

WHEREAS, On March 10, 1982, by Resolution No. 82-0939, authorized award of a ten-year agreement with two five-year renewal options with the Dallas Arboretum and Botanical Society, Inc. (DABS) for the operation, management and maintenance of an arboretum and botanical garden at the Dallas Arboretum located at 8525 Garland Road; and

WHEREAS, On July 25, 1984, by Resolution No. 84-2407, authorized a revised contract for a period of ten years with two five-year renewal options with DABS for the operation, management and maintenance of an arboretum and botanical garden, including the DeGolyer Home located at the Dallas Arboretum; and

WHEREAS, On March 23, 1988, by Resolution No. 88-1042, authorized a First Amended Arboretum and Botanical Society Contract ("Master Agreement") for a term of twenty-five years with one ten year renewal option between the City and DABS for the operation, management and maintenance of the Arboretum and Botanical Garden; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 1 to the Master Agreement with DABS for the construction, development and maintenance of The Rory Meyers Children's Adventure Garden at the Dallas Arboretum. The terms of the supplemental agreement are as follows:

- DABS will fund, design, construct, operate and maintain a Children's Garden and certain parking facilities.
- City of Dallas (City) will fund the design and construction of certain parking facilities, utilizing 2006 Bond Funds allocated for this purpose.
- City will be responsible for bidding certain parking facilities utilizing Request for Competitive Sealed Proposals (RFCSP) and will assign the contract to DABS at time of City Council award.
- DABS will be responsible for construction of all parking facilities and Children's Garden under a Construction Manager (CM) contract.
- DABS will exercise good faith efforts in compliance with City's Business Inclusion and Development Plan.
- DABS will be responsible for obtaining all building permits, zoning and other approvals.
- DABS will require its CM and first-tier sub-contractors to obtain performance and payment bonds and insurance.

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4TH WHEREAS (Continued)

- DABS will provide proof of sufficient financing and financial resources to undertake construction of the project.
- City has the right to observe and inspect work during the course of construction.
- City will retain fee simple title to premises and all improvements following completion of construction.
- DABS will relocate their horticultural facilities to PARD District 1 White Rock Lake Service Center (WRLSC), which is an existing 4-acre site near Sunset Inn.
- DABS will provide a storage facility for City equipment that will allow City to continue landscape maintenance operations for White Rock Lake.
- City will relocate WRLSC operations to a temporary facility, until such time it permanently moves to the site currently known as the Jules Muchert Army Reserve Center. The timeframe for this move is anticipated to be 2012.
- DABS will pay all reasonable relocation costs, rental costs, and all other costs for City's move to the temporary facility.
- DABS will pay stipend for lease vehicle to transport City staff to and from WRLSC through FY 2011-12.

Now, Therefore,**BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:**

SECTION 1. That Supplemental Agreement No. 1 to the Master Agreement with the Dallas Arboretum and Botanical Society, Inc. for the construction, development and maintenance of The Rory Meyers Children's Adventure Garden at the Dallas Arboretum be approved for a term to commence on execution and shall expire or terminate coterminously with the expiration or termination of the Master Agreement or any renewals of the Master Agreement.

SECTION 2. That the President of the Park and Recreation Board, and the City Manager be authorized to execute the contract after approval as to form by the City Attorney's Office.

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.

APPROVED BY
CITY COUNCIL

APR 27 2011


City Secretary