



DALLAS PARK AND RECREATION BOARD AGENDA

THURSDAY, JANUARY 27, 2022
DALLAS CITY HALL
1500 MARILLA STREET, ROOM 6FS
DALLAS, TEXAS 75201
214-670-4078

- 8:30 am: Administration and Finance Committee 6FS – **CANCELLED**
Videoconference/ in person
- 9:30 am: Planning and Design Committee, 6FS –
Videoconference/ in person
- 10:00 am: Park and Recreation Board, Room 6FS-
Videoconference/ in person

RECEIVED

2022 JAN-20 PM1:13

CITY SECRETARY
DALLAS, TEXAS



Dallas
Park and Recreation

Robb P. Stewart, Chair
Maria Hasbany, Vice Chair
Calvert Collins-Bratton
Timothy W. Dickey
Ernest "Bo" Slaughter
Lorena Tule-Romain

Public Notice

2 2 0072

POSTED CITY SECRETARY
DALLAS, TX

DALLAS PARK AND RECREATION BOARD
ADMINISTRATION AND FINANCE COMMITTEE
DALLAS CITY HALL Room 6FS / Videoconference
THURSDAY, January 27, 2022
(8:30 A.M.)

CANCELLED

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

"De acuerdo con la sección 30.06 del código penal (ingreso sin autorización de un titular de una licencia con una pistola oculta), una persona con licencia según el subcapítulo h, capítulo 411, código del gobierno (ley sobre licencias para portar pistolas), no puede ingresar a esta propiedad con una pistola oculta."

"Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly."

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RECEIVED

2022 JAN-20 PM1:13

CITY SECRETARY
DALLAS, TEXAS



Dallas
Park and Recreation

Public Notice

2 2 0073

POSTED CITY SECRETARY
DALLAS, TX

Lane Conner, Chair
Fonya Mondell, Vice Chair
Harrison Blair
Estanislao "Jr" Huerta
Rudy Karimi
Jeff Kitner
Daniel Wood

DALLAS PARK AND RECREATION BOARD
PLANNING AND DESIGN COMMITTEE
DALLAS CITY HALL Room 6FS- VIDEOCONFERENCE
THURSDAY JANUARY 27, 2022
(9:30 A.M.)

This meeting will be held by videoconference and in the 6FS Conference room at City Hall.

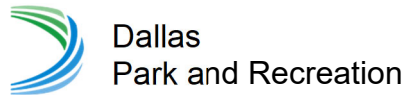
Public are encouraged to attend the meeting virtually via the link below. City Hall is available for those wishing to attend the meeting in person following all current pandemic-related public health protocols

Link: <https://bit.ly/3qGE14M>

Password: mpV6rY8SUv2

CONSENT ITEMS

1. Fair Park (7) - Authorize an increase in the construction services contract with Azteca Enterprises, Inc. for additional scope of work for construction of the Fair Park Coliseum Facility Improvements Project including renovations to the first floor (South) offices, locker room and associated restroom and laundry area as well as provisions for accessibility signage, fire alarm devices, motor sheaves and other miscellaneous work, located at 1438 Coliseum Drive in Fair Park - Not to exceed \$600,635.21, from \$11,340,199.99 to \$11,940,835.20 – Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)



DALLAS PARK AND RECREATION BOARD – PAGE 2
PLANNING AND DESIGN COMMITTEE
DALLAS CITY HALL Room 6FS / Videoconference
THURSDAY, JANURARY 27, 2022
(9:30 A.M.)

Handgun Prohibition Notice for Meetings of Governmental Entities

"Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun."

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RECEIVED

2022 JAN-24 AM9:09

CITY SECRETARY
DALLAS, TEXAS



Dallas
Park and Recreation

Public Notice

2 2 0094

AGENDA - REVISED
DALLAS PARK AND RECREATION BOARD
DALLAS CITY HALL Room 6FS - VIDEOCONFERENCE
1500 MARILLA STREET
DALLAS, TEXAS 75201
THURSDAY, JANUARY 27, 2022 10:00 A.M.

POSTED CITY SECRETARY
DALLAS, TX

Arun Agarwal, President (District 15)

- | | |
|--|-----------------------------------|
| Estanislao "Jr" Huerta, District 1 | Ernest "Bo" Slaughter, District 8 |
| Fonya Naomi Mondell, District 2 | Maria Hasbany, District 9 |
| VACANT, District 3 | Robb P. Stewart, District 10 |
| Harrison Blair District 4 | Jeff Kitner, District 11 |
| Lorena Tule-Romain, District 5 | Lane Conner, District 12 |
| Timothy W. Dickey, District 6 | Calvert Collins-Bratton 13 |
| Daniel Wood, Vice President District 7 | Rudy Karimi, District 14 |

This meeting will be held by videoconference and in the 6FS Conference Room at City Hall.

Public are encouraged to attend the meeting via the link below. City hall is available for those wishing to attend the meeting in person following ALL current pandemic-related public health protocols

Link: <https://bit.ly/3fBwmyj>

Password: rB4AcxbxH29

Members of the public wishing to speak should register *before 12 pm*

Wednesday, January 26, 2022 by email to yesenia.valdez@dallascityhall.com

1. Public Speakers (on any business)
2. Approval of Minutes of the January 13, 2022 Park and Recreation Board Meeting

SPECIAL RECOGNITION

- Special Recognition of former Park Board member Barbara Barbee for her service to the Park and Recreation Board

CONSENT AGENDA (3-7)

ADMINISTRATION AND FINANCE

3. Mural Policy (All) - Authorize approval of the Park and Recreation Department Mural Policy– Financing: No cost consideration to the City (**committee considered this item on January 13, 2022**)
4. White Rock Boathouse (9) - Authorize a Supplemental Agreement to amend sections 5.1, 5.3, 8.1, 8.15, add section 8.21 regarding Performance Indicators, and amend section 10.16, add section 10.17 and 10.18 of the development agreement between the City of Dallas and White Rock Boathouse, Inc. - Financing: No cost consideration to the City (**committee considered this item on January 13, 2022**)

DALLAS PARK AND RECREATION BOARD – PAGE 2- REVISED
DALLAS CITY HALL Room 6FS - VIDEOCONFERENCE
1500 MARILLA STREET
DALLAS, TEXAS 75201
THURSDAY JANUARY 27, 2022 10:00 A.M

5. Fair Park (7) - Authorize a five-year lease agreement with one five-year renewal option between Fair Park First and the Dallas Convention and Visitors Bureau dba Dallas Sports Commission, (DSC) to lease and operate a portion of the ground floor office space of the Natural History Building at Fair Park located at 3535 Grand Avenue in Fair Park – Financing: No cost consideration to the City (**committee considered this item on January 13, 2022**)
6. Lease Agreement (8) - Authorize a five-year lease between the City and Groco Specialty Coatings, LLC, for approximately 22,930 square feet of office and warehouse space located at 10818 C F Hawn Freeway to be used as a paint manufacturing company, for the period March 4, 2022 through March 3, 2027 — Estimated Revenue: Capital Gifts Donation & Development Fund \$216,000.00 (**committee considered this item on January 13, 2022**)

PLANNING AND DESIGN

7. Fair Park (7) - Authorize an increase in the construction services contract with Azteca Enterprises, Inc. for additional scope of work for construction of the Fair Park Coliseum Facility Improvements Project including renovations to the first floor (South) offices, locker room and associated restroom and laundry area as well as provisions for accessibility signage, fire alarm devices, motor sheaves and other miscellaneous work, located at 1438 Coliseum Drive in Fair Park - Not to exceed \$600,635.21, from \$11,340,199.99 to \$11,940,835.20 – Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

ITEMS FOR INDIVIDUAL CONSIDERATION

8. Lease Agreement (14) - Authorize **(1)** the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; **(2)** a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee's intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and **(3)** a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund ~~\$1,656,000.00~~ \$565,402.00 (**board deferred this item on January 13, 2022**)

BRIEFINGS

9. 2017 Bond Program Update - Christina Turner-Noteware, Assistant Director

DALLAS PARK AND RECREATION BOARD – PAGE 3- REVISED
DALLAS CITY HALL Room 6FS - VIDEOCONFERENCE
1500 MARILLA STREET
DALLAS, TEXAS 75201
THURSDAY, JANUARY 27, 2022 10:00 A.M

OTHER/NON-ACTION ITEMS

10. Park and Recreation Board Members Liaison Reports: Arts and Culture Advisory Committee, Audubon Dallas/Cedar Ridge Preserve, Dallas Arboretum and Botanical Society, Dallas Zoological Society, Downtown Dallas Inc./Downtown Parks, Friends of Bachman Lake, Friends of Fair Park, The Friends of Katy Trail, Friends of Northaven Trail, Friends of Preston Ridge Trail, Friends of Santa Fe Trail, Send a Kid To Camp, Senior Affairs Commission, State Fair of Texas, Texas Discovery Gardens, The Loop (Circuit Trail), The Trinity Commons Foundation, Trinity River Audubon Center, Turtle Creek Association, Turtle Creek Park Conservancy, The Woodall Rodgers Park Foundation/Klyde Warren Park
11. Staff Announcements – Upcoming Park and Recreation Department Events
12. Next Park Board meeting, 10:00 am Thursday, February 10, 2022
13. Adjournment

DALLAS PARK AND RECREATION BOARD – PAGE 4- REVISED
DALLAS CITY HALL Room 6FS - VIDEOCONFERENCE
1500 MARILLA STREET
DALLAS, TEXAS 75201
THURSDAY, JANUARY 27, 2022 10:00 A.M

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. seeking the advice of its attorney about pending or contemplated litigation, settlement offers, or any matter in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Texas Open Meetings Act. [Tex. Govt. Code §551.071]
2. deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.072]
3. deliberating a negotiated contract for a prospective gift or donation to the city if deliberation in an open meeting would have a detrimental effect on the position of the city in negotiations with a third person. [Tex. Govt. Code §551.073]
4. deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee unless the officer or employee who is the subject of the deliberation or hearing requests a public hearing. [Tex. Govt. Code §551.074]
5. deliberating the deployment, or specific occasions for implementation, of security personnel or devices. [Tex. Govt. Code §551.076]
6. discussing or deliberating commercial or financial information that the city has received from a business prospect that the city seeks to have locate, stay or expand in or near the city and with which the city is conducting economic development negotiations; or deliberating the offer of a financial or other incentive to a business prospect. [Tex Govt. Code §551.087]
7. deliberating security assessments or deployments relating to information resources technology, network security information, or the deployment or specific occasions for implementations of security personnel, critical infrastructure, or security devices. [Tex. Govt. Code §551.089]

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Regular Meeting: Arun Agarwal, President, presiding

Present: Arun Agarwal, President; Daniel Wood, Vice-President; Harrison Blair, Calvert Collins-Bratton, Lane Conner, Timothy W. Dickey, Maria Hasbany, Estanislao “JR” Huerta, Rudy Karimi, Jeff Kitner, Fonya Mondell, Ernest “Bo” Slaughter, Robb Stewart, Lorena Tule-Romain – 14

Absent: NONE

Vacant: District 3

This was a virtual meeting held via Cisco Webex and in person in the 6FS conference room. The public were able to view the Open Session meeting on the internet. The public were also able to attend in person.

President Agarwal called the meeting to order at 10:04 a.m.

Agenda Item 1. Speakers – The following people registered to speak. Some of the speakers might no longer have been available or connected when it was their turn to speak.

Dr. Pamela Grayson – Gratitude and Praise to the Park and Recreation Department.

Agenda Item 2. Minutes - A motion by Bo Slaughter, seconded by Jeff Kitner, to approve the minutes of the November 4, 2021 as amended, and December 9, 2021 Park and Recreation Board meeting was carried by unanimous vote.

SPECIAL RECOGNITION

- Special recognition of former Park Board member Barbara Barbee for her service to the park board.

This item was postponed to a later date.

