



Legislation Details (With Text)

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**Type:** CONSENT AGENDA      **Status:** Approved

**File created:** 10/9/2020      **In control:** Office of Arts and Culture

**On agenda:** 10/28/2020      **Final action:** 10/28/2020

**Title:** Authorize the First Amendment to the Amended and Restated Use Agreement for the Morton H. Meyerson Symphony Center, to incorporate a revised Booking Rights Agreement, as jointly negotiated with the Dallas Symphony Association, Inc. and the Dallas Center for the Performing Arts Foundation, Inc. - Financing: No cost consideration to the City

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Date	Ver.	Action By	Action	Result
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**STRATEGIC PRIORITY:** Quality of Life

**AGENDA DATE:** October 28, 2020

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Office of Arts and Culture

**EXECUTIVE:** Joey Zapata

**SUBJECT**

Authorize the First Amendment to the Amended and Restated Use Agreement for the Morton H. Meyerson Symphony Center, to incorporate a revised Booking Rights Agreement, as jointly negotiated with the Dallas Symphony Association, Inc. and the Dallas Center for the Performing Arts Foundation, Inc. - Financing: No cost consideration to the City

**BACKGROUND**

Opened in 1989, the Morton H. Meyerson Symphony Center (Meyerson) was built through a public/private partnership with the Dallas Symphony Association, Inc. (DSA) raising over \$54 million in private support to match the City’s bond contribution of \$49.3 million. The City and the DSA entered into a Use Agreement for the Meyerson on September 18, 1985, subsequently amended in 1995, 1999, 2004, and 2009. In May 2019, the Dallas City Council authorized an amended and restated use ninety-nine year lease agreement that transitioned management and operations of the Meyerson to the DSA.

Immediately adjacent to the Meyerson is the Annette Strauss Artists Square (Strauss Square), an

outdoor performance facility managed by the Dallas Center for the Performing Arts Foundation, Inc. (DCPAF), d/b/a AT&T Performing Arts Center. This facility's design, construction, operation and use were authorized in 2008 by the Second Amendment to the Performing Arts Center Development Agreement with DCPAF. The Second Amendment also included administrative controls in the form of a Booking Rights Agreement to address the possible sound impact of Strauss Square on the Meyerson. The Booking Rights Agreement was developed by the City in conjunction with both the DSA and DCPAF, and was a jointly negotiated plan for scheduling at the Meyerson and at Strauss Square.

In 2009, the same Booking Rights Agreement was made part of the Meyerson Symphony Center Use Agreement with the DSA through the Fourth Amendment. The 2019 amended and restated lease agreement for the Meyerson with the DSA incorporated the same Booking Rights Agreement as was adopted in 2009.

As documented in the Office of the City Auditor's *Audit of Business Partners Oversight - Arts District* (Report No. A17-010), the current use agreements do not allow for full utilization of Strauss Square. The leadership of the DSA and DCPAF have entered into a Memorandum of Understanding related to the Strauss Square Booking, and wish to amend their contracts with the City to reflect this Memorandum of Understanding via the revised Booking Rights Agreement. This revised Booking Rights Agreement will allow for greater utilization of the Strauss Square through a booking process that serves the interests of the City as well as the DSA and DCPAF.

#### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On December 10, 2008, City Council authorized the Second Amendment to the Performing Arts Center Development Agreement with DCPAF, which included, in part, authorization for the operation and use of Strauss Square and the Booking Rights Agreement by Resolution No. 08-3432.

On April 22, 2009, City Council authorized the Fourth Amendment to the Meyerson Symphony Center Use Agreement with the Dallas Symphony Association, which included, in part, the Booking Rights Agreement for Strauss Square by Resolution No. 09-1105.

On May 22, 2019, City Council authorized a ninety-nine year lease agreement for the Meyerson with the Dallas Symphony Association by Resolution No. 19-0774.

#### **FISCAL INFORMATION**

No cost consideration to the City.