

TO: Tom Frutchey, City Manager

FROM: Julie Dahlen, Director, Library and Recreation Services

SUBJECT: Sherwood Dog Park Lease Extension

DATE: August 16, 2016

Needs: For the City Council to consider authorizing a 5-year extension to the City's lease agreement with Parks 4 Pups to operate the Sherwood Dog Park at 290 Scott Street.

Facts:

1. On November 1, 2011, the City Council approved the interim use by Parks 4 Pups of the open lot adjacent to the Paso Robles Senior Center to develop and operate a dog park and entered into a Lease Agreement.
2. The Sherwood Park Master Plan, developed in 2003, proposes four tennis courts, a sand volleyball court, and restrooms for this site.
3. Under the auspices of Parks 4 Pups, the Sherwood Dog Park Board of Directors has overseen the successful development, operation and maintenance of the dog park at no cost to the City.
4. In 2015, the Sherwood Dog Park was open to the public every day of the year, exceeding lease requirements and serving at least 100 dogs and their owners each day.
5. The initial term of the Lease Agreement expires as of 11:59 p.m. on February 1, 2017. The tenant has an option to extend the term for five years if the City Council determines that it does not have an immediate need for the Property to develop in accordance with the Sherwood Park Master Plan. On additional five-year option would remain if, at that time, the City Council makes a similar determination that the Property is not immediately needed. In addition, the Lease provides that either party may terminate the Lease upon two years' prior written notice to the other party.
6. On August 3, 2016, the City received a written request from the Sherwood Dog Park Board of Directors to exercise its option to extend the lease term to February 1, 2022.

Analysis and

Conclusion: The Sherwood Dog Park has successfully operated for nearly 5 years at 290 Scott Street under Lease Agreement with the City. The Sherwood Park Master Plan proposes the eventual conversion of this property into 4 tennis courts, a sand volleyball court and restrooms, but such conversion is not proposed for several years. The current lease is consistent with other non-profits using City property to provide community amenities, and is set to expire as of February 1, 2017. The Sherwood Dog Park Board of Directors wishes to exercise its option to extend the lease term by five years.

Policy

Reference: General Plan, Parks & Recreation element

Fiscal

Impact: No direct costs to the City. Lease payment is \$1 per year.

Options:

- a. Approve Resolution No. 17-XX Approving a First Amendment to Lease Agreement with San Luis Obispo Parks, Open Space & Trails Foundation, acting through Parks 4 Pups, to Extend Lease Term.
- b. Amend, modify, or reject the above option.

Attachments:

1. First Amendment to Lease Agreement
2. Resolution
3. Request for lease extension
4. 2015 Sherwood Dog Park Financial Report
5. 2015 Sherwood Dog Park event summary

FIRST AMENDMENT TO LEASE

This First Amendment ("First Amendment") is entered into as of _____, 2016, by and between the City of El Paso de Robles ("Landlord") and San Luis Obispo Parks, Open Space & Trails Foundation (commonly known as SLOPOST), a California nonprofit public benefit corporation, acting through its project committee PARKS 4 PUPS (collectively referred to herein as "Lessee"), dated February 2, 2012. Landlord and Lessee may be referred to herein this First Amendment individually as a "Party" or collectively as the "Parties."

RECITALS

A. Landlord and Lessee entered into a Lease Agreement, dated February 2, 2012, (the "Lease") for the development, operation and maintenance of an off-leash dog park on certain property (the "Property") owned by the City as an interim use.

B. The initial term of the lease is for five (5) years and provides that if City determines it does not have an immediate need for the Property, Lessee shall have the option to extend the term for up to two additional terms, of five(5) years each

C. Lessee has notified Landlord that it wishes to exercise its option to extend the Lease term, and City has determined that it does not have an immediate need for the Property.

Agreement

1. **Meaning of Terms; Effective Date.** Except as otherwise stated in this First Amendment, all initially capitalized terms in this First Amendment will have the respective defined meanings stated in the Lease, and the terms and provisions of this First Amendment will be considered to be effective as of the date of the Effective Date of this First Amendment.

2. **Revised Lease Expiration Date; Extended Term.** The initial Term of the Lease is currently scheduled to expire at 11:59 p.m. on February 1, 2017. As of the Effective Date of this First Amendment, the Term of the Lease is extended by five (5) years to 11:59 p.m. on February 1, 2022.

3. **Effectiveness of Lease.** Except as explicitly modified by this First Amendment, all of the terms and provisions of the Lease are and remain in full force and effect.