- Special recognition of Valerie Thomas for her service and dedication to the City and Park and Recreation Department.

President Agarwal and Director Jenkins presented Ms. Thomas with a special recognition certificate.

CONSENT AGENDA (3)

Agenda Item 3. Parkdale Lake (4) - A motion by Daniel Wood, seconded by Harrison Blair, to authorize acquisition from Oncor Electric Delivery Company LLC of approximately 4,794,536 square feet (110.07 acres) of vacant land located at 5746 Parkdale Drive for development as future parkland adjacent to the future Trinity Forest Spine Trail – Financing: No cost consideration to the City, was carried by a unanimous vote.

ITEMS FOR INDIVIDUAL CONSIDERATION

Agenda Item 4. Lease Agreement (14) - A motion by Robb Stewart, seconded by Rudy Karimi, to authorize (1) the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee’s sale of its adjacent property located at 1520 Main Street; (2) a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee’s intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee’s sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and (3) a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund \$565,402.00.

DRAFT
An amendment to the original motion was made by President Agarwal, seconded by Maria Hasbany to increase the rent amount from \$1,177.92 to \$2,600.00.

After discussion Robb Stewart made a friendly amendment to President Agarwal's motion requesting to divide the question to separate the lease and license agreements.

President Agarwal and Ms. Hasbany accepted the friendly amendment.

After discussion of the friendly amendment President Agarwal withdrew his motion.

A motion by Jeff Kitner seconded by Rudy Karimi to defer this item to the January 27, 2022 board meeting was carried by a unanimous vote.

BRIEFINGS

Agenda Item 5. Budget Development Process - Rachel Berry, Interim Assistant Director

Director Jenkins announced to the board staff would be hosting a series of budget and bond development workshops.

Ms. Berry presented and was available for questions, and feedback from the Board.

Agenda Item 6. Curfew Hours - M. Renee' Johnson, Assistant Director

Ms. Johnson presented and was available for questions and feedback from the Board.

OTHER/NON-ACTION ITEMS

Agenda Item 7. The Park and Recreation Board Members liaison reports regarding 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, Friends of Preston Ridge Trail, Senior Affairs Commission, State Fair of Texas, Texas Discovery Gardens, The Trinity Commons Foundation, Trinity River Audubon Center, Turtle Creek Association, Turtle Creek Conservancy, The Woodall Rodgers Park Foundation/Klyde Warren Park were as follows: NONE

Board announcements:

Maria Hasbany announced the launch of the White Rock Lake QR code map link pilot program.

Jeff Kitner announced the all-trails group met in December at Rodeo Goat. Mr. Kitner indicated the groups continued collaboration.

Agenda Item 8. Staff Announcements – Upcoming Park and Recreation Department Events.

Director Jenkins announced the staff would host a series of budget and bond workshops for the Board.

Agenda Item 9. Next Park Board meeting. The next Park Board meeting will be Thursday, January 27, 2022 at 10:00 a.m.

Agenda Item 10. President Agarwal adjourned the Board meeting at 12:34 p.m.

Anthony M. Becker, Secretary
Park and Recreation Board

Arun Agarwal, 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.

**DALLAS PARK AND RECREATION BOARD
AGENDA INFORMATION SHEET
COMMITTEE ONLY**

AGENDA DATE: January 27, 2022

COUNCIL DISTRICT(S): All

STAFF: M. Renee' Johnson, (214) 670-8871

SUBJECT

Authorize approval of the Park and Recreation Department Mural Policy– Financing: No cost consideration to the City

BACKGROUND

The Park and Recreation Board approves policies pertaining to artwork in parks. The Mural Policy establishes a process for the selection, placement, and maintenance of temporary art murals that complement and enhance the visual experience of park visitors. All policies established by the Park and Recreation Board must comply with City Code, City Charter, and State Law.

This action requests the Board to adopt the Mural Policy.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

No previous action on this item.

FISCAL INFORMATION

No cost consideration to the City.

COMMITTEE ACTION

The Administration and Finance Committee discussed this item on May 5, 2021, November 4, 2021, and December 9, 2021. The Administration and Finance Committee approved this item on January 13, 2022. The full Board will consider this item on January 27, 2022.

STAFF RECOMMENDATION

Staff recommends approval.

ATTACHMENTS

Proposed Mural Policy

Park and Recreation Board Policy



Title: Mural Policy
No. 25: XX-XX-2021

1. PURPOSE

To establish a process for the selection, placement, and maintenance of art murals at City of Dallas parks that complement and enhance the visual experience of park visitors. This mural policy is independent of the Park and Recreation Special Event Directive.

2. DEFINITION

“Mural” A mural is a painting or other work of art executed directly or primarily on a wall or adjacent permanent substrate. A mural can be created from various materials including paint, mounted mosaic tile, a collage of elements, and digitally produced imagery that is printed out and attached to the surface. For purposes of this policy, a mural does not include temporary works of art that wash away by elements of the weather (e.g., chalk drawings).

3. APPLICATION PROCESS

Any group or individual who wishes to paint or create a mural on park property must provide certain information to the Park and Recreation Review Committee (which includes one (1) representative from the Office of Arts and Culture and two (2) representatives from the Park and Recreation Department), the Park and Recreation Director and the respective Park and Recreation Board Member, to ensure conformance with all applicable city ordinances, including but not limited to land use and environmental regulations. Mural applications will be accepted by the Park and Recreation Department beginning on September 1st ending on March 1st. A maximum of 2 murals per Council District can be approved per fiscal year.

Information to be provided by the artist or supporting friends' organization to include but is not limited to the following:

- a) Mural Application
- b) Proposed installation location
- c) Proposed installation methods-including safety measures
- d) Appropriateness of content for general audiences
- e) Durability for defined life span between 1 to 5 years
- f) The artist's or supporting friends' organization's plan for maintenance during the defined lifespan of the art project

Park and Recreation Board Policy



City of Dallas

Title: Mural Policy

No. 25: XX-XX-2021

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- g) The artist's or supporting friends' organization's plan for removal upon end-of-life span or upon deterioration
 - h) The artist's or supporting friends' organization's plan for graffiti remediation
 - i) Obtain the required insurance as defined by the Office of Risk Management
 - j) Supporting friends or neighborhood group endorsement is encouraged
 - k) Youth (under 18) may participate in the mural design process. If youth are handling art materials, paint, painting tools, Park Maintenance Division will include that information in the volunteer waiver required for Youth (under 18) to be completed by the guardian

4. CRITERIA FOR ACCEPTANCE

Murals must meet the following criteria:

- a) Community murals must be undertaken under the direction of an experienced artist who can provide documentation of professional work commensurate with the scope of the mural project.
- b) Review of mural design and location must be approved by the Director, Park and Recreation Review Committee and the Park and Recreation Board before work commences. Artist or supporting friends' organization will be provided a written Notice to Proceed when the approval has been done.
- c) Engage the surrounding community through at least two (2) public input meetings to help ensure mural art projects align with the community's priorities and values. The Park Maintenance and Operations Division will assist with the management of the process with the artist or supporting friends' organization, homeowner associations, and other similar organized groups. Bi-lingual public meeting notification flyers shall be mailed to property owners within a 500' minimum radius for mini and neighborhood parks and a 1000' minimum radius for community, metropolitan and regional parks. The notification radius for special use areas, linear and conservancy parks will be either 500' or 1000' depending on comparable size and service classifications.

Park and Recreation Board Policy



City of Dallas

Title: Mural Policy

No. 25: XX-XX-2021

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- d) Acceptable mural locations include exterior walls at bridge underpasses on trails, retaining walls and walls attached to permanent structures in parks. Mural designs at historical parks or fixtures, on walking surfaces, or on living materials such as plant life, trees, etc., will not be accepted. Also, mural designs on the exterior of Recreation Centers are not accepted. Any mural existing as of the effective date of this policy shall not be subject to this policy. In addition, this policy is not applicable to, nor intended to alter or affect, murals or parks (or portions thereof) that are under management or other similar agreements that provide maintenance and programming of a park. Such agreements include but are not limited to agreements for the Arboretum, Klyde Warren Park, the Dallas Zoo, the Trinity River Audubon Center, MoneyGram Park, and parks maintained and programmed by Public Improvement Districts pursuant to an agreement with the City of Dallas.
 - e) Themes should be consistent with the surrounding area that enhance the park and could include nature, landscapes, and the scenic environment.
 - f) Mural cannot serve as advertisement.
 - g) Materials that are environmentally safe, durable, graffiti resistant and weather resistant are required.
 - h) Proper preparation of the site and mural installation is required to preserve the mural during the term of the agreement. Murals painted directly on brick, plaster, and concrete walls offer the best surface for longevity.
 - i) It is the responsibility of the artist or supporting organization to develop a safety plan to observe during installation/deinstallation of the mural.
 - j) Mural Proposals must include a maintenance plan that provides for the following:
 - 1. If vandalism/graffiti to the mural occurs, it is the responsibility of the artist or supporting friends' organization to remove graffiti within 48 hours after notification. If the graffiti is not removed and the mural is not repaired by the artist or supporting friends' organization, the Park Department will remove the graffiti using the department's standard removal materials.

Park and Recreation Board Policy



City of Dallas

Title: Mural Policy
No. 25: XX-XX-2021

2. Repairs to the mural are the responsibility of the artist or supporting friends' organization within 72 hours after notification by the Park and Recreation Department.
3. It is the responsibility of the artist or supporting friends' organization to create and maintain the mural in good repair with periodic maintenance to be performed by the artist or supporting friends' organization. By submitting the application, the artist or supporting friends' organization agrees that should the mural be defaced and/or not repaired, maintained, and preserved to the satisfaction of the Park and Recreation Department, the Director has the authority to remove the mural.
4. It is the responsibility of the artist or supporting friends' organization to develop a mural removal plan after the mural has reached its life expectancy. The site is expected to be returned to its original state.

Note: All mural designs proposed for the interior of the Recreation Centers must also be approved by the Park Board.

If the mural application is accepted, the artist is expected to begin installation within 6 months after the permit is issued. If installation does not occur within the required timeframe, the applicant will be required to resubmit an application. Also, the applicant will enter into an agreement with the City of Dallas through the Park and Recreation Department that outlines the terms and conditions of the work to be performed at a Dallas park. By approving the mural project, the City of Dallas Park and Recreation Department does not assume any financial obligation of its creation, upkeep, or repair. It is the responsibility of the artist to create and maintain the mural. The City of Dallas requires that the mural be kept in good repair.

If a denial of the project is recommended, the application will be returned to the mural applicant.

**DALLAS PARK AND RECREATION BOARD
AGENDA INFORMATION SHEET**

DATE: January 27, 2022

COUNCIL DISTRICT(S): 9

STAFF: John Lawrence, (214) 670-4073

SUBJECT

Authorize a Supplemental Agreement to amend sections 5.1, 5.3, 8.1, 8.15, add section 8.21 regarding Performance Indicators, and amend section 10.16, add section 10.17 and 10.18 of the development agreement between the City of Dallas and White Rock Boathouse, Inc. - Financing: No cost consideration to the City

BACKGROUND

On August 23, 2006, the City entered into a nineteen-year agreement with White Rock Boathouse, Inc. (Boathouse) whereby the City authorized the Boathouse to construct, renovate, maintain, operate and manage the Filter Building, the sedimentation basins, and the grounds immediately surrounding the facilities, (defined as “Premises” in the Contract), as well as to continue to promote various physical training and rowing programs for the use and enjoyment to all segments of the Dallas Community.

A Business Partner Audit was conducted in 2019 which identified areas of improvement needed on the part of the Boathouse and the Park and Recreation Department (PKR). Below are the necessary revisions and additions to be included in a Supplemental Agreement which aid in addressing the audit findings.

