

RESOLUTION NO. 20160922-xxx

WHEREAS, the City allocates fifteen percent of the funds received from the hotel occupancy tax to the Cultural Arts Fund for the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and applied fields, painting, sculpture, photography, graphic and creative arts, motion pictures, radio, television, tape and sound recording and other arts related to the presentation, performance, execution and exhibition of a major art form; and

WHEREAS, the City, through its Economic Development Department Cultural Arts Division, serves to encourage, develop, and facilitate an enriched environment of artistic, creative, cultural activity in the City; and

WHEREAS, the Cultural Arts Division manages the Cultural Arts Fund in compliance with Chapter 351 of the Texas Tax Code which authorizes funds to be spent to encourage the promotion of tourism and the hotel and convention industry; and

WHEREAS, the City Arts Commission, along with the Cultural Arts Division, developed a funding plan based on the model adopted by the City Council on August 18, 2005; and

WHEREAS, the Commission and the Division have recommended the cultural arts services contracts for Fiscal Year 2016-2017 to be funded in the

amounts shown in Exhibits "A," and "B," and forwarded their recommendation for City Council approval as required by the August 18, 2005 Council action; and

WHEREAS, the City and the Zachary Scott Theatre have entered into an operation agreement in which the City pays the Theatre \$60,000 for maintenance, and it is sourced from the Cultural Arts Funds; and

WHEREAS, the Council finds it is important to ensure workers and employees are allowed to organize in accordance with applicable state and federal law; and

WHEREAS, whenever contractors propose to use City property, the City has a significant interest in ensuring continuity of services provided and avoiding labor disputes or work stoppages on its property; **NOW THEREFORE,**

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

The City Council approves the award of contracts for cultural arts services for Fiscal Year 2016-2017 to the contractors listed in the attached Exhibit "A" and Exhibit "B," in the corresponding amounts, subject to adjustment as set out below; in a total amount not to exceed \$7,906,224, and authorizes the City Manager to negotiate and execute these contracts with terms and conditions as may be favorable, necessary, or required, excluding those contractors receiving organizational support core funding and proposing to use City property as listed in Exhibit "B"; and

BE IT FURTHER RESOLVED:

The City Manager is authorized to negotiate contracts with the contractors listed in the attached Exhibit "B" with terms and conditions as may be favorable, necessary, or required, including terms and conditions related to employers' compliance with applicable state and federal labor laws related to employees' rights to organize, and consideration for agreements between contractors and employees that avoid potential uncertainties and disruptions arising from labor disputes; and return to Council with the proposed contract form for authorization to execute at the October 6, 2016 meeting; and

BE IT FURTHER RESOLVED:

The Council authorizes payment in the amount of \$60,000 for Zachary Scott Theatre Center for maintenance and operations per a separate current operations agreement to be paid from the Cultural Arts Fund; and

BE IT FURTHER RESOLVED:

The City Manager or his designee is authorized to make formula-based adjustments to funding amounts not to exceed the amount of his administrative authority, based on the arts funding matrix approved by Council and as necessary to correct mathematical or categorization errors, or based on updated financial information.

ADOPTED: _____, 2016

ATTEST: _____

Jannette S. Goodall
City Clerk

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