

Mayor and Council Communication

DATE: 05/18/21

M&C FILE NUMBER: M&C 21-0361

LOG NAME: 80COLONIALCOUNTRYCLUB

SUBJECT

(CD 9) Authorize the Execution of a License Agreement Between City of Fort Worth and Colonial Country Club to Lease a Portion of Forest Park for Sixty Consecutive Days Related to the Annual Golf Tournament for an Initial Term of Ten Years Effective July 1, 2022; With the Option to Renew for Two Successive Five-Year Terms; Authorize the Execution of an Agreement Between the City of Fort Worth and Streams & Valleys, Inc., for the Use of a Portion of the Funds Generated by the License Agreement, and Find that Streams & Valleys's use of a Portion of the Funds Generated by the License Agreement Serves a Public Purpose

RECOMMENDATION:

It is recommended that the City Council authorize:

1. The execution of a license agreement between City of Fort Worth and Colonial Country Club to lease a portion of Forest Park for a period of 60 days related to the annual golf tournament effective July 1, 2022 and expiring on June 30, 2032, with the option to renew for two successive five-year terms;
2. The execution of an agreement between the City of Fort Worth and Streams & Valleys, Inc. for the use of a portion of the funds generated by the Colonial Country Club license agreement as it relates to the annual golf tournament and with a public purpose of allowing earmarked funds to be used for Park & Recreation Department related purposes;
3. An annual license fee of \$30,975.00 per year for the first five-years and \$32,524.00 per year for the second five-years of the initial term;
4. A five percent increase to the annual license fee for each five-year renewal term; and
5. Find that Streams & Valleys's use of a portion of the funds generated by the license agreement achieves the public purpose of funding park and trail improvements that will improve and expand community access and use of the Trinity River and its trails, and find that adequate controls are in place to ensure that the public purpose is carried out.

DISCUSSION:

The purpose of this Mayor and Council Communication (M&C) is to request authorization to enter into an agreement with Colonial Country Club (Colonial) for the use of a portion of Forest Park.

On December 17, 2002, (M&C C-19397) the City Council authorized the City Manager to enter into an agreement (City Secretary Contract (CSC) No. 28453) with Colonial authorizing the use of a portion of Forest Park for the purpose of providing ancillary services and related activities for its annual golf tournament. Under the agreement, Colonial paid annual amounts of \$25,000.00, of which \$2,500.00 went to the City of Fort Worth (City) and \$22,500.00 went to Streams & Valleys, Inc. (S&V). The City also executed a related agreement with S&V to control the use of the funds paid to S&V, earmarking those funds for park and trail improvements along the Trinity River.

On April 9, 2013, the City and Colonial amended and restated the agreement to continue their relationship. The term of the agreement consisted of ten annual license periods of 45 consecutive days from May 1st to June 15th of each calendar year commencing in 2013, with options to renew on an annual basis by mutual written agreement. The Park & Recreation Department (PARC) and Colonial further agreed to increase the license payments in conjunction with the amendment and restatement. The annual payment for the period 2013-2017 was \$27,675.00 and for the period 2018-2022 annual payment was \$29,500.00. Payment was then disbursed between the City and S&V as follows:

	City of Fort Worth	Streams & Valleys Inc.
Fiscal Years 2013-2017	\$2,500.00	\$25,175.00
Fiscal Years 2018-2022	\$2,500.00	\$27,000.00

On February 6, 2014, the parties administratively amended the agreement to revise the dates under which the 45-day license period would commence to help provide Colonial with the necessary lead time required for event set-up (CSC No. 28453-A1A2). Additionally, Colonial requested that the license period be extended from 45 consecutive days to 60 consecutive days between April 1st and June 30th of each calendar year for the remaining term of the agreement (commencing with the 2015 golf tournament).

Colonial has requested a new license agreement between the City and Colonial effective July 1, 2022 and expiring on June 30, 2032, with the option to renew for two successive five-year terms. In line with the new license agreement, a new corresponding agreement between the City and S&V will be entered into. The license fee for the initial term shall be \$30,975.00 per year for the first five-years and \$32,524.00 per year for the second five-years and a five percent increase to the annual license fee for each five-year renewal term. Payment shall be disbursed between the City and S&V as follows:

	City of Fort Worth	Streams & Valleys Inc.
Fiscal Years 2023-2027	\$3,000.00	\$27,975.00

Fiscal Years 2028-2032	\$3,000.00	\$29,524.00
Fiscal Years 2033-2037	\$3,500.00	\$30,650
Fiscal Years 2038-2042	\$4,000.00	\$31,857

S&V's portion of the funds will be earmarked for park and trail improvements that will improve and expand community access and use of the Trinity River and its trails. The City's contract with S&V will ensure that the public purpose will be carried out.

This facility is located in COUNCIL DISTRICT 9.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and execution of the agreements, funds will be deposited into the General Capital Projects Fund. The Park & Recreation Department (and Financial Management Services) is responsible for the collection and deposit of funds due to the City.

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Expedited