

November 13, 2019

**WHEREAS**, on September 25, 1996, City Council authorized a contract with the Dallas Convention and Visitors Bureau for ten years with two five-year renewal options by Resolution No. 96-3120; and

**WHEREAS**, on May 12, 1999, City Council authorized Supplemental Agreement No. 1 to the contract to remove the cap on the amount of compensation and decrease the percentage the Dallas Convention and Visitors Bureau (DCVB) receives from 33.57% to 32.6 % and to require the DCVB to meet performance measures that place priority on the Convention Center by providing a minimum of 95% utilization of leasable space and dates by Resolution No. 99-1652; and

**WHEREAS**, on June 26, 2002, City Council authorized Supplemental Agreement No. 2 to the contract to provide supplemental funding for additional marketing and promotion of the Dallas Convention Center expansion, require DCVB to establish a reserve account for future revenue shortfalls, and require DCVB provide for future capital improvements at WRR Municipal Radio by Resolution No. 02-1986; and

**WHEREAS**, on December 11, 2002, City Council authorized Supplemental Agreement No. 3 to the contract to provide \$30,000.00 in funding for the promotion of the City of Dallas and the Dallas area as a location for the production of motion pictures and television films by Resolution No. 02-3527; and

**WHEREAS**, on January 8, 2003, City Council authorized Supplemental Agreement No. 4 to reduce supplemental funding for additional marketing services from the Dallas Convention and Visitors Bureau from \$950,000.00 to \$715,000.00 and to reduce DCVB's required reserve account from \$1,000,000.00 to \$800,000.00 to address future budget deficiencies, and to reduce the DCVB's requirement to pay for capital improvements at WRR Municipal Radio from \$1,050,000.00 to \$790,280.00 by Resolution No. 03-0213; and

**WHEREAS**, on October 22, 2003, City Council authorized Supplemental Agreement No. 5 to the contract to defer to DCVB's January 1, 2004, repayment in the amount of \$197,570.00 until January 1, 2007, allowing DCVB to offer economic incentives to the clients to facilitate future convention center bookings by Resolution No. 03-2860; and

**WHEREAS**, on April 28, 2004, City Council authorized Supplemental Agreement No. 6 to the contract to defer the DCVB's requirement to establish a reserve account of \$800,000.00 from September 30, 2006 to September 30, 2007, to enable DCVB to support or create special events to attract visitors downtown by Resolution No. 04-1442; and

November 13, 2019

**WHEREAS**, on October 12, 2005, City Council authorized Supplemental Agreement No. 7 to the contract to provide \$200,000.00 supplemental funding for DCVB to promote the City of Dallas and the North Texas area as a location for production of motion pictures and television films by Resolution No. 05-2924; and

**WHEREAS**, on September 13, 2006, City Council authorized Supplemental Agreement No. 8 to the contract with the DCVB exercising the first of two five year renewal options to extend the contract for convention facility promotion, advertising and tourism development services for the period of October 1, 2006, to September 30, 2011, by Resolution No. 06-2490; and

**WHEREAS**, on October 28, 2009, City Council authorized Supplemental Agreement No. 9 to the contract with the DCVB for the City to assume the function of marketing and promoting the City as a desirable location for the entertainment industry (i.e., film, digital image and other) and other actions by Resolution No. 09-2672; and

**WHEREAS**, on September 14, 2011, City Council authorized an Amended and Restated contract with the DCVB for convention facility promotion, advertising and tourism development services by Resolution No. 11-2452; and

**WHEREAS**, on September 9, 2015, City Council authorized a contract with the DCVB for convention facility promotion and advertising and tourism development by Resolution No. 15-1666; and

**WHEREAS**, on December 19, 2016, City Council authorized Supplemental Agreement No. 1 to remove Downtown Tourist Public Improvement funds as the source of funding for the annual \$500,000 capital improvement contribution and to update the DCVB contact information by Resolution No. 16-7122; and

**WHEREAS**, on January 4, 2019, the Office of the City Auditor released the *Audit of VisitDallas Report No. A19-006* which evaluated the effectiveness of services provided by the Dallas Convention and Visitors Bureau (dba VisitDallas) between FY 2016 and FY 2017; and

**WHEREAS**, the Audit provided 18 recommendations that require memorialized contract amendments.

**Now, Therefore,**

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

November 13, 2019

**SECTION 1.** That the City Manager is hereby authorized to execute an Amended and Restated Contract with Dallas Convention and Visitors Bureau for the period beginning October 1, 2019 through September 30, 2020, to incorporate corrective changes in response to the City's Audit finding.

**SECTION 2.** That such Amended and Restated Contract shall include firm deliverable due dates, a revised definition of tourism, the inclusion of arts and culture in the promotion and marketing activity, and new reporting and performance goal requirements, including an increase from 2% to 3% retainage to be paid out based on DCVB successful contract compliance.

**SECTION 3.** That such Amended and Restated Contract continue the provisions of CR 16-7122 to secure the DCVB's commitment to the City to provide \$500,000.00 in funding annually for Dallas Convention Center improvements.

**SECTION 4.** That such Amended and Restated Contract shall include the transition of the Dallas Film Commission (dba Creative Industries) from the Office of Economic Development to the DCVB portfolio to ensure that the City of Dallas is marketed and promoted as a location for the production of motion pictures, television, and other related creative media.

**SECTION 5.** That such Amended and Restated Contract shall include a line item in the DCVB budget to provide .9% of the DCVB Hotel Occupancy Tax allocation for arts and culture and that such line item will be provided directly to the Office of Arts and Culture.

**SECTION 6.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed 30% of the 7% Hotel Occupancy Tax collected by the City to the Dallas Convention Visitors Bureau, at the discretion of the Director if DCVB complies with all terms of the contract, as supplemented from Convention Center Fund, Fund 0080, Department CCT, Unit 7838, Object 3320, Vendor 519741.

**SECTION 7.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in an amount not to exceed \$596,690 from DCVB to Convention Center, Fund 0080, Department CCT, Unit 7838, Revenue Code 9000 for transfer to the Office of Arts and Culture to OCA Hotel Occupancy Tax Fund, Fund 0435, Department OAC, Unit 1841, Revenue Code 9201.

**SECTION 8.** 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.