



Legislation Details (With Text)

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On agenda: 4/12/2023 **Final action:**

Title: Authorize a ten-year management agreement with Dallas County Audubon Society, Inc. for the purpose of managing, maintaining and operating, providing accessibility to open space properties and trails for Cedar Ridge Preserve located at 7171 Mountain Creek Parkway for the period of February 12, 2023 through February 12, 2033 - Not to exceed \$1,254,000.00 - Financing: General Fund

Sponsors:

Indexes: 3

Code sections:

Attachments: 1. Map, 2. Resolution, 3. Exhibit A, 4. Exhibit B

Date	Ver.	Action By	Action	Result
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STRATEGIC PRIORITY: Quality of Life, Arts & Culture

AGENDA DATE: April 12, 2023

COUNCIL DISTRICT(S): 3

DEPARTMENT: Park & Recreation Department

EXECUTIVE: John D. Jenkins

SUBJECT

Authorize a ten-year management agreement with Dallas County Audubon Society, Inc. for the purpose of managing, maintaining and operating, providing accessibility to open space properties and trails for Cedar Ridge Preserve located at 7171 Mountain Creek Parkway for the period of February 12, 2023 through February 12, 2033 - Not to exceed \$1,254,000.00 - Financing: General Fund

BACKGROUND

This action will authorize a ten-year management agreement with Dallas County Audubon Society, Inc. (Audubon Dallas), for the for the purpose of managing, maintaining and operating Cedar Ridge Preserve (Preserve). The City will also provide \$125,400.00 a year in management fees, for ten years for a total of \$1,254,000.00 which will support Audubon Dallas in its efforts to operate and maintain Cedar Ridge Preserve.

On February 12, 2018, the City entered into a five-year management agreement with Dallas County Audubon Society, Inc., to maintain Preserve that is approximately 633 acres in size featuring

approximately nine miles of trails, native trees, grasses and wildflowers, butterfly gardens, picnic areas, birds, insects and reptiles south of Dallas City Limits by Resolution No. 18-0212. Audubon Dallas, a Texas non-profit corporation organized to preserve scenic and ecological principles on native lands and grounds, wishes to manage Preserve on behalf of the City of Dallas.

Audubon Dallas has partnered with the City since 2002 for the management, maintenance and operations of the Preserve. Audubon Dallas continues to provide educational opportunities at the Preserve working with the community and various volunteer groups and walk and hike participants. The Preserve hours of operation are 6:30 a.m. to dusk and closed Mondays. The Preserve welcomed over 500,000 visitors and hosted almost 5,000 volunteer hours this past year.

Audubon Dallas wants to continue to work with the City to support the Preserve by operating and maintaining the Preserve. The proposed operations and maintenance agreement contemplates the deal points as follows:

Obligations of the City include the following:

1. The term of the contract is ten years and allows the City to terminate for convenience upon 180 days' notice.
2. The City will provide \$125,400.00 per year in management fees, which will be revisited in year five of this agreement.
3. The City has an existing Easement Agreement with Oncor (within boundaries of property) allowing Audubon Dallas to manage and maintain easement in collaboration with Park in the Woods Recreation Center.
4. The City will remain responsible for capital improvements exceeding \$1,000.00 (structural repairs, roof replacements, heating ventilation and air conditioning replacement, or utility line or service repairs) or replacement of building systems or components.
5. The City will have right of entry to every part of the Preserve for general visitation or carrying out of the duties authorized.
6. The City shall maintain the paved entrance road to the Preserve. The paved entrance to the road is defined as the roadway adjacent to Mountain Creek Parkway to the beginning of the main parking lot of the Preserve, excluding any and all unimproved parking areas along the paved entrance road.

Obligations of Dallas County Audubon Society, Inc., include the following related to The Ridge Preserve.

1. Audubon Dallas is responsible for the general maintenance of the Preserve including plantings, mowing, trimming, litter pickup, weeding, plant replacement, and repair, as necessary.
2. Audubon Dallas shall employ personnel necessary for the operation and maintenance of the Preserve.
3. Audubon Dallas shall provide all materials, tools and equipment in performing the operation and maintenance of the Preserve.

4. Audubon Dallas shall furnish reports and information to the City at prescribed intervals and as reasonably requested.
5. Audubon Dallas shall provide audited financial statements certified by an independent certified public accountant reflecting the financial condition as the end of the fiscal year; including statement of operations and statements of cash flows. All documents shall be prepared in conformity with Generally Accepted Accounting Principles and due 120 days after the close of the fiscal year.
6. Audubon Dallas shall be responsible for its volunteers, if any.
7. Audubon Dallas shall comply with all applicable Park Board policies, City ordinances, licenses, permits and authorizations for the maintenance and operation of the Preserve as well as state and federal environmental laws applicable to its use and maintenance.
8. Audubon Dallas shall be responsible for conducting conservation, educational, research and recreational programs, activities and events in and on the Preserve for the public, ensuring that all events it conducts shall be consistent with the use of the Preserve for park purposes.
9. Audubon Dallas shall provide public access to hiking trails during reasonable times.
10. With Oncor right-of-way access granted, Audubon Dallas will provide joint educational projects with Park in the Woods Recreation Center.
11. Audubon Dallas cannot charge admission/parking fees on the County property. Donations can be accepted.
12. Audubon Dallas shall retain all revenues generated from the operation of the Preserve.
13. Audubon Dallas shall not build, demolish or cause any permanent improvements to be re-built on the Preserve without prior written approval of the City of Dallas Park and Recreation Board.
14. Audubon Dallas shall comply with all state and federal environmental laws applicable to the use and maintenance of the Preserve.
15. Audubon Dallas shall obtain and maintain insurance as prescribed by the City's Risk Management Department, naming the City, its officers, employees, and elected representatives as additional insured parties.
16. Audubon Dallas shall submit an annual performance plan for the Preserve which will identify performance indicators. The annual performance indicators to be included are conducting a minimum of one educational opportunity per month, maintain 60 volunteer hours each month and clear out four acres per year of prairie, and provide a three-year capital improvement plan.

The Dallas Park & Recreation Department will support Audubon Dallas in its efforts to operate and maintain The Preserve by providing management funding to be paid beginning in 2023 and through 2033 for each year of the agreement as outlined in the chart below.

Contract Year	Funding Amount
2023	\$125,400.00
2024	\$125,400.00

2025	\$125,400.00
2026	\$125,400.00
2027	\$125,400.00
2028	\$125,400.00
2029	\$125,400.00
2030	\$125,400.00
2031	\$125,400.00
2032	\$125,400.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 9, 2023, the Park and Recreation Board authorized a ten-year management agreement with Dallas County Audubon Society, Inc. for the purpose of managing, maintaining and operating Cedar Ridge Preserve, providing accessibility to open space properties and trails at 7171 Mountain Creek Parkway for the period of February 12, 2023 through February 12, 2033.

FISCAL INFORMATION

Fund	FY 2023	FY 2024	Future Years
General Fund	\$125,400.00	\$125,400.00	\$1,003,200.00

OWNER

Dallas County Audubon Society, Inc.

Brad Klein, President

MAP

Attached