

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

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**COUNCIL ACTION: Approved on 5/14/2013**

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**DATE:** Tuesday, May 14, 2013

**REFERENCE NO.:** \*\*C-26256

**LOG NAME:** 80FWSOA2013

**SUBJECT:**

Authorize License Agreement with Fort Worth Symphony Orchestra Association for Use of the Fort Worth Botanic Garden for the Concerts in the Garden Series (COUNCIL DISTRICT 7)

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**RECOMMENDATION:**

It is recommended that the City Council authorize the execution of a license Agreement with the Fort Worth Symphony Orchestra Association for the annual Concerts in the Garden Series held at the Fort Worth Botanic Garden.

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**DISCUSSION:**

Over the past 23 years, the City and the Fort Worth Symphony Orchestra Association (FWSOA) have brought to the citizens of Fort Worth the Concerts in the Garden (CITG) series. On May 24, 2011, (M&C C-24919) the City Council authorized the execution of a contract with the FWSOA to permit them to have the use of certain portions of the Fort Worth Botanic Garden (shown as Tracts I, II and III on the attached Exhibit) for the purposes of conducting the CITG series of performances by the FWSOA and other artists. The Agreement was for two years (January 2011 through December 2012), without any additional renewal options. The primary reason for the shorter term was to balance the desire to allow the concerts to continue with the need to allow sufficient time to assess economic conditions. In producing the concerts series, the FWSOA relies heavily on private corporate sector underwriting.

The City and the FWSOA wish to continue in their relationship and enter into a new Agreement for an initial term of two years with an effective date beginning on January 1, 2013 and ending on December 31, 2014, with two 2-year renewal options. For the 2013 concert series, the FWSOA will pay the Fort Worth Botanical Society (FWBS) a rental fee of \$1,500.00 for each concert date, as well as one percent of the gross value of all revenue from sales of concert tickets and parking spaces on City-owned property. In addition, the FWSOA will pay the FWBS the amount of \$900.00 for dates on which the Symphony wishes to reserve the bulk of the Botanic Garden Center (BGC) lots. The City and FWSOA agree to negotiate in good faith to modify the license fees for the 2014 concert series and subsequent renewal options. The proposed terms of the new Agreement are consistent with City contracts in general. As part of the Fort Worth Botanical Society's (FWBS) non-exclusive concessionaire's rights with the City of Fort Worth, the FWBS shall receive 20 percent of the gross revenue from all merchandise sold by or for the performers at the concerts. All funds paid to the FWBS are to be allocated toward maintaining infrastructure and addressing safety concerns throughout the Botanic Garden. All other major terms and conditions of the prior year's contract remain unchanged.

The Parks and Community Service Advisory Board endorsed this recommendation at its February 27, 2013 Board meeting.

The Botanic Garden is located in COUNCIL DISTRICT 7 and serves the entire City of Fort Worth.

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**FISCAL INFORMATION / CERTIFICATION:**

The Financial Management Services Director certifies that this action will have no material effect on City funds.

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**FUND CENTERS:**

**TO Fund/Account/Centers**

**FROM Fund/Account/Centers**

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**CERTIFICATIONS:**

**Submitted for City Manager's Office by:**

Susan Alanis (8180)

**Originating Department Head:**

Richard Zavala (5704)

**Additional Information Contact:**

Sandra Youngblood (5755)

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**ATTACHMENTS**

1. FWSOA License Areas.pdf (Public)