[signatures on following page]

**SIGNATURE PAGE TO THE
FIRST AMENDMENT TO LEASE**

IN WITNESS WHEREOF, the authorized representatives of the Parties hereto have executed this First Amendment as of the Effective Date first noted above.

LANDLORD:

City of El Paso de Robles, a municipal corporation

By: _____
Thomas Frutchey,
City Manager

Attest:

City Clerk

Approved as to Form:

By: _____
Iris P. Yang
City Attorney

LESSEE:

San Luis Obispo Parks, Open Space & Trails
Foundation

By: _____
Name: _____
Title President

Parks 4 Pups

By: _____
Name: _____,
Title: _____

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL PASO DE ROBLES APPROVING A FIRST AMENDMENT TO LEASE AGREEMENT WITH SAN LUIS
OBISPO PARKS, OPEN SPACE & TRAILS FOUNDATION, ACTING THROUGH PARKS 4 PUPS, TO
EXTEND LEASE TERM

WHEREAS, on November 1, 2011, the City Council approved the interim use by Parks 4 Pups, a committee of the San Luis Obispo Parks, Open Space & Trails Foundation ("SLOPOST"), of the open lot adjacent to the Paso Robles Senior Center to develop and operate a dog park; and,

WHEREAS, the Sherwood Park Master Plan, developed in 2003, proposes 4 tennis courts, a sand volleyball court and restrooms for this site; and,

WHEREAS, under the auspices of Parks 4 Pups, the Sherwood Dog Park Board of Directors has overseen the successful development, operation and maintenance of the dog park at no cost to the City; and,

WHEREAS, in 2015, the Sherwood Dog Park was open to the public every day of the year, exceeding lease requirements and serving at least 100 dogs and their owners each day; and,

WHEREAS, the initial term of the current lease (the "Lease") with SLOPOST will expire on February 1, 2017 unless SLOPOST exercises the first of its two five- (5) year options to extend; current lease agreement expires as of 11:59 p.m. on February 1, 2017 with an option to extend the term for up to two additional terms of five years each; and,

WHEREAS, on August 3, 2016, the City received a written request from the Sherwood Dog Park Board of Directors to exercise its option to extend the Lease term to February 1, 2022;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby determines that it does not have an immediate need for the Property for development in accordance with the Sherwood Park Master Plan.

Section 2. The City Council hereby approves the First Amendment to Lease Agreement with SLOPOST, attached hereto as Exhibit A and incorporated herein by reference, and authorizes the City Manager to execute said First Amendment.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 16th day of August, 2016, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Steven W. Martin, Mayor

Kristen L. Buxkemper, Deputy City Clerk



August 3, 2016

Julie Dahlen
Director, Library and Recreation
600 Nickerson Drive
Paso Robles, CA 93446

Dear Julie,

The term of the Sherwood Dog Park lease with the city is nearing its end. The Board of Directors of Sherwood Dog Park would like to request renewal of its lease. The park has provided a significant service to the Paso Robles community and its visitors faithfully for 4 ½ years and we intend to continue to provide such a service. Over this time, we have not only built and maintained the park, but have actively fund raised and used the funds above what was required for maintenance. Those funds have been used for a continuous improvement of the park. Improvements include front landscaping, cement walkways, bulletin boards, and tree planting. We have been active in the community and have worked with Boy Scouts to support Eagle Scout projects, with Paso Robles Youth Works who provided the park's wine barrel airplanes. We have the active support from community businesses including the Kennedy Club, J Lohr Winery, and Vina Robles, all of whom have provided significant support in our fund raising activities.

Sherwood Dog Park has been a significant contributor to the overall appeal of Paso Robles to its residents and, in particular, to visitors to our city, many of whom bring their dogs. We hope you will favorably consider our request for renewal.

