of LED lighting in lieu of conventional lighting.

**Alternate No. 2b - provides for installation of fitness equipment.

**Alternate No. 7 - provides for installation of epoxy resin terrazzo flooring in lieu of polished concrete.

***3i Contracting, LLC withdrew their proposal.

Note: The best and final offer from MART, Inc. for Base Price and Alternate Nos. 1, 2b and 7 was for \$4,470,000.

WHEREAS, it has been determined that acceptance of the best and final offer from MART, Inc., in an amount not to exceed \$4,470,000 is the best value for the City of Dallas.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into a contract with MART, Inc. for a new recreation center at Singing Hills Recreation Center, in an amount not to exceed \$4,470,000.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with MART, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse the amount not to exceed \$4,470,000 to MART, Inc., as follows:

Park and Recreation Program Fund Fund 0395, Department PKR, Unit 5012 Object 4720, Activity PK09, Program PK06T281 CT-PKR16019552, Commodity 91200, Vendor 500027	\$68,000.00
Park and Recreation Program Fund Fund 0395, Department PKR, Unit 5012 Object 4310, Activity PK09, Program PK06T281 CT-PKR16019552, Commodity 91200, Vendor 500027	\$432,000.00
Capital Construction Fund Fund 0671, Department PKR, Unit T281, Object 4310 Activity RFSI, Program PK06T281, CT-PKR16019552 Commodity 91200, Vendor 500027	\$900,000.00
(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T281, Object 4310 Activity RFSI, Program PK06T281, CT-PKR16019552 Commodity 91200, Vendor 500027	\$62,349.04
(2006) Park and Recreation Facilities Improvement Fund Fund 9T00, Department PKR, Unit T281, Object 4310 Activity RFSI, Program PK06T281, CT-PKR16019552 Commodity 91200, Vendor 500027	\$84,732.60
(2006) General Obligation Commercial Paper Fund Unit 4T00, Department PKR, Unit T281, Object 4310 Activity RFSI, Program PK06T281, CT-PKR16019552 Commodity 91200, Vendor 500027	<u>\$2,922,918.36</u>
Total amount not to exceed	\$4,470,000.00

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

PLANNING AND DESIGN COMMITTEE – MISCELLANEOUS

Agenda Item 7. Park and Recreation Department (All) – A motion by Amy Monier, seconded by Rodney Schlosser, to authorize approval of a Memorandum of Understanding with the Trust for Public Land (TPL) in order to implement the proposed Smart Growth for Dallas program – Financing: No cost consideration to the City, was carried. The vote was unanimous.

WHEREAS, the City Charter provides the Park and Recreation Board jurisdiction over the control, management and maintenance of the public parks of the City; and

WHEREAS, the City Charter requires that the City Council shall approve any agreement which exceeds one year in duration; and

WHEREAS, due to the new growth and development continuing to accelerate across the city, and particularly in southern Dallas, there is an urgent need to identify and protect the city's most important natural assets for the benefit of future generations; and

WHEREAS, the City has identified the Trust for Public Land (TPL), a 501(c)(3) non-profit organization, as a medium to facilitate this urgent need; and

WHEREAS, the TPL is an organization that works across the country to create parks and protect land for people, ensuring healthy, livable communities for generations to come; and

WHEREAS, the TPL's *Climate-Smart Cities* initiative helps cities meet the challenges posed by climate change through academic research, GIS-planning and analysis, and demonstration projects; and

WHEREAS, the TPL proposes to create a *Smart Growth for Dallas* program that builds on the *Climate-Smart Cities* framework to help Dallas prioritize its future investments in parks, open space, and green infrastructure; and

WHEREAS, the proposed *Smart Growth for Dallas* program utilizes a GIS-based analytical framework and on-the-ground community engagement to identify preferred geographic locations for these future investments, optimized for a set of economic, social, and ecological objectives; and

WHEREAS, the proposed program will provide the City of Dallas with the following benefits: community engagement to gather data from the public about parks, open space, and green infrastructure in Dallas; GIS-based analysis and mapping of Dallas to identify priority areas for multi-benefit parks, open space, and green infrastructure as they relate to economic, social, and ecological outcomes; a report identifying high-priority parcels for new investments in parks, open space, and green infrastructure; an interactive GIS-based decision support tool capable of running custom queries to identify priority parcels; and a feasibility study for a demonstration project that puts the program's findings into action; and

WHEREAS, the TPL will endeavor to secure private funding for the proposed program and is not seeking financial support from the city; and

WHEREAS, the City of Dallas Park and Recreation Board supports the propositions that parks, open space, and green infrastructure provide economic, social, and ecological benefits; and that there is a need for identifying opportunities and prioritizing future investments in parks, open space, and green infrastructure; and

WHEREAS, the City of Dallas Park and Recreation Board passed a resolution supporting the partnership with the City of Dallas and the Trust for Public Land on December 3, 2015.

