

1. Agenda

Documents:

[2021-09-15 BOARD OF PARK COMMISSIONERS - PUBLIC AGENDA-1657.PDF](#)

2. Meeting Materials

Documents:

[2021-09-15 BOARD OF PARK COMMISSIONERS - FULL AGENDA-1657.PDF](#)

AGENDA

Special Meeting of the
Nichols Hills Board of Park Commissioners
Wednesday, September 15, 2021 at 4:00 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Board of Park Commissioners only on items that appear on this Agenda. The Board of Park Commissioners may dispose of the business set out on this Agenda by adopting, approving, denying, continuing, or taking other action as to each item, as determined by the Board of Park Commissioners.

1. Call to Order
2. Roll Call
3. Minutes
 - a. Board of Park Commissioners Minutes - September 29, 2014
4. Discussion, Consideration, and Possible Action concerning:
 - a. Recommend approval of an application by the Tom and Judy Love Foundation to adopt a park, and related park adoption agreement, for park property generally located along N.W. Grand Boulevard with boundaries at the following locations: from Huntington Avenue to Bedford Drive, between Center N.W. Grand Boulevard and East Grand Boulevard.
 - b. Installation of butterfly gardens in city parks, related presentation from Stephanie Jordan with Nature Conservancy regarding pollinators including Monarch Butterflies.
 - c. The official street tree species list in Section 48-88 of the Nichols Hills City Code.
 - d. Parking of vehicles in and along Woods Park.
 - e. Donor recognition for donations to city parks.
 - f. City wide park improvements of \$750,000 from 2021 GO Bond Funds.

g. Recent amendments to the City Code regarding procedures for adopting city parks.

h. Art in city parks.

5. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 4:00 P.M. on the 13th day of September, 2021 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 4:30 P.M. on the 13th day of September, 2021; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 P.M. on the 13th day of September, 2021; and transmitted by email at 5:00 P.M. on the 13th day of September, 2021 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Special Meeting of the
Nichols Hills Board of Park Commissioners
Monday, September 29, 2014 at 4:30 PM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 3:45 PM on
the 25th day of September, 2014.**

1. Call to Order
2. Roll Call

Attendee Name	Title	Status	Arrived
Pete Everest	Chairman	Present	
Rainey Williams		Present	
Karen Browne		Present	
Vicki English		Absent	
Morton Payne		Absent	
Coe London		Present	
Lisa Pierce		Present	
Charles (aka Chip) L Oppenheim	Board Member	Absent	

3. Minutes
4. Discussion, Consideration and Possible action concerning:
 - a. The reconstruction of and the renaming of Dulaney park to Avondale Park.

MOTION: Williams moved to recommend City Council approval of agenda item 4a as presented. Pierce seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rainey Williams
SECONDER:	Lisa Pierce
AYES:	Everest, Williams, Browne, London, Pierce
ABSENT:	English, Payne, Oppenheim

5. Adjournment

Chairman Everest adjourned the meeting.

**Term Sheet for Park Adoption
The City of Nichols Hills, Oklahoma – The Tom and Judy Love Foundation**

The following Term Sheet sets out the details of the proposed adoption of a park by the Tom and Judy Love Foundation (the "Foundation") in Nichols Hills, Oklahoma with boundaries of such park to be from Huntington Avenue to Bedford Drive, between Center N.W. Grand Boulevard and East Grand Boulevard (the "Park"). The Park adoption would include construction and ongoing maintenance of certain improvements (the "Improvements") installed in the Park by the City of Nichols Hills, Oklahoma (the "City") all funded by means of a Donation (as defined below) by the Foundation, all as set out in this Term Sheet.

In order for the Foundation to adopt the Park and to facilitate the City's construction and maintenance of the Improvements as described in this Term Sheet, the Foundation and the City will enter into a Park Adoption Agreement whereby the parties will agree to the following and such other terms as mutually agreed to thereby:

