

Regular Meeting: Max W. Wells, President, presiding

Present: Max W. Wells, President; Jesse Moreno, Vice President; Celina Barajas, Barbara A. Barbee, Matthew L. Houston, Sean Johnson, Lawrence S. Jones, Amy W. Monier, Robin Moss Norcross, Raquel Rollins, Yolanda F. Williams, Gerald Worrall III – 12

Absent: Jean F. Milligan, Rodney Schlosser, Paul Sims - 3

President Wells convened the meeting at 9:32 a.m. A quorum of the Board was present.

Agenda Item 1.

Speakers:

1. Craig Holcomb regarding way finding signage at Fair Park.

MINUTES

Agenda Item 2. A motion by Barbara Barbee, seconded by Sean Johnson, for approval of minutes of the June 4, 2015 Park and Recreation Board meeting, was carried. The vote was unanimous.

CONSENT AGENDA (ITEMS 3 - 7)

PARK AND RECREATION BOARD - MISCELLANEOUS

Agenda Item 3. Tokalon Park (9) – A motion by Lawrence Jones, seconded by Jesse Moreno, to authorize an alcohol permit request for Al See, representing the Lakewood Neighborhood Association, to serve alcohol at their 4th of July party at Tokalon Park located at 7100 Tokalon Drive, on Friday, July 4, 2015, from 8:00 a.m. - 1:00 p.m. - Estimated Revenue: \$360, was carried. The vote was unanimous.

BACKGROUND

The Park and Recreation Board has the authority by City Code Sec.32-11.2(3) to approve alcohol consumption on park property. A request has been made by Al See, with the Lakewood Neighborhood Association, to serve alcohol from 8:00 a.m. to 1:00 p.m. at the July 4th party being held at Tokalon Park (7100 Tokalon) on Friday, July 4, 2015. The event will include music, vendors, food, and beverage. The estimated attendance is 200.

The Alcoholic Beverage Permit Conditions document has been given to the event organizers who will be required to meet all the conditions to include Naming the City of Dallas as an Additional Insured as specified by the City's Risk Management Office and restricting alcohol consumption to a designated enclosed area staffed by Dallas Police.

Event organizers will pay a \$250 alcohol permit fee, \$110 special event fee and a \$450 refundable damage/cleanup deposit. Estimated Revenue is \$360.

Agenda Item 4. Watercrest Park (10) – A motion by Lawrence Jones, seconded by Jesse Moreno, to authorize an alcohol permit request for Doug Hale, representing the Lake Highlands Exchange Club, to serve alcohol at their Oktoberfest at Watercrest Park located at Skillman Street and Church Road on Saturday, October 3, 2015, from 10:00 a.m. - 11:00 p.m. - Estimated Revenue: \$1,250, was carried. The vote was unanimous.

BACKGROUND

The Park and Recreation Board has the authority by City Code Sec.32-11.2(3) to approve alcohol consumption on park property. A request has been made by Doug Hale, with the Lake Highlands Exchange Club, to serve alcohol from 10:00 a.m. to 11:00 p.m. at the Oktoberfest being held at Watercrest Park (Skillman and Church Road) on Saturday, October 3, 2015. The event will include music, vendors, food, and beverage. The estimated attendance is 5,000.

The Alcoholic Beverage Permit conditions document has been given to the event organizers who will be required to meet all the conditions to include Naming the City of Dallas as an Additional Insured as specified by the City's Risk Management Office and restricting alcohol consumption to a designated enclosed area staffed by Dallas Police.

Event organizers will pay a \$250 alcohol permit fee, \$1,000 special event fee and a \$450 refundable damage/cleanup deposit. Estimated Revenue is \$1,250.

PLANNING AND DESIGN COMMITTEE – CONTRACT AWARDS

Agenda Item 5. Trinity Strand Trail Phase II (2) – A motion by Gerald Worrall III, seconded by Robin Norcross, to authorize **(1)** rescission of the professional services contract award with Schrickel, Rollins and Associates, Inc. for a trail extension for the Trinity Strand Trail Phase II as previously authorized by the Park and Recreation Board on November 21, 2013; and **(2)** preparation of a professional services contract with Pacheco Koch Consulting Engineers, Inc. for civil engineering, land surveying and landscape architectural services for the design and construction for the Trinity Strand Trail Phase II located between Interstate Highway 35 at Oak Lawn Avenue to the Inwood DART Station - Not to exceed \$422,000 - Financing: 2012 Bond Funds, was carried. The vote was unanimous.