ARTICLE V. COMPENSATION TO CITY

Amend Section 5.1, Payments to City, to the define the term “Gross Revenues” as all monies collected by WRBI solely for the hourly rental rate attributable to the right to occupy the Filter Building’s physical facilities less sales tax.

Amend Section 5.3, White Rock Lake Beautification Fund, to include for any current funds remaining in the recreation program funds to be transferred by the City into a new fund called the White Rock Lake and Filter Building/Boathouse Major Maintenance and Improvement Fund.

BACKGROUND (continued)

ARTICLE VIII. OPERATIONS OF THE PREMISES

Amend Section 8.1, Boathouse's Management and Operation of the Premises, to require the Boathouse to provide a minimum of \$25,000 annually in scholarships towards its needs-based financial program. Records of scholarship will be provided on an annual basis in conjunction with annual Performance Plans.

Amend Section 8.15, Budget's Financial Records and Audits, to require the Boathouse to provide the statements of activities and function expenses to the Director no later than sixty (60) days after the end of each quarter and within one hundred twenty (120) days after the close of the Boathouse's fiscal year. The year-end financial information shall be prepared in conformity with GAAP (Generally Accepted Accounting Principles); and audited by an independent certified public accountant ("CPA") or alternatively examined by an independent CPA presented by an Examination-Level Attestation Report that allows the certified public accountant to express an opinion and to provide assurance that: develop agreed upon procedures to periodically provide some assurance that (A) Filter Building gross sales and revenues reported are materially complete and accurate; and (B) Boathouse is conducting proper accounting and internal control for material expenses and credit card usage.

Add Section 8.21, Performance Indicators, requiring the Boathouse to submit Performance Indicators beginning January 31, 2022 and no later than January 31st of each calendar year thereafter, during the Term of this Agreement.

ARTICLE X. GENERAL PROVISIONS

Amend existing Section 10.16 Entire Agreement, to be renumbered to a new Section 10.18.

Replace Section 10.16 with a new Section 10.16, Conflict of Interest conditions to the agreement.

Add Section 10.17, Miscellaneous to include conditions including the prohibition of engagement in business with foreign terrorist organizations.

FISCAL INFORMATION

No cost consideration to the City.

Approve a Supplemental Agreement to amend sections 5.3, 8.1, 8.15, add section 8.21 regarding Performance Indicators, and amend sections 10.16, 10.17 and 10.18 of the development agreement between the City of Dallas and White Rock Boathouse, Inc. -
Financing: No cost consideration to the City
– page 3

COMMITTEE ACTION

The Park and Recreation Board Administration and Finance Committee considered this item on January 13, 2022 and will present a recommendation to the full Park and Recreation Board on January 27, 2022.

This item does not require council action.

STAFF RECOMMENDATION

Staff recommends approval of this Supplemental Agreement.

**DALLAS PARK AND RECREATION BOARD
AGENDA INFORMATION SHEET**

AGENDA DATE: January 27, 2022
COUNCIL DISTRICT(S): 7
STAFF: John Lawrence, (214) 670-4073

SUBJECT

Authorize a five-year lease agreement with one five-year renewal option between Fair Park First and the Dallas Convention and Visitors Bureau dba Dallas Sports Commission, (DSC) to lease and operate a portion of the ground floor office space of the Natural History Building at Fair Park located at 3535 Grand Avenue in Fair Park – Financing: No cost consideration to the City

BACKGROUND

On November 1, 2018, the City entered into a 20-year management agreement with Fair Park First (FPF) to operate, manage, promote, enhance and improve Fair Park. Pursuant to the Management Agreement, Fair Park First is authorized to negotiate leases in excess of a one-year term subject to Park and Recreation Board and City Council approval.

Fair Park First has negotiated a lease agreement with Dallas Convention and Visitors Bureau dba Dallas Sports Commission to lease and operate a portion of the ground floor office space at the National History Building at Fair Park and seeks approval from the Park and Recreation Board and City Council.

The salient terms of the negotiated lease include the following:

Term: Five (5) years with one five-year renewal option.

Rent: In lieu of rent, Dallas Sports Commission shall facilitate, coordinate or otherwise provide no less than \$100,000 per year in event programming for the first two years, from commencement date until October 31, 2023, increasing to \$110,000 per year for the next three years, and then increasing to \$120,000 per year for the five year renewal period.

Tenant Improvement Allowance: Dallas Sports Commission shall have the ability to make all necessary improvements and upgrades to the leased premises of the Natural History Building in order to support activities for the DSC. Once DSC achieves the first year of programming funding, Fair Park First shall rebate DSC during their first and/or second years of their term up to 50% of capital improvement funds.

DSC shall also pay \$1,000.00 per month to FPF for utilities.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On October 24, 2018, City Council authorized a twenty-year management contract, with two five-year extension options, with Fair Park First for the management and operation of Fair Park for the Park & Recreation Department by Resolution No. 18-1531.

On June 9, 2021, by Resolution No. 21-1017, the City Council authorized a first amendment to the Fair Park First management agreement, under which, Fair Park First was authorized to negotiate lease agreements, subject to Park and Recreation Board and City Council approval.

On January 27, 2022 the Park and Recreation Board approved a five-year lease agreement with one five-year renewal option between Fair Park First and the Dallas Convention and Visitors Bureau dba Dallas Sports Commission lease and operate a portion of the ground floor office space of the Natural History Building at Fair Park located at 3535 Grand Avenue in Fair Park.

FISCAL INFORMATION

No cost consideration to the City

COMMITTEE ACTION

The Park and Recreation Board Administration and Finance Committee considered this item on January 13, 2022 and will present a recommendation to the full Park and Recreation Board on January 27, 2022.

This item has been scheduled for City Council approval on February 23, 2022.

STAFF RECOMMENDATION

Staff recommends approval.

OWNER

Dallas Convention and Visitors Bureau dba Dallas Sports Commission

Jill Larsen, Chief Financial Officer

ATTACHMENTS

Dallas Sports Commission Term Sheet



Natural History Building – Dallas Sports Commission Term Sheet

Thursday Sept. 30, 2021

Parties:	Fair Park First ("Lessor") and Dallas Convention and Visitors Bureau dba Dallas Sports Commission ("Lessee")
Nature of the Agreement:	To lease and operate a portion of the ground floor office space located at the premises associated with the Natural History Building at Fair Park, located at 3535 Grand Ave Dallas, TX 75210 . Each Party shall bear its own costs and expenses incurred in connection with the negotiation of the definitive lease agreement lease (subject to the approval of the Dallas Park and Recreation Board and the Dallas City Council), any necessary financing and fundraising, governmental approvals, and the design and approval of Lessee's initial improvements to the Premises, including all attorneys' fees, costs of due diligence, and other professional, design and engineering fees. The Premises will be leased to Lessee in its "as is, where is" condition, without any representations or warranties concerning the condition of the Premises or its mechanical or operating systems.
Duration of the Agreement:	Up to 5 years at Lessee's option, with a 5-year extension at the Lessor's discretion.
Annual Rent:	In lieu of rent, Dallas Sports Commission to facilitate, coordinate or otherwise provide not less than \$100,000 per year in event programming for first two years (from commencement date until Oct 31 2023),

increasing to \$110,000 per year for the next 3 years, and then increasing to \$120,000 per year for the five year extension period. Any funds provided to either Fair Park First or a third-party promoter/entity which effectively bring revenue driving programs or events to Fair Park shall count towards this total. If in any year, contribution towards programs or events does not meet the programming minimum, the deficit shall be added to the following fiscal year.

Upgrades
and
Renovations:

Lessee shall have the ability (subject to requisite approvals for major or exterior improvements) to make all necessary improvements and upgrades to the Facilities in order to create and maintain an experience capable of housing the relevant offices and support activities for the Dallas Sports Commission and staying commercially viable. Once the Dallas Sports Commission achieves the first year of programming funding, Fair Park First shall rebate the Dallas Sports Commission during the first and/or second years of this term up to 50% of capital improvement funds utilizing local matching funding in excess of programming target.

Exclusive
Rights:

The Dallas Sports Commission is granted exclusive rights to occupy and operate an agreed upon portion of Facilities and to co-utilize common spaces within Fair Park, subject to scheduling availability and approval by Fair Park First. As part of its lease, The Dallas Sports Commission shall have the right to 10 parking spaces located in the lot immediately adjacent to the premises, and non-exclusive parking use of other parking spaces on an as needed basis.

Obligations
of the
Lessee:

Lessee is responsible for any and all operating expenses related to their utilization of office space including but not limited to phones, TV, Internet, Security Monitoring, etc. In addition, Dallas Sports Commission shall pay \$1000.00 per month in

ACCEPTED AND AGREED

This 30th day of September, 2021:

Dallas Sports Commission,
a Texas limited liability company

By: Jill Larsen

Name of Signatory: Jill Larsen

Title: Chief Financial Officer

Obligations
of the
Lessor:

utilities to Fair Park First.

Lessor shall keep common areas of Fair Park including the grounds adjacent to the Natural History Building in good condition. Lessor agrees to allow Lessee to have quiet enjoyment of the Facilities, to promote the Dallas Sports Commission on all Fair Park marketing collateral and create an atmosphere within Fair Park that is conducive to business growth. Lessor will make its maintenance and related operational personnel available to Lessee on an "as needed" basis at standard rates.

If the details of this Summary of Lease Terms are agreeable, please execute a copy of this LOI where indicated below and return same to the undersigned by facsimile or email transmission.

This Summary of Lease Terms shall be deemed withdrawn by Lessor if not countersigned by Lessee and returned to Lessor no later than Friday October 29 2021, at 5:00 pm, CDST.

Sincerely,

Spectra,

As agent of behalf of Fair Park First

By: 

Peter Sullivan, its General Manager

FAIR PARK FIRST,

a Texas nonprofit corporation

By: 

Brian Luallen, its CEO

**DALLAS PARK AND RECREATION BOARD
AGENDA SHEET**

DATE: January 27, 2022
COUNCIL DISTRICT(S): 8
STAFF: Christina Turner Noteware, (214) 948-4259

SUBJECT

Authorize a five-year lease between the City and Groco Specialty Coatings, LLC, for approximately 22,930 square feet of office and warehouse space located at 10818 C F Hawn Freeway to be used as a paint manufacturing company, for the period March 4, 2022 through March 3, 2027 — Estimated Revenue: Capital Gifts Donation & Development Fund \$216,000.00

BACKGROUND

This item authorizes a five-year lease between the City (Lessor) and Groco Specialty Coatings, LLC (Lessee) for approximately 22,930 square feet of office and warehouse space located at 10818 C F Hawn Freeway (Premises) (Exhibit A). Lessee is currently leasing the land from the City.

10818 C F Hawn Freeway, along with the adjoining 10770 C F Hawn Freeway parcel, were acquired by the City on December 17, 2019 for the proposed relocation of the Park and Recreation Department Maintenance District 2 Service Center, currently located in Crawford Memorial Park. The City acquired the property subject to a lease agreement with Lessee who is occupying three buildings totaling approximately 22,930 square feet located at the 10770 C F Hawn Freeway parcel at a rental rate of \$3,500 per month. The existing lease term expires March 3, 2022.

Groco is a manufacturer of high-quality waterborne products that meet or exceed all Environmental Protection Agency standards while being Volatile Organic Compound content compliant. Groco manufactures coatings used in the automotive and aerospace industries as well as in commercial, industrial, and residential painting.

The adjacent 10818 C F Hawn Freeway parcel consists of one finished unoccupied building. This building was unoccupied at the time of acquisition by the City.

Before the Service Center can be relocated the Department must develop architectural drawings, plat the land, and perform other preliminary work. Due to budget constraints preparatory work and site modifications are not expected to be completed for several

years. Until the department is ready to make renovations to the leased property it is desirable to continue to have the property occupied by the Lessee.

