

September 12, 2018

**WHEREAS**, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

**WHEREAS**, the City of Dallas Park and Recreation Department (CITY) and ESPN Productions Inc. (ESPN), a Delaware corporation, desire to enter into a two-year Cotton Bowl Stadium Use agreement to have ESPN conduct the SERVPRO First Responders Bowl Game (formerly known as the Plains Capital Heart of Dallas Bowl game or Zaxby's Heart of Dallas Bowl) during the 2018 and 2019 Collegiate Football Bowl Seasons; and

**WHEREAS**, holding activities throughout the year, including regular season and bowl season collegiate football games such as the SERVPRO First Responders Bowl Game at the Cotton Bowl Stadium, along with the advertising, broadcasting, news media, and promotion activities related to such activities and games, attracts tourists to the CITY and Fair Park, increases business opportunities throughout the City, and portrays and promotes the City and Fair Park in a positive fashion; and

**WHEREAS**, since January 1, 1937, the Cotton Bowl Stadium has hosted more bowl games than any other stadium in the United States, except for the Rose Bowl, hosting a bowl game during the college bowl season each year since, except in 2010; and

**WHEREAS**, the CITY has been a third-party beneficiary participant to other games held in the Cotton Bowl, including through State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement related to the Red River Showdown during the State Fair, and has provided annual funding of a game fee for each university, subject to the annual game being played at the Cotton Bowl through 2025; and

**WHEREAS**, the CITY has also been a third-party beneficiary participant to the State Fair/Gambling State/Prairie View Cotton Bowl Stadium Agreement and has provided annual funding of a game fee for each university, subject to the annual game being played at the Cotton Bowl through 2025; and

**WHEREAS**, previously, on November 14, 2012, the CITY and the Heart of Dallas, a Texas non-profit corporation, entered into a Chapter 380 Economic Development Grant Agreement to facilitate the Heart of Dallas Bowl at Cotton Bowl Stadium hosting teams from the Big Ten, Big 12 or Conference USA;

**WHEREAS**, in 2013, ESPN took over management and operation of the Plains Capital Bank Heart of Dallas Bowl and in 2014 Zaxby's became the title sponsor of the Bowl; and

**WHEREAS**, the final game subject to the Chapter 380 Economic Development Grant Agreement was played on December 26, 2017; and

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**WHEREAS**, since 2012, the annual stipend for the bowl game has been funded through the Park and Recreation Department's General Fund budget. While a new agreement could be executed through a Chapter 380 Program agreement, the program guidelines adopted in 2016 include more stringent requirements than were in place in 2012, making the bowl game funding a non-conforming use. A stadium use agreement is a more appropriate and consistent model for funding the bowl game. The City currently funds an annual stipend in support of the Red River Showdown football game between the University of Texas and Oklahoma University through a Cotton Bowl Stadium Use Agreement. The proposed agreement for the SERVPRO First Responders Bowl will be modeled after the Texas-OU game agreement; and

**WHEREAS**, according to Visit Dallas, the bowl game on December 26, 2017 between Utah and West Virginia had an economic impact of \$7,024,513, the bowl game on December 27, 2016 between Army and North Texas had a total economic impact of \$5,903,619; the bowl game between Washington and Southern Mississippi, played on December 26, 2015 had a total economic impact of \$8,151,430; and the bowl game on December 26, 2014 between Louisiana Tech and Illinois had an economic impact of \$14,890,630; and

**WHEREAS**, the CITY and ESPN desire to continue their partnership to host the newly announced SERVPRO First Responders bowl games at the Cotton Bowl Stadium with specified National Collegiate Athletic Association (NCAA) football conferences during December 2018 and December 2019; and

**WHEREAS**, in consideration for ESPN conducting the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in 2018 and 2019 with specified NCAA football conferences, including the advertising, broadcasting, news media, and promotion activities, the CITY shall participate in hosting the game by providing an annual game stipend for each participating conference payable in two installments of \$150,000 each in December 2018 and December 2019.

**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 a two-year Cotton Bowl Stadium Use Agreement with ESPN Productions, Inc., a Delaware corporation, approved as to form by the City Attorney, for ESPN to conduct the SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified NCAA football teams from the Big Ten, Big 12, Conference USA or other conferences, including the advertising, broadcasting, news media, and promotion activities.

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**SECTION 2.** That the salient terms and conditions of the Cotton Bowl Stadium Use Agreement are:

- (a) ESPN shall contract with the City to host the annual SERVPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park in December 2018 and December 2019 with specified NCAA football conferences in 2018 and 2019
- (b) ESPN shall organize, conduct, and manage advertising, broadcasting, news media, promotional activities and other such related game functions
- (c) The City shall provide an annual game stipend for each participating conference payable in two installments of \$150,000.00 each in December 2018 and December 2019
  - The first installment will be payable in December 2018 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in an annual bowl game at the Cotton Bowl Stadium in Fair Park
  - The second installment will be payable in December 2019 upon completion and verification of ESPN bringing teams in from the Big Ten, Big 12 or Conference USA to play in the SERVEPRO First Responders Bowl game at the Cotton Bowl Stadium in Fair Park
- (d) The agreement is subject to approval and appropriation by the City Council
- (e) The City reserves the right to terminate the agreement due to non-appropriation; provided however ESPN shall have the right, upon advance written notice and City consent, to proceed to conduct the bowl event at its election without the City's appropriation

**SECTION 3.** That the City Manager is hereby authorized to provide annual funding beginning in 2018 through 2019, in the amounts as set forth in SECTION 4 below, subject to the games being played at the Cotton Bowl Stadium and annual appropriation of funding by the City Council.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds to ESPN Productions Inc. in an amount not to exceed \$300,000.00 (\$150,000.00 in Fiscal Year 2018-19 and \$150,000.00 in Fiscal Year 2019-20) (subject to annual appropriations) from General Fund, Fund 0001, Department PKR, Unit 5208, Object 3099, Vendor VC18227.

**SECTION 5.** That this contract is designated as Contract No. PKR-2018-00007680.

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**SECTION 6.** That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council.

**SECTION 7.** 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.

