

October 28, 2020

WHEREAS, the City (the “City”) and the Dallas Center for the Performing Arts Foundation (“DCPAF”) are parties to a Development and Use Agreement dated September 28, 2005 (the “Performing Arts Center Use Agreement”), as amended, for the construction, development, and long-term possession of a first-class, multi-venue performing arts complex consisting of the Winspear Opera House, the Wylie Theater, the Grand Plaza, a 600-space garage, Annette Strauss Artist Square (“Strauss Square”) and supporting infrastructure; and

WHEREAS, the City and the Dallas Symphony Association, Inc. (“DSA”) were parties to a Use Agreement for the Meyerson dated September 18, 1985 (the “Meyerson Use Agreement”), as amended, which provided for the terms and conditions under which the DSA was the priority user and primary tenant to occupy certain portions of the Meyerson while City had sole responsibility for the operation and management of the entire Meyerson premises; and

WHEREAS, on December 10, 2008, City Council authorized the Second Amendment to the Performing Arts Center Use Agreement for the operation and use of the Strauss Square, and provided, in part, for the adoption of a plan for scheduling (the “Booking Rights Agreement”) at the Meyerson and Strauss Square by Resolution No. 08-3432; and

WHEREAS, on April 22, 2009, City Council authorized the Fourth Amendment to the Meyerson Use Agreement that provided, in part, for the adoption of the Booking Rights Agreement by Resolution No. 09-1105; and

WHEREAS, on May 22, 2019, City Council authorized the Amended and Restated Use Agreement for the Meyerson between the City and DSA, to amend the Meyerson Use Agreement to enable the DSA to solely lease, occupy, manage, and operate the entire Morton H. Meyerson Symphony Center premises for a ninety-nine year term, subject to reverter and other requirements of Section 253.011 of the Texas Local Government Code by Resolution No. 19-0774; and

WHEREAS, the Amended and Restated Use Agreement for the Meyerson incorporated and maintained the Booking Rights Agreement; and

WHEREAS, the DSA and DCPAF have mutually agreed to revise the Booking Rights Agreement and are desirous of the City and DCPAF’s concurrent adoption of said revised Booking Rights Agreement as part of the Performing Arts Center Use Agreement; and

WHEREAS, it is now desirable to authorize the Fourth Amendment to the Performing Arts Center Use Agreement with DCPAF to incorporate the adoption of a revised Booking Rights Agreement to provide a new plan for scheduling at the Meyerson and Strauss Square, with said revised Booking Rights Agreement being jointly negotiated with the DSA and DCPAF.

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Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to execute the Fourth Amendment to the Performing Arts Center with the Dallas Center for the Performing Arts Foundation, Inc., approved as to form by the City Attorney, to incorporate a revised Booking Rights Agreement, as jointly negotiated with the DSA and DCPAF.

SECTION 2. 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.