The special terms and conditions of the new lease shall include the following:

- a) The term of the lease shall be for five years and commence on March 4, 2022.
- b) One year after commencement of the lease (March 4, 2023) the City or the Lessee reserve the right to terminate the lease upon 270 days written notice for convenience, with or without cause. The lease is subject to termination by default of the Lessee for the entire period of the lease.
- c) Rent: Lessee shall pay rent of \$3,600.00 per month for the term of the Lease.
- d) Lessee accepts the Premises in an “As Is, Where Is, With all Faults” condition, subject to all reservations, easements, and matters of record.

Such other terms and requirements of the lease and/or disclaimers as the City deems may be required.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

None.

FISCAL INFORMATION

Revenue: Capital Gifts, Donation and Development Fund \$216,000.00

COMMITTEE ACTION

The Park and Recreation Board Administration and Finance Committee considered this item on January 13, 2022 and will present a recommendation to the full Park and Recreation Board on January 27, 2022

This item will be scheduled for City Council approval by the Department of Sustainable Development’s Real Estate Division on February 9, 2022.

STAFF RECOMMENDATION

Staff recommends approval.

MAP and EXHIBITS

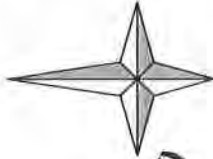
Attached



*C F Hawn Freeway Property
10770 and 10818 C F Hawn Fwy
Exhibit A*

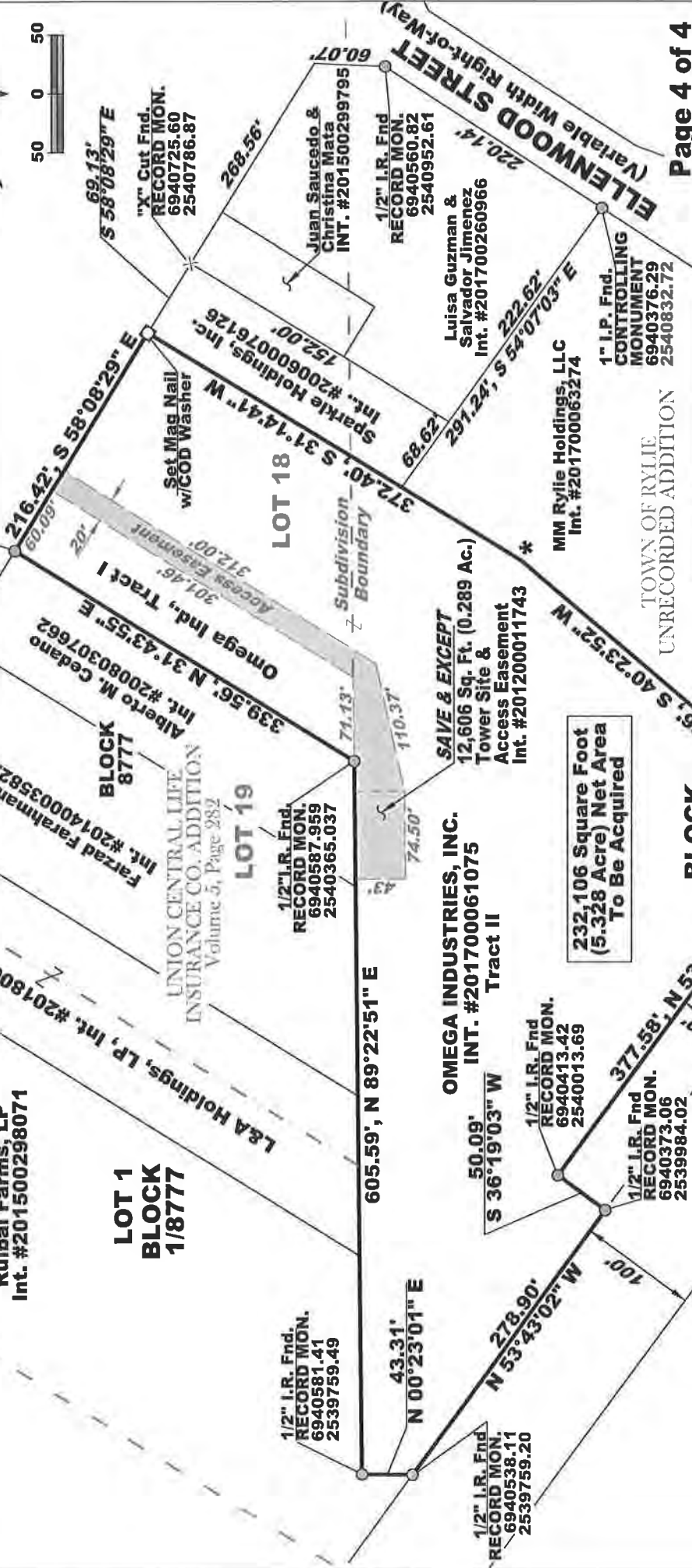


N



**U.S. HIGHWAY 175
(C. F. HAWN FREEWAY)**
(Variable Width Right-of-Way)

1/2" I.R. Fnd.
RECORD MON.
& POINT OF
BEGINNING
6940876.76
2540543.63

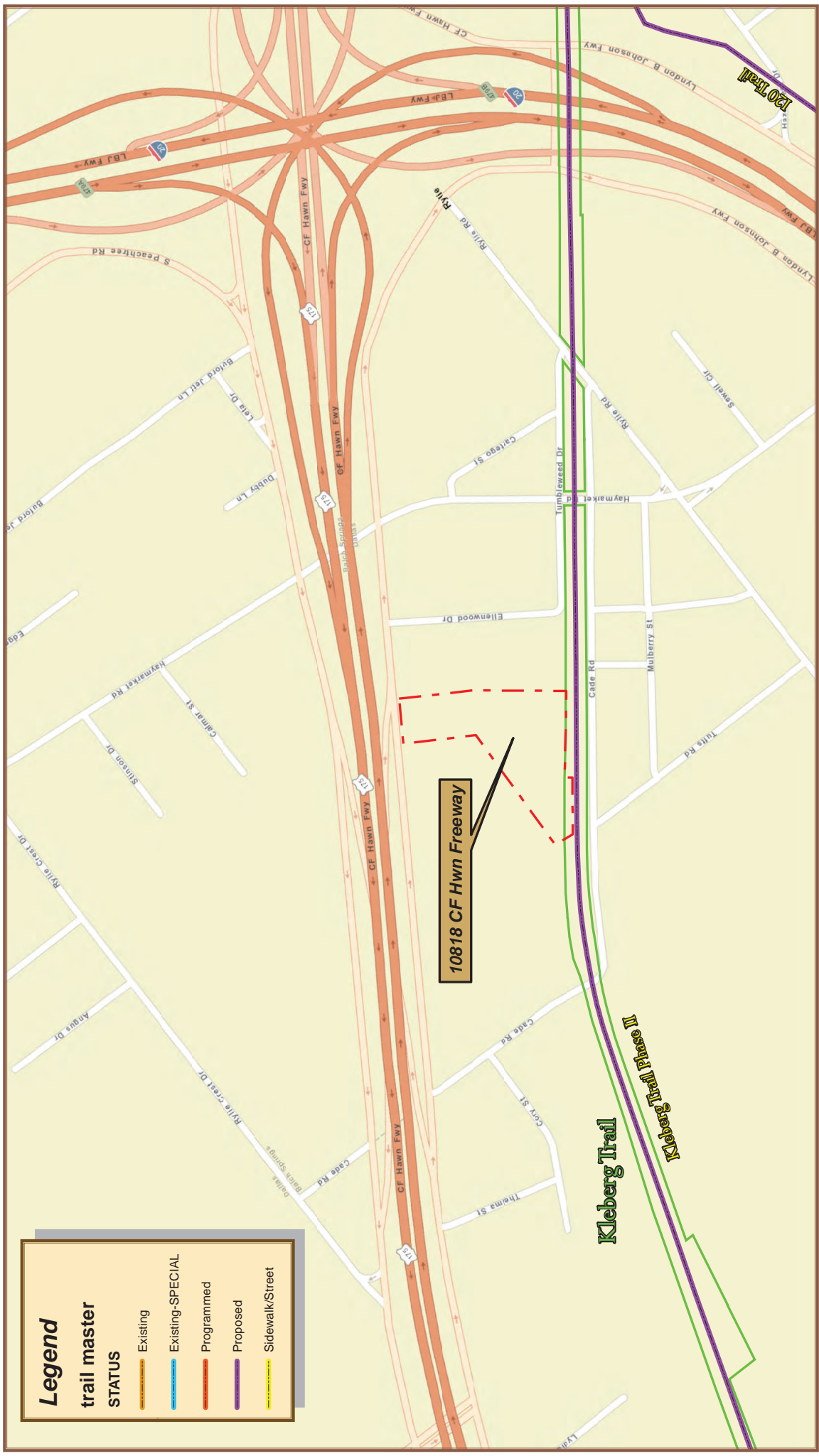


Page 4 of 4

10818 CF HAWN FREEWAY			
Dallas Park & Recreation			
District #2 Maintenance Acquisition			
DEPARTMENT OF PUBLIC WORKS			
SURVEY DIVISION, CITY OF DALLAS, TEXAS			
OPER. NAME	DESIGN FILE NAME	SCALE	DATE
Holt	NI:ENRSURVEY\HOLT\Park Property\Grogan.dgn	AS Noted	11-18-19
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
Peck	Holt	Blocks 8777 & 8775	041D-89

* Indicates Corner Not Monumented.

Bearings and Coordinates are based on the State Plane Coordinate System, Texas North Central Zone 4202, North American Datum of 1983, Realization of 2011. All distances are surface projection, scale factor 1.000136506.



Legend

trail master STATUS

- Existing
- Existing-SPECIAL
- Programmed
- Proposed
- Sidewalk/Street



Maintenance District 2 Service Center Acquisition
 (10818 C F Hawn Freeway)

**DALLAS PARK AND RECREATION BOARD
AGENDA INFORMATION SHEET**

AGENDA DATE: January 27, 2022
COUNCIL DISTRICT(S): 7
STAFF: Trent Williams, (214) 670-1807

SUBJECT

Authorize an increase in the construction services contract with Azteca Enterprises, Inc. for additional scope of work for construction of the Fair Park Coliseum Facility Improvements Project including renovations to the first floor (South) offices, locker room and associated restroom and laundry area as well as provisions for accessibility signage, fire alarm devices, motor sheaves and other miscellaneous work, located at 1438 Coliseum Drive in Fair Park - Not to exceed \$600,635.21, from \$11,340,199.99 to \$11,940,835.20 – Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)

BACKGROUND

The original scope of work consisted of renovation to the Fair Park Coliseum, constructed in 1958. The work included improvements to the mechanical, electrical distribution and lighting systems. The work also included a new fire alarm system, replacement of all the seating in the Arena as well as improvements to the interior ramps and site paving for compliance with the Americans with Disabilities Act.

ESTIMATED SCHEDULE OF PROJECT

Began Construction April 2020
Complete Construction July 2022

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 21, 2019, the Park and Recreation Board authorized a contract with Azteca Enterprises, Inc., best value proposer of three, for the construction of the Fair Park Coliseum Facility Improvements Project, located at 1438 Coliseum Drive in Fair Park, in an amount not to exceed \$10,042,531.00.

On February 26, 2020, City Council authorized a contract with Azteca Enterprises, Inc., for the construction of the Fair Park Coliseum Facility Improvements Project, located at 1438 Coliseum Drive in Fair Park, in an amount not to exceed \$10,042,531.00, by Resolution No. 20-0370.