WHEREAS, it is necessary to hire a firm to provide for civil engineering, land surveying and landscape architectural services for the design and construction for the Trinity Strand Trail Phase II located between Interstate Highway 35 at Oak Lawn Avenue to the Inwood DART Station, and the firm of Pacheco Koch Consulting Engineers, Inc. has presented a proposal dated April 22, 2015 for a fee not to exceed \$422,000.00.

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 professional services contract with Pacheco Koch Consulting Engineers, Inc. for civil engineering, land surveying and landscape architectural services for the design and construction for the Trinity Strand Trail Phase II located between Interstate Highway 35 at Oak Lawn Avenue to the Inwood DART Station, in an amount not to exceed \$422,000.00.

SECTION 2. That the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Pacheco Koch Consulting Engineers, Inc., after approval as to form by the City Attorney.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$422,000.00 to Pacheco Koch Consulting Engineers, Inc., as follows:

(2012) Street and Transportation Improvement Fund	
Fund 2U22, Department PBW, Unit S623, Object 4111	
Activity HIBT, CT-PKR14019419, Program PB12S623	
Commodity 92500, Vendor 342980	\$160,428.25

(2012) Street and Transportation Improvement Fund
Fund 1T22, Department PBW, Unit S623, Object 4111
Activity HIBT, CT-PKR14019419, Program PB12S623
Commodity 92500, Vendor 342980 \$261,571.75

Total amount not to exceed \$422,000.00

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 – CHANGE ORDERS

Agenda Item 6. Trinity Strand Trail Phase I (6) – A motion by Gerald Worrall III, seconded by Robin Norcross, to authorize an increase in the contract with RoeschCo Construction, Inc. for additional scope of work to include: new trees, irrigation, signs, pipes, wood bollards and other miscellaneous items for the Trinity Strand Trail Phase I located between Stemmons Freeway and Motor-Farrington Street - Not to exceed \$165,686, from \$5,632,746 to \$5,798,432 - Financing: North Central Texas Council of Governments Grant Funds (\$128,068) and 2006 Bond Funds (\$37,618), was carried. The vote was unanimous.

WHEREAS, on September 12, 2012, by Resolution No. 12-2260, RoeschCo Construction, Inc. was awarded a contract for Phase I and Phase II of a 12-foot-wide hike and bike trail for the Trinity Strand Trail from Farrington Street to Oak Lawn Avenue and Stemmons Freeway, in an amount not to exceed \$5,426,113.55; and

WHEREAS, on September 11, 2013, Resolution No. 13-1569, authorized Change Order No. 1, for a decrease in the contract to change originally designed boardwalks to retaining walls at Phase I of the Trinity Strand Trail from Farrington Street to Turtle Creek Plaza (near Turtle Creek Boulevard and Market Center Drive) and credits to include: piers abutments, bents, slabs and surface treatments for all boardwalks in Phase I. Additional retaining wall costs: retaining wall blocks, concrete footings, trail, engineering services and piers as required. Additional scope of work: provide downspout extensions, remove additional trees, credit drainage, demolish guardrails at Wycliff Avenue and power shutdown at Wycliff bridge for installation of pedestrian bridge, in an amount not to exceed (\$195,859.22), increasing the contract amount from \$5,426,113.55 to \$5,230,254.33; and

WHEREAS, on February 26, 2014, Resolution No. 14-0398, authorized Changer Oder No. 2, for additional scope of work which includes existing water line relocations and replacement near Anatole Partners property and at Wycliff Avenue; and the replacement of a damaged existing storm line, retaining wall and repair of a parking lot at the Trinity Strand Trail located between Farrington Street and Oak Lawn Avenue, in an amount not to exceed \$205,678.69, increasing the contract amount from \$5,230,254.33 to \$5,435,933.02; and

WHEREAS, on May 14, 2014, Resolution No. 14-0753, authorized Change Order No. 3, for additional scope of work to include: repair of existing stormwater headwall, additional drainage, deletion of chain link fence, replacement of paving at new inlet and retaining wall stain at the Trinity Strand Trail located between Farrington Street to Oak Lawn Avenue, in an amount not to exceed \$114,673.10, increasing the contract amount from \$5,435,933.02 to \$5,550,606.12; and