Sincerely,

Larry Miller

Chair, Sherwood Dog Park Board of Directors

-	SDP Treasurer's Report - 2015				Notes
Verified w/SLOPOST	Accrued Earnings	2,256.95			
	SDP Donations YTD	18,300.52			
	VDP Donations YTD	345			
	VDP Transfers YTD	345			
	Net SDP Income	18,300.52			
	Expenses YTD	19,532.10			
as of 8/31/2015	carryover)	1,025.37			
	2015 Net	-1,231.58			
VDP	Donations (SLOPOST batch date)	SDP	Transfer \$	Transfer Date	
	100 January	3,823.68			
	60 February	2,530.06	160	3/9/2015	VDP
	85 March	2,791.35			
	0 April	1,254.59			
	0 May	1,586.30	105	6/1/2015	VDP - Journal # 395RR
	20 June	2,336.86			
	20 July	219			
	0 August	293.38	40		Journal # 402RR
	20 September	284.3			
	20 October	387.88			
	0 November	713.26			
	20 December	2,079.86	40	12/30/2015	Journal #404RR
	345 Year to date totals	18,300.52	345		
	Expenses				
Date	Description	Amount			
1/2/2015	Dale Breckow - stamps	19.6			Ck # 3569 1/6/15
1/7/2015	post.	106.25			Ck # 3568 - 1/7/15
1/13/2015	City of Paso Robles - Water	3.7			Ck # 3577 - 1/18/2015
1/14/2015	Wilkins Printing - movie posters	0 void			VOIDED 2/7/15 (\$48.44
1/30/2015	Larry Miller - marker supplies	119.74			Ck #3583 - 1/30/2015
1/27/2015	Paso Robles Magazine - dog jog ad	75			Ck #3580 - 1/30/2015
1/29/2015	Nunno Corp - shade	961.68			Ck #3598 - 1/31/2015
1/27/2015	Dan's Tractor Service	100			Ck #3586 - 1/31/2015
1/27/2015	Wausau Awards/Engraving - plaques	16.35			SDP - \$16.35/ VDP
2/4/2015	P. O'Farrell - dog park supplies	136.18			Ck. # 3598 - 2/4/2015
2/4/2015	Wolfinger Graphics - dog jog flyer	199.75			invoice #1825
2/4/2015	P. O'Farrell - dog jog supplies	66.4			Ck # 3600 2/4/2015
2/4/2015	Wilkins Printing - dog jog flyers	143.16			Ck. #3597 - 2/4/2015
2/10/2015	Dale Breckow - stamps	26.46			Ck #3618 - 2/17/2015
2/10/2015	City of Paso Robles - Water	8.2			Ck # 3619 - 2/20/2015
2/10/2015	David Haste - coffee for volunteers	36			Ck # 3620 - 2/20/2015
2/10/2015	permit/supplies	44.95			Ck # 3621 - 2/20/2015
2/7/2015	Park Cinemas - movie rental	430.67			Ck # 3608 - 2/7/2015
3/8/2015	Larry Miller - dog park supplies	87.98			Ck. #3633 - 3/14/15
3/9/2015	Denise Isom - pet waste bags	272.99			Ck. #3636 - 3/15/2015
3/24/2015	hndls	31.68			Ck. # 3639 - 3/29/2015
3/24/2015	event	61.18			Ck. #3640 - 3/29/2015
3/24/2015	supplies	25.36			Ck. #3641 - 3/29/2015
3/24/2015	City of Paso Robles - Water	4.1			Ck # 3642 - 3/29/2015
3/27/2015	Paula O' Farrell - various supplies	287.29			- rest for VDP) -
4/1/2015	Larry Miller - brochures and flyer box	58.12			Ck. #3649 - 4/3/2015
4/2/2015	U.S. Postal Service	80			Ck # 3648 - 4/3/2015
4/6/2015	Wilkins Printing - hot dog flyers	11.32			Ck #3654 - 4/11/2015
4/13/2015	anniversary	60			Ck #3656 - 4/14/2015