On January 14, 2021, the Park and Recreation Board authorized Change Order No. 3 to the construction services contract with Azteca Enterprises, Inc. for additional scope of

Authorize an increase in the construction services contract with Azteca Enterprises, Inc. for additional scope of work for construction of the Fair Park Coliseum Facility Improvements Project including renovations to the first floor (South) offices, locker room and associated restroom and laundry area as well as provisions for accessibility signage, fire alarm devices, motor sheaves and other miscellaneous work, located at 1438 Coliseum Drive in Fair Park - Not to exceed \$600,635.21, from \$11,340,199.99 to \$11,940,835.20 – Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)-Page 1

work for the Fair Park Coliseum Facility Improvements Project located at 1438 Coliseum Drive in an amount not to exceed \$851,357.27, increasing the contract amount from \$10,138,840.87 to \$10,990,198.14.

On January 27, 2021, City Council authorized Change Order No. 3 to the construction services contract with Azteca Enterprises, Inc. for additional scope of work for the Fair Park Coliseum Facility Improvements Project located at 1438 Coliseum Drive in an amount not to exceed \$851,357.27, increasing the contract amount from \$10,138,840.87 to \$10,990,198.14.

On May 20, 2021, the Park and Recreation Board authorized Change Order No. 7 to the construction services contract with Azteca Enterprises, Inc. for additional scope of work for the Fair Park Coliseum Facility Improvements Project located at 1438 Coliseum Drive in an amount not to exceed \$185,038.47, increasing the contract amount from \$11,139,193.77 to \$11,324,232.24

On June 9, 2021, City Council authorized Change Order No. 7 to the construction services contract with Azteca Enterprises, Inc. for additional scope of work for the Fair Park Coliseum Facility Improvements Project located at 1438 Coliseum Drive in an amount not to exceed \$185,038.47, increasing the contract amount from \$11,139,193.77 to \$11,324,232.24

FISCAL INFORMATION

Fair Park Improvements (C) Fund (2017 Bond Funds) - \$600,635.21

Original Construction Contract	\$10,042,531.00
Administrative Change Order No. 1	\$ 46,581.77
Administrative Change Order No. 2	\$ 49,728.10
Change Order #3	\$ 851,357.27
Administrative Change Order No. 4	\$ 49,481.08
Administrative Change Order No. 5	\$ 49,660.32
Administrative Change Order No. 6	\$ 46,854.23
Change Order #7	\$ 185,038.47
Administrative Change Order No. 8	\$ 15,967.75
Change Order #9 (this action)	<u>\$ 600,635.21</u>
Total not to exceed	\$11,940,835.20

Authorize an increase in the construction services contract with Azteca Enterprises, Inc. for additional scope of work for construction of the Fair Park Coliseum Facility Improvements Project including renovations to the first floor (South) offices, locker room and associated restroom and laundry area as well as provisions for accessibility signage, fire alarm devices, motor sheaves and other miscellaneous work, located at 1438 Coliseum Drive in Fair Park - Not to exceed \$600,635.21, from \$11,340,199.99 to \$11,940,835.20 – Financing: Fair Park Improvements (C) Fund (2017 Bond Funds)-Page 1

M/WBE INFORMATION

In accordance with the City's Business Inclusion and Development Plan adopted on October 22, 2008, by Resolution No. 08-2826, as amended, the M/WBE participation on this contract is as follows:

Contract Amount	Category	M/WBE Goal	M/WBE %	M/WBE \$
\$600,635.21	Construction	32.00%	48.15%	\$289,222.01
<ul style="list-style-type: none">• This contract exceeds the M/WBE goal.• Change Order No. 9 – 67.47% Overall M/WBE participation.				

OWNER

Azteca Enterprises, Inc..

Luis Spinola, President/CEO

COMMITTEE ACTION

The Park and Recreation Board - Planning and Design Committee will meet on January 27, 2022. This item will be considered by the full Park Board on the same day.

This item will be scheduled for City Council approval on February 9, 2022.

STAFF RECOMMENDATION

Staff recommends approval.

MAP

Attached

BID AGENDA APPROVAL COVER SHEET FOR CHANGE ORDERS AND SUPPLEMENTAL AGREEMENTS

Project Meets BID Requirements	Total M/WBE	48.15%
---	--------------------	---------------

Prime:	Azteca Enterprises	Agenda Date:	2/9/2022
Project:	Fair Park Coliseum CO 9		
Total Local:	\$486,716.21	Total Non-Local:	\$113,919.00

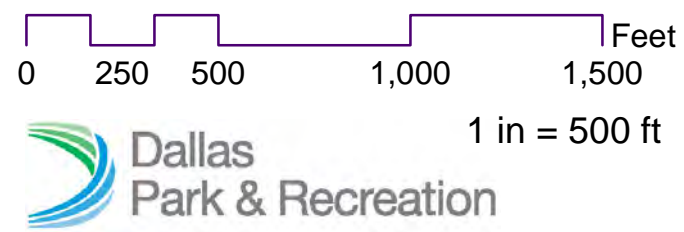
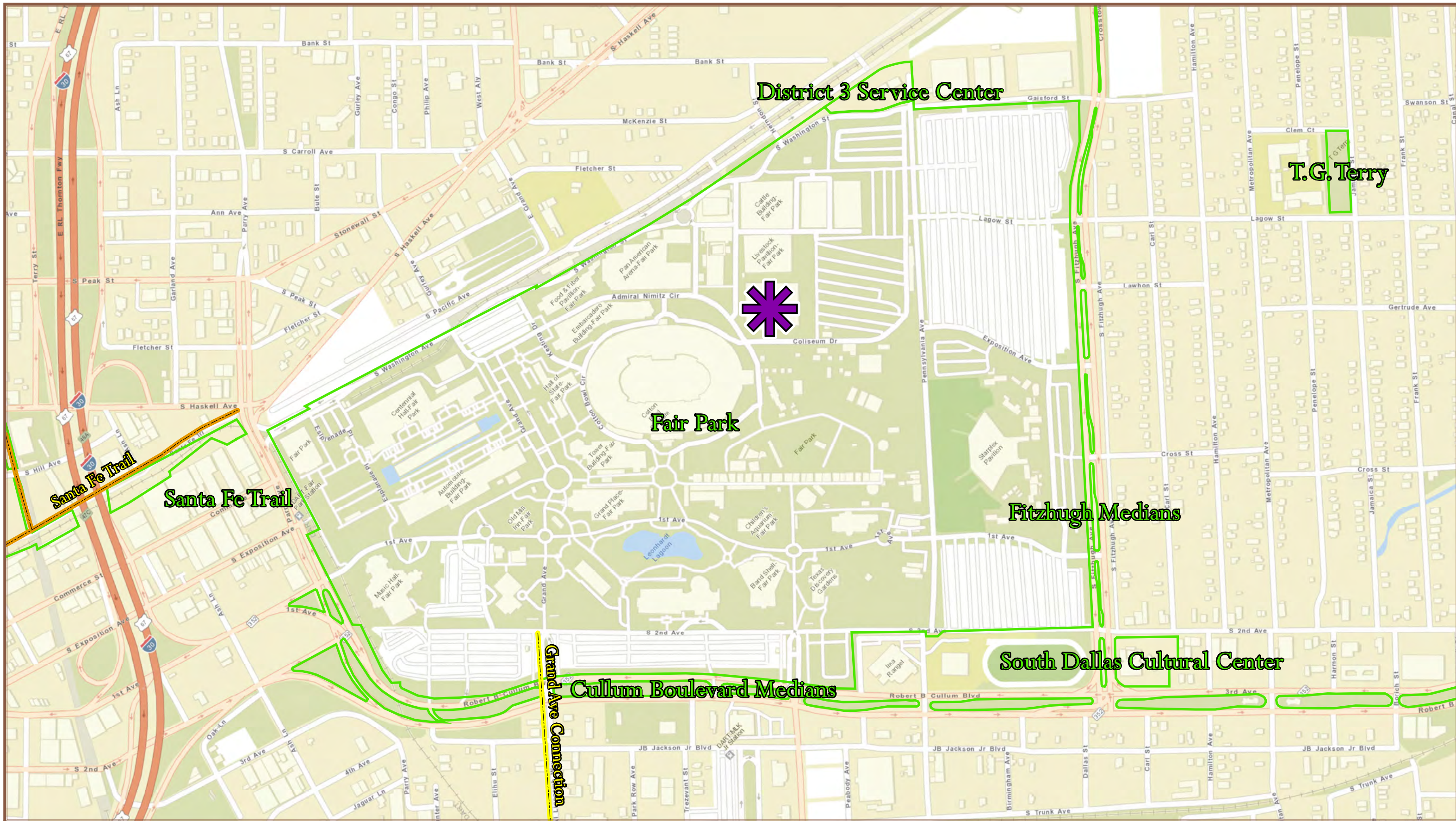
Sub Vendor #	Vendor Name	Cert. #	Dollar Amount	Percent
	Kahn		\$22,056.00	3.6721%
	Azteca Enterprises		\$160,537.01	26.7279%
				0.0000%
				0.0000%
				0.0000%
				0.0000%
				0.0000%
Total M/WBE			\$182,593.01	30.4000%
Non-M/WBE			\$304,123.20	50.6336%
Total Local			\$486,716.21	81.0336%

Sub Vendor #	Vendor Name	Cert. #	Dollar Amount	Percent
	madden		\$106,629.00	17.7527%
				0.0000%
				0.0000%
Total M/WBE			\$106,629.00	17.7527%
Non-M/WBE			\$7,290.00	1.2137%
Total Non-Local			\$113,919.00	18.9664%

Total Action			\$600,635.21 100.0000%
Total Contract (includi	\$11,940,835		

BID AGENDA APPROVAL COVER SHEET FOR CHANGE ORDERS AND SUPPLEMENTAL AGREEMENTS

TOTAL M/WBE PARTIC	This Action		Participation to Date	
	\$	%	\$	%
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic	\$160,537.01	26.73%	\$604.00	0.01%
Asian American	\$0.00	0.00%	\$6,014,442.76	50.37%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$128,685.00	21.42%	\$1,842,821.95	15.43%
Total	\$289,222.01	48.15%	\$7,857,868.71	65.81%



Fair Park Coliseum
 (1438 Coliseum Drive)

**DALLAS PARK AND RECREATION BOARD
AGENDA INFORMATION SHEET**

AGENDA DATE: January 27, 2022
COUNCIL DISTRICT: 14
STAFF: Christina Turner Noteware, (214) 948-4259

SUBJECT

Authorize **(1)** the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; **(2)** a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee's intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and **(3)** a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund ~~\$1,656,000~~ \$565,402.00

BACKGROUND

This item authorizes (1) the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street, improved with one commercial building (Exhibit A) (Premises), to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; (2) a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Comp (Lessee's intended successor in interest) with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and (3) a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland with Lessee or 1520 Main, LLC as successor in interest, for the management and maintenance of an existing second and third floor balcony and an existing ground level patio area (Exhibit B). The licensed area shall be improved by the Licensee, at its sole cost, with park enhancements to include but not limited to: planters, seating, landscaping, and graffiti abatement.

Authorize (1) the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; (2) a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee's intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and (3) a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund \$565,402.00 – page 2

The City acquired Pegasus Plaza in 1992. The sale to the City restricted the use, by deed restriction, to a public plaza and related uses. In order to develop and activate the plaza the City then desired to enter into a lease agreement with the adjacent landowner (Main Street Investors Joint Venture, located at 1520 Main St) whereby Main Street Investors Joint Venture as Lessee would develop approximately 3,280 square feet of the plaza (Premises) to construct, maintain, and operate a well-designed indoor/outdoor sidewalk café, restaurant, roof-top gardens, and vending spaces in addition to stair and elevator access between Pegasus Plaza and Lessee's adjacent property. On December 3, 2002 the previous owner of the Pegasus Plaza property executed a partial release of the plaza deed restriction to allow the City to lease the Premises to Main Street Investors Joint Venture as Lessee for the purposes stated above. The City entered into a forty-year lease agreement with Main Street Investors Joint Venture on January 2, 2003.