NOW, THEREFORE,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to enter into a Memorandum of Understanding with the Trust for Public Land in order to implement the proposed *Smart Growth for Dallas* program that meets the needs and goals articulated above.

SECTION 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

Agenda Item 8. Pacific Plaza (14) – A motion by Amy Monier, seconded by Rodney Schlosser, to authorize the preparation of a development agreement with Pacific Plaza, LLC for schematic design of Pacific Plaza located at 401 North Harwood Street – Financing: No cost consideration to the City, was carried. The vote was unanimous

BACKGROUND

This item will authorize an agreement with Pacific Plaza, LLC, which was formed by and wholly owned by Parks for Downtown Dallas, formerly known as The Belo Foundation, for the purpose of developing a schematic design for Pacific Plaza in downtown Dallas.

As part of the 2004 *Downtown Parks Master Plan* Pacific Plaza was identified for development as one of the downtown parks network. In 2013 the City updated the *Downtown Parks Master Plan* with funding provided by The Decherd Foundation and Maureen H. and Robert W. Decherd. This plan identified Pacific Plaza, along with Carpenter Park, West End Plaza, and Harwood Park, as four priority parks in downtown Dallas for design and construction. The plan envisioned Pacific Plaza as "...a place of respite, a companion park to Carpenter Park, and a release valve to the heavy use of Main Street Garden."

The agreement allows Pacific Plaza, LLC to provide services for the creation of a schematic design for Pacific Plaza. The agreement will be subject to the following terms:

1. The agreement expires upon completion of the schematic design and the Director of Park and Recreation's acceptance and approval of the schematic design.
2. The City shall not be responsible for any of the costs associated with the design.
3. Pacific Plaza, LLC shall have reasonable access to the park to facilitate creation of the schematic design.
4. Pacific Plaza, LLC shall contract with SWA Group, a landscape architecture, planning and urban design firm, for fulfillment of all Pacific Plaza, LLC obligations.

FISCAL INFORMATION

No cost consideration to the City.

BRIEFINGS

Agenda Item 9. Audit of Fair Park Business Partners Oversight presented by John Jenkins, Deputy Director, Park and Recreation Department.

Agenda Item 10. State Fair of Texas Contract Briefing presented by Daniel Huerta, Assistant Director, Park and Recreation Department.

WORK SESSION (11:00 a.m. – 12:00 p.m.)

Agenda Item 11. Proposed Management Agreement with Fair Park Texas Foundation presented by Willis Winters, Director, Park and Recreation Department.

OTHER/NON-ACTION ITEMS

Agenda Item 12. FY2016/17 Budget Update presented by John Jenkins, Deputy Director, Park and Recreation Department.

Agenda Item 13. Trinity Standing Wave Update presented by Louise Elam, Interim Assistant Director, Park and Recreation Department.

Agenda Item 14. Committee Reports: Yolanda Williams, Chair, Marketing Committee.

Agenda Item 15. Park and Recreation Board Members Liaison Reports: Audubon Dallas/Cedar Ridge Preserve, Cultural Affairs Commission, Dallas Arboretum and Botanical Society, Dallas Zoological Society, Downtown Dallas, Inc./Downtown Parks, Friends of Fair Park, The Friends of Katy Trail, Lee Park and Arlington Hall Conservancy, State Fair of Texas, Texas Discovery Gardens, The Trinity Commons Foundation, Trinity River Audubon Center, Turtle Creek Association, The Woodall Rodgers Park Foundation/Klyde Warren Park:

Celina Barajas: Send A Kid to Camp Kick Off.
Barbara Barbee: Kidd Springs Park Dallas Symphony Orchestra.
Jesse Moreno: Santa Fe Trail Expansion Ribbon Cutting.
Sean Johnson: William Blair, Jr. Park BioBlitz.
Yolanda Williams: Urbandale Park Ribbon Cutting.

Agenda Item 16. Staff Announcements – Upcoming Park and Recreation Department Events:

Oscar Carmona: Santa Fe Trail Extension Ribbon-Cutting and Urbandale Park Ribbon-Cutting.
Daniel Huerta: Fair Park Events and Pools open on June 3, 2016.
Willis Winters: June 16, 2016 Park Board meeting at Jaycee Zaragoza Recreation Center.

OTHER/NON-ACTION ITEMS

Agenda Item 17. President Wells announced the next Park and Recreation Board regular meeting on Thursday, June 16, 2016.

Agenda Item 18. President Wells adjourned the Board meeting at 1:53 p.m.

Dawna M. Ray, Secretary
Park and Recreation Board

Max W. Wells, President
Park and Recreation Board

NOTE: For more information on discussion of any issue heard during this meeting, refer to the tape recording retained in the Park Department's Central File.