

**RESOLUTION NO. 20170928-016**

**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 2017-2018 to be funded in the amounts shown in Exhibit

“A”, 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**, Council reaffirms its support of language in the agreements for Zachary Scott Theatre regarding labor matters in the contract for the upcoming year, but also gives direction to the City Manager to add a provision to that operating agreement grant and in the award of the cultural arts grant to require return of funds paid to Zachary Scott Theatre from the City in the event that there is a determination of a violation of labor law by a federal court of appeal with competent jurisdiction over the matter; **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 2017-2018 to the contractors listed in the attached Exhibit “A” in the corresponding amounts, subject to adjustment as set out below, in a total amount not to exceed \$8,624,405, and authorizes the City Manager to negotiate and execute these contracts with terms and conditions as may be favorable, necessary, or required; 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

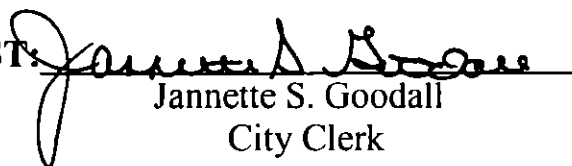
from the Cultural Arts Fund with the additional direction to the City Manager that the labor peace language from the 2016-2017 agreement be included in the new agreement, and that language also be added to that agreement and in the award of the cultural arts grant to require return of funds paid to Zachary Scott Theatre from the City in the event of a determination of violation of labor law by a federal court of appeals with competent jurisdiction over the matter; and

**BE IT FURTHER RESOLVED:**

The City Manager or her designee is authorized to make formula-based adjustments to funding amounts not to exceed the amount of her 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:** September 28, 2017

**ATTEST:**

  
Jannette S. Goodall  
City Clerk