Lessee now desires to sell its property located at 1520 Main Street to 1520 Main, LLC. Upon acquisition of 1520 Main Street, 1520 Main, LLC desires to enter into a forty-year lease with the City, under similar terms to the existing lease, of the approximately 3,280 square feet of City land currently being leased by Main Street Investors Joint Venture. The lease area is improved with a three-story building, elevator, restaurant, and basement which is connected to structurally and functionally the same with the building on Lessee's adjacent property. ~~The current rental rate is \$1,177.92 per month.~~

Effective upon Main Street Investors Joint Venture's (Lessee) sale of its adjacent property located at 1520 Main St to 1520 Main, LLC, the Lease between the City and Lessee shall terminate and be replaced with a new forty-year Lease with four ten-year renewal options between the City and 1520 Main, LLC.

The special terms and conditions of the new lease shall include the following:

- a) The term of the lease shall be for forty years and commence on the date of closing of Lessee's sale of the adjacent property, located at 1520 Main Street, to 1520 Main, LLC. The parties shall execute a term agreement to evidence the forty-year term.
- b) The lease shall include four ten-year renewal options, with each option subject to Park Board and City Council approval.
- c) Rent:
 - (i) Commencing on the closing date and continuing to June 1, 2043, Lessee shall pay rents pursuant to the rental rates set forth in the original lease between the City and Main Street Investors Joint Venture: The initial base rental payment shall be ~~\$3,450.00~~ \$1,177.92 per month, ~~the current fair market value,~~ beginning upon the commencement date and ending on the two (2) year

Authorize (1) the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; (2) a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee's intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and (3) a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund \$565,402.00 – page 3

anniversary of the commencement date, with adjustments on each two (2) year anniversary of the commencement date to June 1, 2043, to reflect the increases in the Consumer Price Index. The base monthly rent shall never adjust to an amount less than ~~\$3,450.00~~ \$1,177.92 per month.

- (ii) Effective June 1, 2043 through the expiration of the lease, Lessee shall pay rental rates equivalent to market rates, or as mutually negotiated by the parties. The rental rate of each ten-year renewal option shall be equivalent to market rate or as mutually negotiated by the parties.
- d) Lessee shall make leasehold improvements on the Premises of not less than \$100,000, to be completed no later than December 31, 2024. Prior to commencement of construction, Lessee shall submit the leasehold improvements to the Park and Recreation Department Director for approval.
- e) Lessee accepts the Premises in an "As Is, Where Is, With all Faults" condition, subject to all reservations, easements, and matters of record including but not limited to existing Dallas Area Rapid Transit's easements and temporary construction easement.
- f) Such other terms and requirements of the lease and/or disclaimers as the City deems may be required to update.

In researching the lease of the Premises, staff discovered several encroachments by Main Street Investors Joint Venture, the current Lessee, onto the adjacent Pegasus Plaza. Specifically, a portion of Lessee's leasehold improvements, namely a patio area and steps were constructed outside the lease area. Additionally, at the patio area a small section of the second and third floor balconies hang over the lease boundary by approximately six feet. Lastly, approximately seven inches of the area of the building containing the elevator is outside the lease area into the plaza. As a cure to the above encroachments the Lessee, and/or its successors and assigns from the intended sale, shall enter into a twenty-year agreement with one five-year renewal option, which option shall be subject to Park Board approval, for the continued management, maintenance, and operations of the developed areas outside the current lease. 1520 Main, LLC, as the prospective buyer of Lessee's adjacent property, also desires to enter into a license agreement for the encroached area adjacent to the lease area of approximately 1,818 square feet of land. Failure to enter into the License Agreement shall be deemed and constitute a default under the Lease Agreement.

Authorize (1) the termination of lease between the City and Main Street Investors Joint Venture (Lessee), of approximately 3,280 square feet of land located at 1516 and 1518 Main Street (Premises), improved with one commercial building, to be effective upon Lessee's sale of its adjacent property located at 1520 Main Street; (2) a forty-year lease between the City and 1520 Main, LLC, a subsidiary of Headington Companies (Lessee's intended successor in interest), with four ten-year renewal options, with each option subject to Park Board and City Council approval, with the lease to be effective only upon Lessee's sale of its adjacent property located at 1520 Main Street to 1520 Main, LLC; and (3) a twenty-year operation and maintenance agreement with one five-year renewal option, subject to Park Board approval, of approximately 1,818 square feet of parkland, with Lessee and/or its successors and assigns for the operation and maintenance of an existing second and third floor balcony and an existing ground level patio area, – Estimated Net Revenue: Capital Gifts Donation & Development Fund \$565,402.00 – page 4

The special terms and conditions of the License Agreement shall include the following:

- a) The licensed area shall consist of approximately 1,818 square feet of City's adjacent Pegasus Plaza property currently encroached upon by a portion of Lessee's leasehold improvements, (the "encroached area"), being more fully described in Exhibit "B", attached herein and made a part of hereof for all purposes.
- b) The License Agreement shall be for a term of twenty-years, plus one five-year renewal option period subject to Park Board approval.
- c) During the term of the License Agreement, Licensee shall, at its sole cost, provide enhanced improvements, including planters, seating, landscaping, and graffiti abatement ("Enhanced Improvements") on the encroached area.
- d) Licensee is subject to DART's easements and temporary construction easement.
- e) Such other terms and requirements of the license and/or disclaimers as the City deems necessary, convenient, or appropriate.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 20, 2002, City Council authorized a forty-year Lease Agreement by Resolution 02-3348.

FISCAL INFORMATION

Revenue: Capital Gifts, Donation and Development Fund ~~\$1,656,000.00~~ \$565,401.60

COMMITTEE ACTION

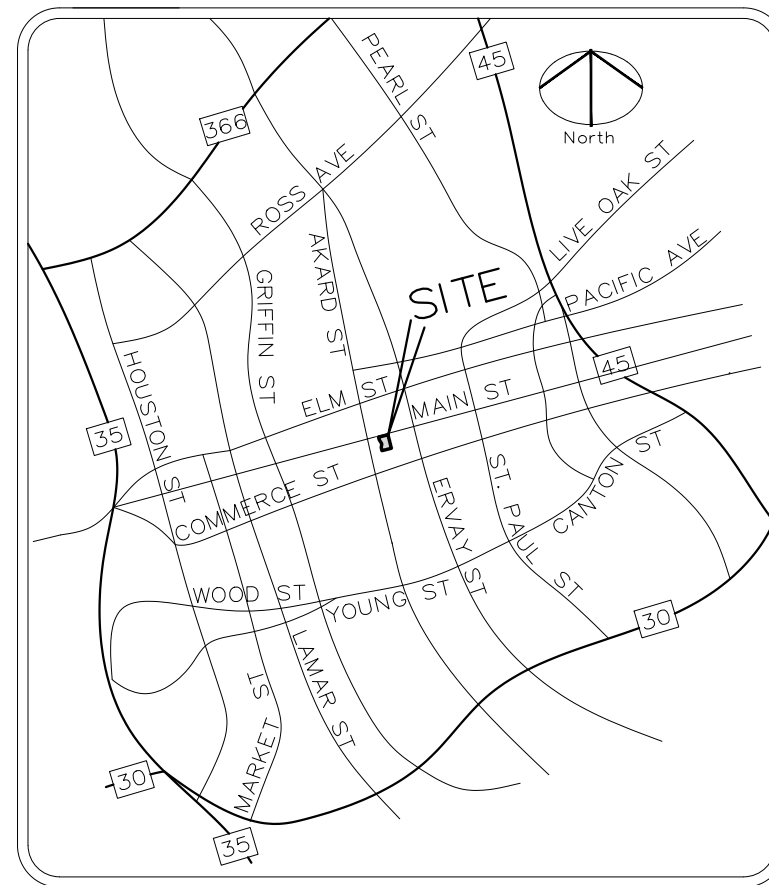
The Park and Recreation Board Administration and Finance Committee considered this item on January 13, 2022 and recommended that it be considered at full board. The Park Board deferred this item to January 27th for additional consideration of the item.

STAFF RECOMMENDATION

Staff recommends approval.

MAP and EXHIBITS

Attached



VICINITY MAP

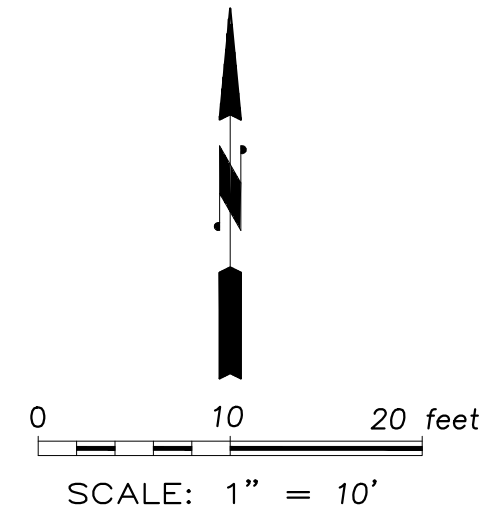


Exhibit A



PROPERTY DESCRIPTION

TRACT 1
 BEING a 0.078 acre (3,406 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County Texas and being all of the land conveyed to Main Street Investors JV by deed recorded in Volume 2002010, Page 12087 Deed Records, Dallas County, Texas (D.R.D.C.T.), some being part of Lot 10, Block 122/77 of Smith, Murphy and Martin Addition, an addition to the City of Dallas according to the plat recorded in Volume 143, Page 403 D.R.D.C.T. and being more particularly described as follows:

BEGINNING at a corner in a building in the southeasterly line of Main Street (a 79.5 foot public right-of-way), said corner being in the northwesterly line of said Lot 10 and also being North 76°00'00" East a distance of 68.94 feet from the west corner of Lot 11, Block 122/77 of said Smith, Murphy and Martin Addition;

THENCE North 76°00'00" East, along said southeasterly line of Main Street for a distance of 34.06 feet to a corner in a building, said corner being in a southwesterly line of Lot 4A, Block 77 of Joule, an addition to the City of Dallas according to the plat recorded in Instrument No. 201500042887 Official Public Records, Dallas County, Texas, said corner also being South 14°00'00" East a distance of 1.00 foot from a 1 inch brass monument stamped "RLG INC" found for said Lot 4A most northerly west corner;

THENCE South 14°00'00" East, along said southwesterly line of Lot 4A for a distance of 100.00 feet to a corner in a building, said corner being an inner-el corner of said Lot 14 and the east corner of aforementioned Lot 10;

THENCE South 76°00'00" West, along a northeasterly line of said Lot 4A for a distance of 34.06 feet to a corner;

THENCE North 14°00'00" West, departing said northeasterly line of Lot 4A and traveling over and across aforementioned Lot 10 for a distance of 100.00 feet to the **POINT OF BEGINNING** and containing 0.078 acres, or 3,406 square feet of land, more or less.

TRACT 2 - LEASEHOLD TRACT
 BEING a 0.075 acre (3,280 square foot) tract of land situated in the John Grigsby Survey, Abstract No. 495, Dallas County Texas and being a portion of the land conveyed to City of Dallas by deed recorded in Volume 93005, Page 442 Deed Records, Dallas County, Texas (D.R.D.C.T.), some being part of Lots 10 and 11, Block 122/77 of Smith, Murphy and Martin Addition, an addition to the City of Dallas according to the plat recorded in Volume 143, Page 403 D.R.D.C.T. and being more particularly described as follows:

BEGINNING at an "x" cut in concrete set for corner in the southeasterly line of Main Street (a 79.5 foot public right-of-way), said "x" being in the northwesterly line of said Lot 11 and also being North 76°00'00" East a distance of 32.94 feet from its west corner;

THENCE North 76°00'00" East, along said southeasterly line of Main Street, passing the north corner of said Lot 11 and the west corner of aforementioned Lot 10 to a distance of 18.56 feet, traveling a total distance of 36.00 feet to a corner in a building;

THENCE South 14°00'00" East, traveling over and across said Lot 10 for a distance of 100.00 feet to a corner in a northwesterly line of Lot 4A, Block 77 of Joule, an addition to the City of Dallas according to the plat recorded in Instrument No. 201500042887 Official Public Records, Dallas County, Texas;

THENCE South 76°00'00" West, along said northwesterly line of Lot 4A, passing a west corner of said Lot 4A and the north corner of the remainder of Lot 18 of aforementioned Smith, Murphy and Martin Addition at a distance of 35.44 feet, traveling a total distance of 36.00 feet to an "x" cut in concrete set for corner;

THENCE North 14°00'00" West, departing the northwesterly line of said Lot 18 and traveling over and across aforementioned Lot 11 for a distance of 23.00 feet to a 1/2 inch iron rod with orange plastic cap stamped "P&C 100871" set for corner;

THENCE North 10°26'38" East for a distance of 24.17 feet to an "x" cut in concrete set for corner;

THENCE North 14°00'00" West for a distance of 7.00 feet to an "x" cut in concrete set for corner;

THENCE North 33°39'14" West for a distance of 29.73 feet to an "x" cut in concrete set for corner;

THENCE North 14°00'00" West 20.00 feet to the **POINT OF BEGINNING** and containing 0.075 acres, or 3,280 square feet of land, more or less.