WHEREAS, on October 22, 2014, Resolution No. 14-1804, authorized Change Order No. 4 for additional scope of work to include: additional flume, drainage inlet, retaining walls, new water line, landscaping and other miscellaneous items at the Trinity Strand Trail, Phase I and Phase II located between Farrington Street to Oak Lawn Avenue, in an amount not to exceed \$56,304.00, increasing the contract amount from \$5,550,606.12 to \$5,606,910.12; and

WHEREAS, on May 21, 2015, Administration Action No. 15-0625, authorized Change Order No. 5 for additional scope of work to provide and install new trees near the Taco Shop Restaurant and provide a one year warranty on the trees, in an amount not to exceed \$25,836.00, increasing the contract amount from \$5,606,910.12 to \$5,632,746.12; and

WHEREAS, this action will authorize Change Order No. 6 to the contract with RoeschCo Construction, Inc. for additional scope of work to include: new trees, irrigation, signs, pipes, wood bollards and other miscellaneous items for the Trinity Strand Trail Phase I located between Stemmons Freeway to Motor-Farrington Street, in an amount not to exceed \$165,685.55, increasing the contract amount from \$5,632,746.12 to \$5,798,431.67.

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 execute Change Order No. 6 to the contract with RoeschCo Construction, Inc. for, in an amount not to exceed \$165,685.55, from \$5,632,746.12 to \$5,798,431.67 for additional scope of work to include: new trees, irrigation, signs, pipes, wood bollards and other miscellaneous items for the Trinity Strand Trail Phase I located between Stemmons Freeway to Motor-Farrington Street.

SECTION 2. That the Chief Financial Officer is hereby authorized to pay the amount of \$165,685.55 to RoeschCo Construction, Inc., as follows:

North Central Texas Council of Governments Grant Fund Fund S205, Department PKR, Unit T304, Object 4599 Activity HIBT, Program PKSTRAND, CT-PKR12019341 Commodity 91200, Vendor VS0000057213	\$128,067.89
(2006) Park and Recreation Facilities Improvement Fund Fund BT00, Department PKR, Unit T304, Object 4599 Activity HIBT, Program PKSTRAND, CT-PKR12019341 Commodity 91200, Vendor VS0000057213	<u>\$37,617.66</u>
Total amount not to exceed	\$165,685.55

SECTION 3. 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. Sharrock-Niblo Park (3) – A motion by Gerald Worrall III, seconded by Robin Norcross, to authorize submittal of an application to Dallas County Historical Commission and Texas Historical Commission for approval of the Sharrock-Niblo Park Historic Site located at 5429 Kiwanis Road for inclusion on the National Register of Historic Places and placement of a Texas Historical Marker - Financing: No cost consideration to the City, was carried. The vote was unanimous.

BACKGROUND

The City received the 34 acre site from a private developer in two parcels in 2005-2006.

In 2007, Quimby McCoy Preservation Architects was contracted to perform site analysis, archeological study of both site and structures and master planning of the entire 34 acre site.

From this effort, a historic structures stabilization plan was developed and proposals for construction activity were solicited in 2014.

In January 2015, Phoenix I Restoration and Construction Ltd. was awarded the contract to stabilize the log cabin, barn and root cellar.

Part of the requirements of the Quimby-McCoy Preservation Architecture, LLP contract is to prepare applications and submit to Dallas County Historical Commission and Texas Historical Commission.

PARK AND RECREATION BOARD – ITEM FOR INDIVIDUAL CONSIDERATION

Agenda Item 8. Fair Park (7) – A motion Robin Norcross, seconded by Matthew Houston, for reconsideration of proceeding with advertisement for construction procurement for wayfinding signage at Fair Park located at 1200 Second Avenue – Estimated Cost: \$320,000 – Financing: Current Funds, was carried. A motion by Jesse Moreno, to postpone the item until August 2016, failed due to no second. A motion by Sean Johnson, seconded by Barbara Barbee, to approve proceeding with advertisement for construction procurement for wayfinding signage at Fair Park located at 1200 Second Avenue – Estimated Cost: \$320,000 – Financing: Current Funds, was carried. Jesse Moreno voted nay.

BACKGROUND

Quimby-McCoy Preservation Architecture has completed design services through construction administration services for wayfinding signage at Fair Park.

Base Bid

- Parking directional signs
- Pedestrian directional signs
- Wayfinding signs

Alternates

- Additional signage
- Replace missing interpretive sign

Schedule

- Began Design March 2014
- Complete Design June 2015
- Begin Construction November 2015
- Complete Construction May 2016

This project requires full-year operating and maintenance funding in the amount of \$5,000.

