

September 11, 2019

WHEREAS, on June 11, 2008, per Resolution Number 08-1654, City and Concessionaire entered into the Contract whereby Concessionaire operates and manages the golf pro shop, golf play, golf cart rentals, food and drink concessions, merchandise, alcohol sales and the use of the golf course by providing lessons and organized play among its other duties (“Services”) at the STEVENS GOLF COURSE (“Premises”) in exchange for the City receiving payments as more fully described in the Contract; and

WHEREAS, Stevens Golf Course was closed temporarily in the year 2010 and per Resolution No. 10-2871, the City Council authorized an amendment to the Contract to define roles, responsibilities, compensation and reimbursement for personal services performed and costs incurred by Concessionaire during the closure of the Premises as a result of the renovation, in an amount not to exceed \$186,713.00; and

WHEREAS, on September 14, 2012, per Administrative Action No. 12-2446, the parties entered into a supplemental agreement to clarify that Concessionaire is responsible for the collection and payment of all sales and use taxes associated with the green fees and all other services and goods provided under the Contract; and

WHEREAS, on December 12, 2018, per Resolution No. 18-1827, the parties entered into Supplemental Agreement No. 2 to include the following: i) exercise the five-year renewal option, commencing on December 31, 2018 and ending on December 31, 2023; and ii) City Council authorized performance indicators as well as require financial statements submitted by Concessionaire to be in accordance with general accepted accounting principles; and

WHEREAS, under the contract, each party has the right to terminate for convenience; and

WHEREAS, on or about April 29, 2019, Stevens Park Golf Course experienced kill-off of turf on the greens resultant from PKR’s incorrect application of a chemical; and

WHEREAS, the damage to the greens was such to necessitate sod replacement and course closure from May 5, 2019 through July 22, 2019 to allow for growth of new greens; and

WHEREAS, in consideration of Mr. Henderson’s waiver of his right to terminate due to the closure; additional waiver, release, and relinquishment of any rights to additional compensation or any other remedies as a result of the City’s closure, and other consideration set forth in the Supplemental Agreement No. 3, the City, through PKR, recommends compensating Mr. Henderson for: (i) professional services; (ii) the fixed costs incurred during the closure; and (iii) for efforts taken to regenerate the customer base upon reopening of the course; and

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WHEREAS, this action will authorize Supplemental Agreement No. 3 to the golf professional concession contract with James R. Henderson to allow for compensation during the closing and renovations of Stevens Park Golf Course located at 1005 North Montclair Avenue, in an amount not to exceed \$170,462.00.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute Supplemental Agreement No. 3 to the golf professional concession contract with James R. Henderson, approved as to form by the City Attorney, to allow for compensation during the closing and renovations of Stevens Park Golf Course located at 1005 North Montclair Avenue, in an amount not to exceed \$170,462.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$170,462.00 to James R. Henderson from the Golf Maintenance Multi-Year Fund, Fund 0332, Department PKR, Unit 9363, Object 3070, Activity PK19, Project 0332-18-9363-200, Commodity 98831, Vendor VS0000018788.

SECTION 3. That this contract is designated as Contract No. PKR-2019-00008571.

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.