- LEGEND**
- cleanout
 - column w/ light pole
 - edge of asphalt
 - electric vault
 - gas meter
 - gas valve
 - light standard
 - manhole
 - parking meter
 - property corner
 - sign
 - sprinkler valve
 - trash can
 - water meter
 - water vault
 - building overhang
 - guardrail/handrill
 - wall
 - wood fence
 - brick
 - concrete

NOTES:

brass man = 1" brass monument stamped "RLG INC" found for corner

cirs = 1/2" iron rod with orange plastic cap stamped "P&C 100871" set for corner

"x" set = "x" cut in concrete set for corner

Survey completed without benefit of title commitment.

No portion of the subject property lies within any area of 100-year flood according to FEMA's Flood Insurance Rate Map No. 48113C03454, dated August 23, 2001. Property is in Zone X, unshaded.

Utility information is based upon field measurements. Field data is limited to that which is visible and can be measured. This does not preclude the existence of other underground items.

BASIS OF BEARINGS:

Bearings are based on the Special Warranty Deed to Main Street Investors Joint Venture recorded in Volume 789, Page 381 Deed Records, Dallas County, Texas.

SURVEYOR'S CERTIFICATION

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS. The field work was completed on April 24, 2021.

Date of Plat or Map: June 15, 2021

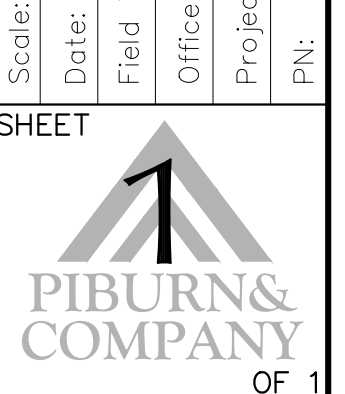
PRELIMINARY, FOR REVIEW ONLY

John R. Piburn, Jr., R.P.L.S.
 Registration No. 3689

ALTA/NSPS Land Title Survey
 1518 & 1520 Main Street
 City of Dallas
 Dallas County, Texas

Scale: 1" = 10'
 Date: June 15, 2021
 Field Tech: C.S.
 Office Tech: M.P.
 Project Manager: Hersey
 PN: 21015

Piburn & Company, LLC
 801 East Campbell Road, Suite 575
 Richardson, Texas 75081
 Ph: 214.328.3512 Fax: 214.328.3512
 www.piburncompany.com email@piburncompany.com
 Surveying Firm #100871-00 Engineering Firm #12324



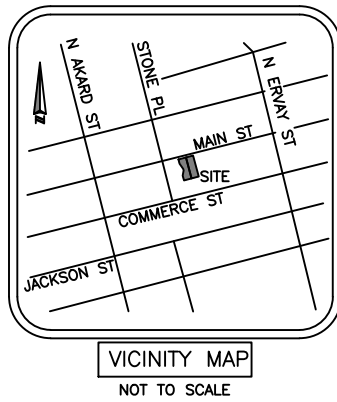
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 Plot Scale: 1" = 10'
 Plot Size: 11.00 x 17.00

Copyright 2021 Piburn & Company, LLC. All Rights Reserved. This drawing is the property of Piburn & Company, LLC. Any modification or use of this drawing without the express written authorization of Piburn & Company, LLC is prohibited. This drawing is only valid with a wet ink signature.

Exhibit B

- FOUND MONUMENT AS NOTED
- ◆ COMPUTED POINT
- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- NOT TO SCALE
- ⊗ WATER VALVE
- ⊙ GAS METER
- ⊕ WATER METER
- ⊖ GRATED INLET
- ⊗ FIRE HYDRANT
- ⊕ STORM WATER
- ⊙ LIGHT
- ⊖ HANDICAP PARKING
- ⊕ MANHOLE
- ⊗ UTILITY VAULT
- ⊙ CLEANOUT
- N/F NOW OR FORMERLY
- (M) MEASURED/CALCULATED DIMENSION
- (R) RECORD DIMENSION
- B.H.L.x BUILDING HEIGHT LOCATION
- L/A LANDSCAPED AREA
- R/W RIGHT-OF-WAY LINE
- C/L CENTERLINE OF ROAD

LEGEND



PROPOSED LICENSE AREA

BEGINNING AT A POINT IN THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF MAIN STREET (80' RIGHT OF WAY) BEING LOCATED NORTH 76 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 108.45 FEET FROM ITS INTERSECTION WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AKARD STREET (100' RIGHT-OF-WAY);

THENCE ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAIN STREET, NORTH 76 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 15.00 FEET;

THENCE DEPARTING THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAIN STREET, SOUTH 14 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 20.00 FEET;

THENCE SOUTH 33 DEGREES 39 MINUTES 14 SECONDS EAST, A DISTANCE OF 29.73 FEET;

THENCE SOUTH 14 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 7.00 FEET;

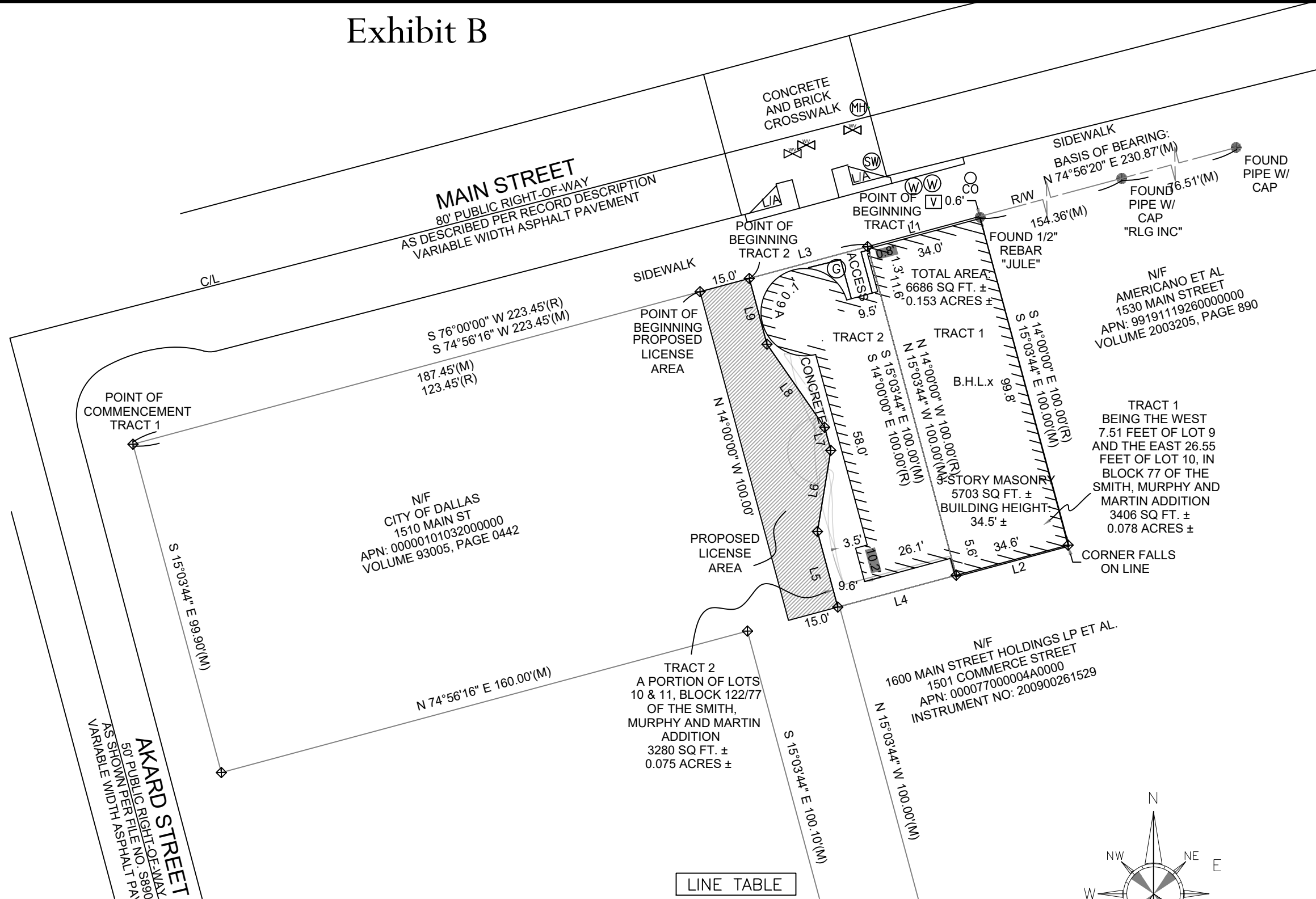
THENCE SOUTH 10 DEGREES 26 MINUTES 38 SECONDS WEST, A DISTANCE OF 24.17 FEET;

THENCE SOUTH 14 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 23.00 FEET;

THENCE SOUTH 14 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 15.00 FEET;

THENCE NORTH 14 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 100.00 FEET TO THE POINT OF THE BEGINNING;

CONTAINING WITHIN THESE METES AND BOUNDS 0.0417 ACRES OR 1,818 SQUARE FEET OF LAND MORE OR LESS.