NON-ACTION ITEM

Agenda Item 9. Dallas Police Department update presented by Rick Watson, Deputy Chief of Police.

BRIEFINGS

Agenda Item 10. Mayor’s Youth Fitness Initiative (MyFi) Program Update presented by:
Jennifer McRorey, Assistant Director, Park and Recreation Department
Crystal Ross, Manager III, Park and Recreation Department
Lilean Stewart, MyFi Program Manager, Park and Recreation Department

Agenda Item 11. Outdoor Recreation Facility Assessment presented by:
Ryan O’Connor, Senior Program Manager, Park and Recreation Department
Leon Younger, President, Pros Consulting

Agenda Item 12. Mosquito Control presented by:
Oscar Carmona, Assistant Director, Park and Recreation Department

NON-ACTION ITEMS

Agenda Item 13. Gexa Energy Pavilion (For Information Only) presented by Willis Winters.

WHEREAS, the City and PACE Entertainment Group, Inc., a Delaware Corporation ("PACE"), entered into a certain Lease and Use Agreement dated December 9, 1987 (the "Agreement") pursuant to which the City leased to Pace the Amphitheatre Tract as described in the Agreement and assigned to PACE (i) with respect to Parking Tract, a non-exclusive, irrevocable right of ingress and egress on the over same and the irrevocable right for certain period to use the same for parking of motor vehicles, (ii) with respect to the Assigned parking Area, as that term is defined in the Agreement, the exclusive irrevocable right to use the same for the parking of motor vehicles, and (iii) with respect to the Coliseum Lots, as that term is defined in the Agreement, the exclusive, irrevocable right to use all or a portion of the same for parking of motor vehicles in accordance with the terms of the Agreement; and

WHEREAS, effective as of March 11, 1988, Pace assigned, transferred and conveyed to Pace Amphitheatres, Inc., a Texas Corporation, (which corporation is a wholly owned subsidiary of Pace), all of its rights in, to and under the Agreement, and on the same date Pace Amphitheatres Inc. assigned, transferred and conveyed to HOB Concerts/ PACE Amphitheatres Group, L.P. (formerly known as MCA/PACE Amphitheatres Group, L.P.) all of its rights in, to and under the Agreement; and

WHEREAS, effective June 14, 1989, HOB Concerts/ PACE Amphitheatres Group, L.P. (formerly known as MCA/PACE Amphitheatres Group, L.P.) and City entered into the Amendment to the Lease and Use Agreement ("Amendment") to provide for the use of the City's Amphitheatre Tract to further the year round operation of Amphitheatre and the enhancement, development and improvement of Fair Park as a public entertainment facility, tourist attraction, campus for cultural facilities and public park; and

WHEREAS, any reference to the term "Agreement" herein shall mean the Agreement, as amended in 1989; and

WHEREAS, effective December 16, 2008, HOB Concerts/ PACE Amphitheatres Group, L.P. (formerly known as MCA/PACE Amphitheatres Group, L.P.) and Pace Amphitheatres, Inc. merged with and into Live Nation Worldwide, Inc. Live Nation Worldwide, Inc. remains as the surviving entity, and shall assume the role, and is solely responsible for the duties, responsibilities and obligations under the agreement as amended for the remainder of the Agreement Term. The City and Live Nation Worldwide, Inc. accept and agree that City shall look only to Live Nation Worldwide, Inc. for all performance obligations and liabilities of the Agreement from and after the inception date of December 16, 2008 and for the remainder of the Agreement Term; and

WHEREAS, the City and Live Nation, in their joint efforts and for the betterment of the Amphitheatre, have identified certain improvements are necessary to enhance the usefulness, operations, and value of the Amphitheatre Tract, hereinafter referred to as "Gexa Energy Pavilion" totaling an estimated ~~\$7,000,000~~ \$8,000,000 and Live Nation has agreed to perform the Improvements whereby City agrees to reduce the total amount of annual rent due and payable by Live Nation to City under the Agreement for the amount equal to or the lesser of actual cost of Improvements or ~~\$7,000,000~~ \$6,500,000 to include but not limited to a new LED video system, restroom renovations, renovation of the VIP club, and other improvements in accordance with the terms of this Second Amendment; and

WHEREAS, to the extent Live Nation undertakes the Improvements, City agrees to reduce the total annual rent due and payable to City under the agreement for the amount equal to or lesser of (i) the actual costs of the Improvements ("Project Costs") or (ii) ~~\$7,000,000~~ \$6,500,000 over the remaining Term; and

