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CITY SECRETARY
DALLAS, TEXAS

FIRST AMENDMENT TO RESIDENT COMPANY USE AGREEMENT

THIS FIRST AMENDMENT TO RESIDENT COMPANY USE AGREEMENT (“First Amendment”) is entered effective as of April 1, 2021 (the “Effective Date”) by the CITY OF DALLAS, a duly incorporated home rule city of the State of Texas located principally in Dallas County, Texas (the “City”), and TEATRO HISPANO de DALLAS, a non-profit corporation organized under the Texas Non-Profit Corporation Act (“TEATRO DALLAS”).

W I T N E S S E T H:

WHEREAS, the City and TEATRO DALLAS are parties to that certain Resident Company Use Agreement dated January 29, 2021, (the “Resident Agreement”), relating to TEATRO DALLAS residency use of the Latino Cultural Center located at 2600 Live Oak Street in Dallas on land owned by the City; and

WHEREAS, pursuant to the Resident Agreement, TEATRO DALLAS agrees to cooperate with the City and Cara Mia Theater Co. in a fundraising campaign to raise \$500,000 by March 31, 2021, for a capital improvement fund toward the design, development and construction of betterments to the multiform theater space and supporting areas, which may include but are not limited to seating and audio-visual enhancement; and

WHEREAS, due to COVID-19 impacts on the nonprofit cultural industry and fundraising efforts, the parties desire to amend the Resident Agreement to extend the fundraising campaign to December 31, 2021.

NOW, THEREFORE, the City and TEATRO DALLAS, for and in consideration of the terms and conditions contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, do hereby agree as follows:

1. Defined Terms. All capitalized terms not defined in this First Amendment have the definitions ascribed to such terms in the Resident Agreement.
2. Extension of Capital Fundraising Campaign. The first sentence of Section 3.3(d) is deleted in its entirety and replaced with the following to provide for extension of the campaign to December 31, 2021:

“TEATRO DALLAS, in cooperation with CARA MIA Theater Co. and the City’s Office of Arts and Culture will complete a consolidated capital campaign to raise a minimum of \$500,000.00 by December 31, 2021, for betterments to the multiform theater space and supporting areas, which may include but are not limited to seating and audio-visual enhancement.”

3. Authority. Each party, as to itself only, represents and warrants that it has the full power and authority to enter into this First Amendment and perform its obligations under the Resident Agreement.

4. Counterparts.

This First Amendment may be executed in any number of counterparts, each of which shall be an original, but all of which together shall constitute one and the same instrument.

5. Except as expressly modified herein by this First Amendment, all the terms, provisions and conditions of the Resident Agreement shall remain in full force and effect.

(Signature Page follows)

EXECUTED on this the 1st day of April, 2021, by City, signing by and through its City Manager, duly authorized to execute same by Resolution No.210395, adopted by the City Council on February 24, 2021, and by TEATRO DALLAS, acting through its duly authorized official.

APPROVED AS TO FORM:
CHRISTOPHER J. CASO
City Attorney

BY Consuelo R. Tankersley
Consuelo R. Tankersley (Apr 1, 2021 10:17 CDT)
Assistant City Attorney CRT
CRT

CITY OF DALLAS:
T.C. BROADNAX,
City Manager

BY Joey Zapata
Joey Zapata (Apr 1, 2021 11:04 EDT)
Assistant City Manager

ATTEST:

BY Biliana Johnson
City Secretary

RECOMMENDED BY
THE DIRECTOR OF ARTS AND CULTURE:

BY Jennifer Scripps
Jennifer Scripps (Apr 1, 2021 10:02 CDT)

TEATRO HISPANO de DALLAS,
a Texas non-profit corporation

By: Sara Cardona
Sara Cardona (Apr 1, 2021 08:59 CDT)

Name: Sara Cardona

Title: Executive Director

210395

February 24, 2021

WHEREAS, the City of Dallas owns the land and improvements comprising the Latino Cultural Center (LCC), including the Oak Farms Dairy Performance Hall, located at 2600 Live Oak Street in Dallas County, Texas; and

WHEREAS, the LCC is operated by the Office of Arts and Culture to serve as a regional catalyst for the preservation, promotion and development of Latino and Hispanic arts and culture; and

WHEREAS, on February 13, 2019, City Council authorized a professional services contract with Good Fulton & Farrell, Inc. d/b/a GFF, Inc. for architectural and engineering design, and construction administration services for a new multi-form theater and adjoining spaces at the LCC; and

WHEREAS, the *Dallas Cultural Plan 2018* emphasized the priorities of Equity, Diversity, Space, Support for Artists, and a Sustainable Arts Ecosystem, and the city's two largest Latinx theater companies are desirous of growing into a new theater space; and

WHEREAS, Cara Mia Theatre Co. and Teatro Dallas have a long history of presenting compelling works about the diverse experiences of Latinx communities to audiences in Dallas and at the LCC, and the City is desirous of providing them with a residency opportunity at the LCC; and

WHEREAS, on December 11, 2019, City Council authorized a Resident Company Use Agreement with Cara Mia Theatre Co., and a Resident Company Use Agreement with Teatro Hispano de Dallas, which made the LCC as the first municipal arts center in the United States to boast two professional resident Latinx theater companies, setting a new standard for equitable representation for Latinx theater in the nation, by Resolution No. 19-1905; and

WHEREAS, an obligation of the Resident Company Use Agreements was a consolidated capital campaign of \$500,000.00 for betterments to the new multi-form theater space and supporting areas, with a deadline of March 31, 2021; and

WHEREAS, the novel Coronavirus-19 (COVID-19) has had deep impacts on the philanthropic and cultural sectors.

Now, Therefore,

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

210395

February 24, 2021

SECTION 1. That the City Manager is hereby authorized to execute the (1) First Amendment to the Resident Company Use Agreement with Cara Mia Theatre Co., approved as to form by the City Attorney, and (2) First Amendment to the Resident Company Use Agreement with Teatro Hispano de Dallas, approved as to form by the City Attorney, for use of the Latino Cultural Center multi-form theater and Oak Farms Dairy Performance Hall Located at 2600 Live Oak Street, to extend the deadline for the \$500,000.00 Consolidated Capital Campaign for Multi-form Theater Betterments from March 31, 2021 to December 31, 2021, due to COVID-19 impacts on the nonprofit cultural industry and fundraising efforts.

SECTION 2. That the First Amendment to the Resident Company Use Agreement with Cara Mia Theatre Co. is designated as Contract No. MASC-OCA-2019-00011331.

SECTION 3. That the First Amendment to the Resident Company Use Agreement with Teatro Hispano de Dallas is designated as Contract No. MASC-OCA-2019-00011332.

SECTION 4. 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.