1 PROPOSED LICENSE AREA
1/32" = 1'-0"

LINE	BEARING	DISTANCE
L1(M)	N 74°56'16" E	34.06'
L2(M)	S 74°56'16" W	34.06'
L3(M)	N 74°56'16" E	36.00'
L4(M)	S 74°56'16" W	36.00'
L5(M)	N 15°03'44" W	23.00'
L6(M)	N 09°22'54" E	24.17'
L7(M)	N 15°03'44" W	7.00'
L8(M)	N 34°42'58" W	29.73'
L9(M)	N 15°03'44" W	20.00'
L10(M)	S 74°56'16" W	28.00'

LINE	BEARING	DISTANCE
L1(R)	N 76°00'00" E	34.06'
L2(R)	S 76°00'00" W	34.06'
L3(R)	N 76°00'00" E	36.00'
L4(M)	S 76°00'00" W	36.00'
L5(R)	N 14°00'00" W	23.00'
L6(R)	N 10°26'38" E	24.17'
L7(R)	N 14°00'00" W	7.00'
L8(R)	N 33°39'14" W	29.73'
L9(R)	N 14°00'00" W	20.00'
L10(R)	N/A	N/A

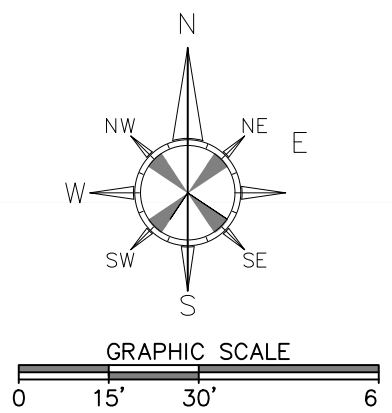


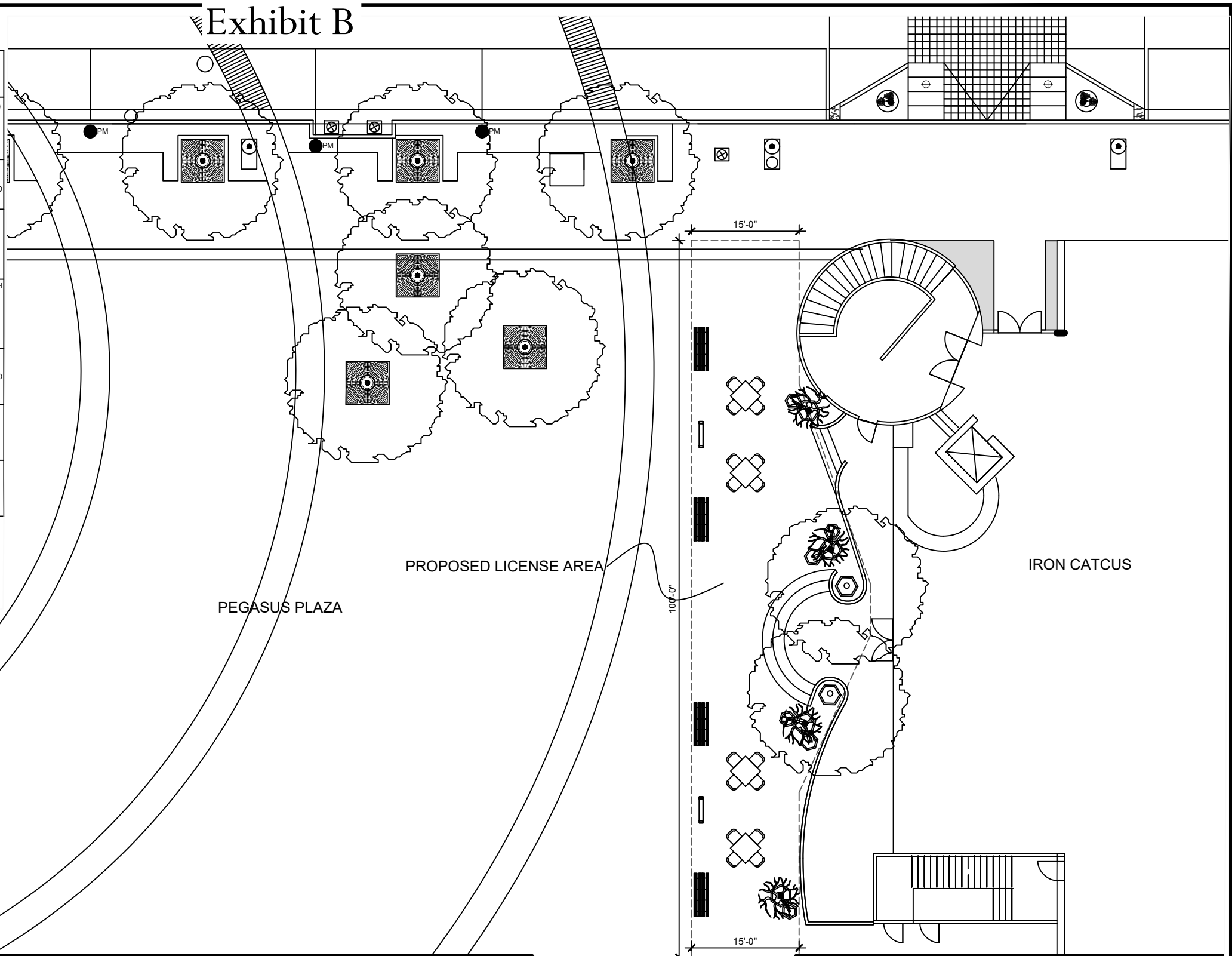
Exhibit B

LANDSCAPING/HARDSCAPING KEY

KEY	SYMBOL	DESCRIPTION	FINISH	COLOR	COMMENTS
1		REMOVABLE TREE GRATE W/ CONCRETE TOP SLAB		GREY	PRODUCT: IRONSMITH TWO PIECE PAVER GRATE W/(2) LIGHTWELLS. PRODUCT #: 7220-8K, CONTACT: BILL EVANS (760)776-5077. CONTRACTOR SHALL REQUEST 30" TREE OPENING FROM MFG. FORM CONCRETE TOPPING SLAB FLATWORK PER MFG. INSTRUCTIONS, TYP.
2		OUTDOOR CAFE TABLE	POWDERCOAT	DARK BRONZE	(X4) KNOLL 1966 ARMLESS CHAIR, (X1) KNOLL 1966 DINING TABLE. FINISH DARK BRONZE. OUTDOOR RATED
3		BIKE RACK	WEATHERED STEEL	NATURAL	(X1) CAPITOL BIKE RACK BY FORMS & SURFACES. BOLT TO CONCRETE PAD PER MFG. INSTRUCTIONS. SET ON 4" THICK, 30" X 72" LITHOCRETE PAD TO MATCH HARDSCAPE NOTE #1.
4		PLANTER POT		GRAPHITE / CHARCOAL OR OTHER DARK GRAY	HEXAGONAL PLANTER. DAISY-CHAIN DRAINS THROUGH PLANTER POT CLUSTERS. POT BY OWNER. PLANTER POT PROCUREMENT BY OWNER. PLANTER POT W/ IRRIGATION & PLANTING SHALL BE INSTALLED BY LANDSCAPE CONTRACTOR. SIZES: (X2) 45" TALL X 28" WIDE, (X6) 38" TALL X 38" WIDE, (X7) 27" TALL X 27" WIDE, (X4) 18" TALL X 30" WIDE.
5		BENCH	TEAK		6' TEAK BENCH W/ STEEL SUPPORTS. FINISH: CLEAR-COAT WEATHERPROOF SEALER, TYP. REFER TO DETAILS.
6		FORTUNE'S OSMANTHUS <i>Osmanthus spp. 'Fortune'</i>			B&B, NURSERY GROWN, MATCHED, FULL AND WELL ROOTED, WELL BRANCHED.
7		ALLEE ELM <i>Ulmus parvifolia 'Emer II'</i>			NURSERY GROWN, MATCHED, FULL AND WELL ROOTED, WELL BRANCHED, STRONG CENTRAL LEADER.

NOTES:

- ALL LANDSCAPING AND HARDSCAPING TO CARRY OVER DESIGN FROM 'EYEPARK' AND 1615 MAIN.
- ALL IMPROVEMENTS ARE TO BE DONE INSIDE OF PROPOSED LICENSE AREA.
- ALL SEATING AND IMPROVEMENTS ARE FOR GENERAL PUBLIC USE.
- IMPROVEMENTS WILL BE INSTALLED AND MAINTAINED BY OWNER OF 1520 MAIN.



1

PROPOSED LICENSE AREA IMPROVEMENTS

1/16" = 1'-0"

LANDSCAPING/HARDSCAPING KEY








KEY	SYMBOL	DESCRIPTION	FINISH	COLOR	COMMENTS
1		REMOVABLE TREE GRATE W/ CONCRETE TOP SLAB		GREY	PRODUCT: IRONSMITH TWO PIECE PAVER GRATE W/(2) LIGHTWELLS. PRODUCT #: 7220-8K, CONTACT: BILL EVANS (760)776-5077. CONTRACTOR SHALL REQUEST 30" TREE OPENING FROM MFG. FORM CONCRETE TOPPING SLAB FLATWORK PER MFG. INSTRUCTIONS, TYP.
2		OUTDOOR CAFE TABLE	POWDERCOAT	DARK BRONZE	(X4) KNOLL 1966 ARMLESS CHAIR, (X1) KNOLL 1966 DINING TABLE. FINISH DARK BRONZE. OUTDOOR RATED
3		BIKE RACK	WEATHERED STEEL	NATURAL	(X1) CAPITOL BIKE RACK BY FORMS & SURFACES. BOLT TO CONCRETE PAD PER MFG. INSTRUCTIONS. SET ON 4" THICK, 30" X 72" LITHOCRETE PAD TO MATCH HARDSCAPE NOTE #1.
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5		BENCH	TEAK		6' TEAK BENCH W/ STEEL SUPPORTS. FINISH: CLEAR-COAT WEATHERPROOF SEALER, TYP. REFER TO DETAILS.
6		FORTUNE'S OSMANTHUS <i>Osmanthus</i> spp. 'Fortune'			B&B, NURSERY GROWN, MATCHED, FULL AND WELL ROOTED, WELL BRANCHED,
7		ALLEE ELM <i>Ulmus parvifolia</i> 'Emer II'			NURSERY GROWN, MATCHED, FULL AND WELL ROOTED, WELL BRANCHED, STRONG CENTRAL LEADER,

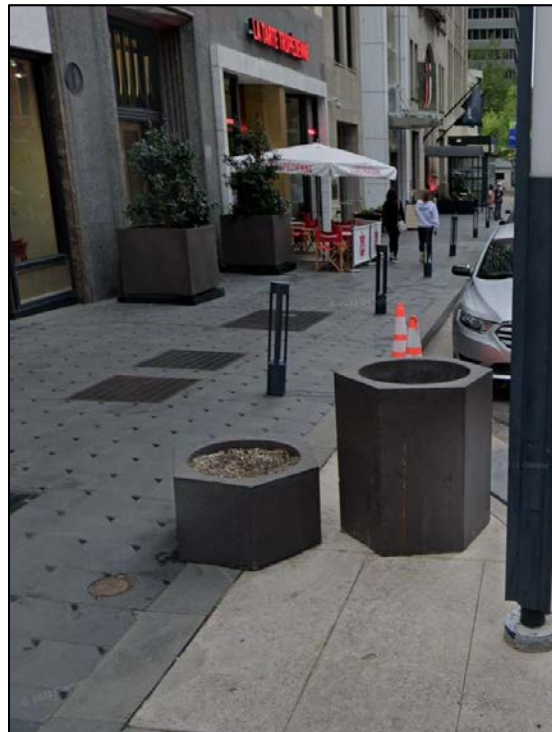
Exhibit B



2 OUTDOOR CAFE TABLE



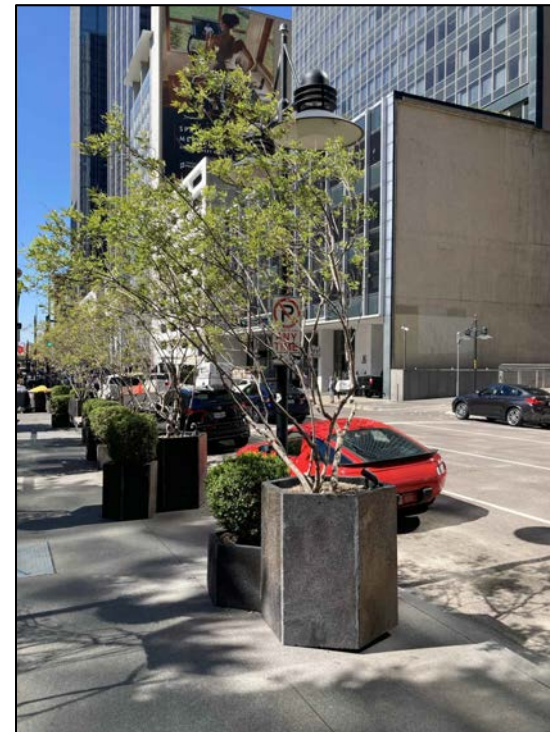
3 BIKE RACK



4 PLANTER POT



5 BENCH



6 FORTUNE'S OSMANTHUS



7 ALLEE ELM



Pegasus Plaza
(1516 and 1518 Main St)

District
14