WHEREAS, the City has determined that the Improvements, described and shown in the Second Amendment, are in the mutual interests of the City and Live Nation and the parties therefore have agreed to modify the Agreement as provided in this Second Amendment in order to reflect their agreement regarding the Improvements; and

WHEREAS, Live Nation and City are currently in the First Renewal Term, and the parties now desire to further extend the Term of the Agreement with this Second Amendment for an additional ten-year period which will result in the Agreement expiring on December 31, 2028; and

WHEREAS, the parties also agree to increase the current "Additional Rental" as that term is defined in the Agreement, as amended, from \$.15 to \$.20 per sold admission ticket in accordance with the terms of the Agreement; and

WHEREAS, the parties agreed to increase the Guaranteed annual rent on January 1, 2017 to \$500,000 per year and to \$550,000 per year beginning January 1, 2023; and

WHEREAS, all other categories and tranches of percentage rent to increase on January 1, 2017 by .5 percent.

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 authorized to execute a Second Amendment to the Agreement between Live Nation and City for an additional ten-year period which will result in the Agreement expiring on December 31, 2028.

Section 2. That the ~~City Controller~~ Chief Financial Officer be authorized to receive and deposit revenue in Fund 0001, Department PKR, Unit 5206, Revenue Code 7203.

Section 3. That the ~~City Controller~~ Chief Financial Officer be authorized to receive and deposit revenue in Fund 0351, Department ECO, Unit 0448, Revenue Code 8491.

Section 4. To the extent Live Nation undertakes the Improvements, City agrees to reduce the total annual rent due and payable to City under the agreement for the amount equal to or lesser of (i) the actual costs of the Improvements ("Project Costs") or (ii) ~~\$7,000,000~~ \$6,500,000 over the remaining Term.

Section 5. That Live Nation acknowledges and agrees in no event shall the rent credit reduce the amount of the Minimum Guaranteed Rental, as that term is defined in the Agreement, payable to City which is currently \$350,000-, \$500,000 beginning January 1, 2017 and \$550,000 beginning January 1, 2023.

Section 6. Effective as of this Second Amendment, Live Nation will increase the current "Additional Rental" as that term is defined in the Agreement from \$.15 to \$.20 per sold admission ticket and therefore the ~~City Controller~~ Chief Financial Officer is authorized to receive Additional Rental payment, an amount equal to the product obtained by multiplying (A) twenty cents (\$.20) times (B) the total number of paid admission tickets sold to all public events at the Amphitheater.

Section 7. That City shall have the right to assign, transfer, or convey this entire Agreement to another entity.

Section 8. Live Nation will increase all other categories and tranches of percentage rent to increase on January 1, 2017 by .5 percent.

Section 89. All other terms of the Agreement, as previously amended, not expressly amended hereby, shall remain unchanged and in full force and effect.

Section 910. 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 14. Flood Damage and Loss of Revenue Impact Update presented by John Jenkins.

Agenda Item 15. Budget Updates presented by John Jenkins.

Agenda Item 16. Committee Reports: Sean Johnson: 84th Legislative updates for parks.

Agenda Item 17. 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, Friends of the Katy Trail, Friends of Oak Cliff Parks, Lee Park and Arlington Hall Conservancy, Send A Kid To Camp, State Fair of Texas, Texas Discovery Gardens, Trinity Commons Foundation, Trinity River Audubon Center, White Rock Lake Conservancy/White Rock Lake Foundation/For the Love of the Lake, The Woodall Rodgers Park Foundation:

Yolanda Williams: Boxing Tournament at Janie C. Turner.

Matthew Houston: Event at Eloise Lundy Park and Griggs Park.

Agenda Item 18. Staff Announcements - Upcoming Park and Recreation Department Events:

Oscar Carmona: Event at Eloise Lundy Park.

Jennifer McRorey: Walnut Hill Recreation Center staff introductions.

John Jenkins: Park Board meetings update.

Michael Hellmann: Playful cities U.S.A.

Agenda Item 19. President Wells announced the next Park and Recreation Board regular meeting on Thursday, August 6, 2015.

Agenda Item 20. Tour of MoneyGram Soccer Park and Park Facilities was cancelled due to heavy rain and at the recommendation of F.C. Dallas.

Agenda Item 21. President Wells adjourned the Board meeting at 11:50 a.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.