4/13/2015	Bud Bailey - food for work party	21.6		Ck # 3655 - 4/14/2015
4/21/2015	flyers	42.5		VDP
5/14/2015	Wilkins Printing - flyers	6.32		(total \$12.63 - rest to
5/18/2015	Dan's Tractor Service	100		Ck #3695 - 5/20/2015
5/18/2015	City of Paso Robles - Water	12.3		Ck # 3692 - 5/26/15
5/18/2015	Mike Fitzgerald- lunch supplies	30		Ck # 3693 - 5/26/15
5/18/2015	Judy Davis - Hot diggity dog supplies	83.52		Ck. #3694 - 5/26/15
5/29/2015	Jack Tracy - park maint. supplies	105.7		Ck. #3707 - 6/2/15
5/20/2015	A-1 Concrete	10,460.00		Ck. #3691 - 5/20/2015
6/2/2015	post.	23.38		Ck. #3709 - 6/6/15
6/3/2015	Dale Breckow - stamps	29.4		Ck. #3710 - 6/6/15
6/6/2015	City of Paso Robles - Water	12.3		Ck.#3711 - 6/6/15
6/9/2015	supplies	346.93		Ck # 3715 - 6/12/15
6/11/2015	Larry Miller - new plants	147.99		Ck #3720 - 6/12/15
7/13/2015	City of Paso Robles - Water	20.5		Ck. #3737 - 7/15/15
7/13/2015	Judy Davis - coffee	30		Ck. #3736 - 7/15/15
7/24/2015	Larry Miller - hosp. table supplies	171.71		Ck. # 3742 - 7/26/2015
7/24/2015	Dale Breckow - coffee for dog social	29.9		Ck. #3743 - 7/26/2015
7/29/2015	Dan's Tractor Service	100		Ck. #3744 - 7/31/2015
7/31/2015	Insurance	308		Journal entry
8/11/2015	City of Paso Robles - Water	12.3		Ck. #3752 - 8/18/2015
8/18/2015	Paula O' Farrell - tags	162.3		(total ck \$325.60)
8/18/2015	Larry Miller - dog par social supplies	67.23		Ck. #3754 - 8/23/2-15
8/28/2015	Rock On Interactive - website hosting	180		(total ck \$360)
9/21/2015	Gracie Ray - event coord. dog jog	500		Ck. #3765 - 9/21/2015
9/21/2015	Larry Miller - stair railing	76.95		Ck. #3766 - 9/21/2015
10/7/2015	Wilkins Action Graphics - flyers	12.63		Ck. # 3783 - 10/9/2015
10/7/2015	City of Paso Robles - Water	12.3		Ck. #3782 - 10/9/2015
10/19/2015	City of Paso Robles - Water	8.2		Ck #3789 - 10/19/2015
10/20/2015	Denise Isom - gift cards and dog bags	322.99		Ck. #3792 - 10/28/2015
10/29/2015	Dan's Tractor Service	100		Ck. #3795 - 11/5/2015
10/29/2015	Larry Miller - gate latch and tacks	30.9		Ck. #3796 - 11/5/2015
11/3/2015	Jog.	297.5		Ck. 3794 - 11/5/2015
11/10/2015	City of Paso Robles - Water	28.7		Ck. # 3800 - 11/12/2015
11/10/2015	supplies	29.9		Ck. # 3798 - 11/12/2015
11/10/2015	Denise Isom - pet wast bags	404.99		Ck. # 3799 - 11/12/2015
11/22/2015	notes	326.5		Ck. 3808 - 11/22/2015
12/2/2015	Jan Wolfinger - movie flyer	127.5		Ck. #3811 - 12/5/2015
12/8/2015	City of Paso Robles - Water	20.5		Ck. #3816 - 12/11/2015
12/10/2015	Bud Bailey - fence supplies	122		Ck. #3817 - 12/11/2015
12/10/2015	Larry Miller - fence supplie/Xmas party	156.26		Ck. # 3818 - 12/11/2015
12/14/2015	Dale Breckow - stamps, office supplies	41.92		Ck. # 3819 - 12/18/2015
12/31/2015	VDP/SDP	166.01		(total check 4411.93
12/31/2015	notes	32.69		Ck #3826 - 12/31/2015
12/31/2015	Jan Wolfinger - movie flyer	93.75		Ck. #3825 - 12/31/2015
12/29/2015	Pay Pal	1.4		
12/31/2015	SLOPOST Fees	640.52		Journal entry



Sherwood Dog Park 2015 Summary of Activities and Events

General Activities

The Dog Park was open every day of the year from dawn to sunset with the exception of 3 days when it was closed for cement work. On average, approximately 100 dogs visited the park each day.

Events

- February – Fund raising movie showing of “**Best in Show**” at Park Cinema. J. Lohr donated and poured wine in the theatre.
- March – The Park’s main fund raising event, the **Dog Jog**, with Kennedy Club hosting. This event included a 2k/4k walk/jog/run, a pancake breakfast, drawings, and a dog contest (best kisser, owner-dog look alike, etc.) . Approximately 130 dogs and 175 people attended. In 2016 the event was held at Vina Robles.
- March – Every Tuesday at Chili’s restaurant, the park received 15% of proceeds from customers who mentioned Sherwood Dog Park (Chili’s Give Back Program)
- April – **Parkaversary** – Our annual free anniversary celebration including a chili cook-off and hot dog toss with prizes for longest catch
- June, July, August – Free coffee and pastry socials monthly on Saturday mornings
- October – **Howloween** – Another free event including a bake sale and featuring a costume contest. Over 50 dogs participated.