- **Donation.** The Foundation will cause One Million Five Hundred Thousand Dollar (\$1,500,000.00) (the "Donation") to be donated to the City. The City will record the Donation in a segregated and restricted fund to be used by the City exclusively for installing the Improvements and for a five-year endowment for their maintenance.
- **Naming rights; minimum Park features.** The Foundation will have the exclusive right to name the Park and to approve the dimensions and design of two signs to be installed by the City in the Park. The Park will include at least the following elements: two signs; trees and landscaping; a water feature; a facility to display fixed sculptures or rotating art; ADA-accessible pedestrian trail improvements; all as more particularly described in the conceptual drawings for the Park.
- **Relationship of the parties; designation of representatives.** The City and the Foundation acknowledge that fulfilling the purpose of the Park adoption will require the good faith cooperation and communication between them. The parties will each designate a representative to facilitate cooperation and communication between them regarding the Park and the Improvements.
- **Plans and specifications of Improvements and the Architect.** All plans and specifications for the Improvements, including conceptual drawings which will be used by the City to bid the project (the "Conceptual Drawings"), will be prepared by Howard-Fairbairn Site Design, Inc. (the "Architect") and be subject to the approval of the City and the Foundation. The City will direct the Architect and pay the Architect's invoices directly.
- **Project bid.** The City will cause the installation of the Improvements to be competitively bid based on the Conceptual Drawings within 365 days of the parties' full execution of the Park Adoption Agreement, pursuant to applicable law and the City's practice. If the lowest responsible bidder bids in an amount which does not exceed the Donation, the City will promptly award the project to that bidder. If the lowest responsible bidder bids in excess of the Donation, the City and the Foundation will enter into discussions and mutually agree



to take one of the following actions: (1) value engineer the project to scale it down to fit within the budget (the Donation amount) and to resolicit bids; or (2) split the difference in the increased costs and award the project to the lowest responsible bidder; or (3) the City will reject all bids and promptly return the Donation to the Foundation.

- **Project administration.** The City will be responsible for administering the contract between it and the contractor to whom the project is awarded (the “Contractor”) to completion, pursuant to applicable law and the City’s practice. In any event, the City will ensure that the Contractor commences construction under its contract within a reasonable time of its full execution and that construction is pursued in good faith and with due diligence to completion, to be substantially complete no more than 30 months after the commencement of work thereunder. Notwithstanding the foregoing, if the City and/or the Contractor is unable, in whole or in part, to perform its obligations under the contract between them due to an event beyond the reasonable control of the affected party, including but not limited to natural disasters, weather conditions that prevent or significantly hinder the work, pandemic concerns related to performance of the work, or national or regional conditions that hinder the ability to obtain supplies necessary for the work, the affected party will be excused from its performance, but only to the extent and for the period of time that it is affected by such event. The City will ensure that the Improvements conform to the final plans and specifications approved by the Foundation and the City. The Foundation may not initiate any changes, additions or deletions to the plans and specifications after the City has awarded the contract to the Contractor. The City may initiate changes and additions at its sole expense, with material changes or additions subject to the approval of the Foundation, which approval will not be unreasonably withheld. The City will keep the Foundation timely informed as to the status of installation of the Improvements.
- **Maintenance of the park improvements.** Upon completion of the Improvements, as contemplated, the City will release the Foundation from any and all responsibilities, obligations and/or liabilities in any manner related to the Park and/or the installation, maintenance or use of the Improvements. After such release, the City will maintain the Park and the Improvements in good condition and repair in accordance with the City’s practice to the extent funds from the Donation are then available to do so. However, the City does not guarantee the permanency of the Improvements, and it will not be obligated to replace any the Improvements or any part of them that is stolen, vandalized, deteriorated or damaged unless sufficient funds from the Donation are then available to do so. The City may also remove diseased and dead trees and plant materials in the Park and will not be required to replace trees or plants that die unless sufficient funds from the Donation are then available to do so. In all such cases, if sufficient funds from the Donation are not then available, the City will notify the Foundation of the need for additional funds, and the Foundation may pay those funds in its sole discretion. In any event, the City may remove all or any part of the Improvements for safety concerns.
- **Foundation use of the park improvements.** Neither the Foundation nor members of the Love family will have exclusive rights to the Park or to the Improvements. The use of the

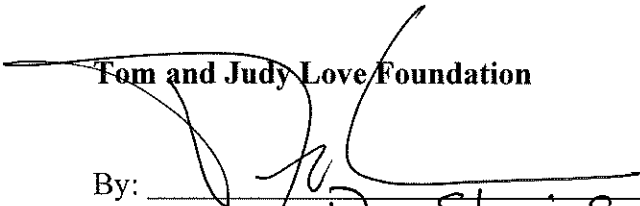


Park must comply with the applicable provisions of the Nichols Hills City Code, including the Park Rules set out in Article III, of Chapter 34, *Parks and Recreation*.

Agreed to and accepted the __ day of _____ 2021.

The City of Nichols Hills, Oklahoma,
a municipal corporation

By: _____
Printed Name: _____
Title: _____

Tom and Judy Love Foundation

By: _____
Printed Name: Doug Stussi, Secretary

Attachment: Park Adoption (5382 : Application)