



## Legislation Text

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**File #:** CB 120797, **Version:** 1

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### CITY OF SEATTLE

### ORDINANCE \_\_\_\_\_

### COUNCIL BILL \_\_\_\_\_

AN ORDINANCE relating to the Seattle Center Department; authorizing the Seattle Center Director to execute a Fourth Amendment to the Facility Use and Occupancy Agreement between The City of Seattle and the Seattle Repertory Theater; and ratifying and confirming certain prior acts.

WHEREAS, the Seattle Repertory Theater (SRT) was founded in 1963 and began operations in the Seattle

Center Playhouse before moving to the Bagley Wright Theatre, making it one of the longest standing resident organizations at Seattle Center; and

WHEREAS, the City and SRT are parties to that certain Facility Use and Occupancy Agreement, authorized by Ordinance 118109 and amended by First Amendment, Second Amendment, and Third Amendment (the “1996 Agreement”), which governs SRT’s use, occupancy, and financial obligations with respect to the Bagley Wright Theatre; and

WHEREAS, the 1996 Agreement requires SRT to establish and maintain the SRT Replacement Trust Fund (the “SRT Fund”), to be used exclusively for the replacement, maintenance, and repair of the Bagley Wright Theatre, and requires the City to establish and maintain the Bagley Wright Theatre Maintenance, Repair & Replacement Fund (the “BWTMR Fund”) to be used exclusively for replacement and repair of the Bagley Wright Theatre; and

WHEREAS, the 1996 Agreement requires SRT to make annual contributions to the SRT Fund each year during the term in the amounts set forth in Exhibit 8 to the 1996 Agreement, including contributions of \$174,836 for the 2021 SRT fiscal year and \$179,206 for the 2022 SRT fiscal year; and

WHEREAS, the 1996 Agreement required the City to make annual contributions to the BWTMR Fund until

2009 and the City made each required annual payment into the BWTMRR Fund; and

WHEREAS, the Third Amendment to the 1996 Agreement (“Third Amendment”), as authorized by Ordinance 126243, made, among other things, an allowance for SRT to temporarily draw upon funds existing in the SRT Fund for operating expenses if necessary to provide SRT with financial relief during the COVID-19 pandemic emergency and provided that SRT was not required to make the annual contributions for SRT fiscal years 2019 and 2020 to the SRT Fund; and

WHEREAS, the Third Amendment to the 1996 Agreement incorrectly stated that SRT’s annual contribution for SRT Fiscal Year 2019 was \$170,571 and SRT’s annual contribution for SRT Fiscal Year 2020 was \$174,836, while the correct amount for SRT Fiscal Year 2019 was \$166,411 and for SRT Fiscal Year 2020 was \$170,571; and

WHEREAS, in 2021, SRT began a renovation project to make the Bagley Wright Theatre space more accessible (the “Renovation Project”), and has completed the first two phases (Phases I and II) of the Renovation Project, including regrading ramps, replacing seating on the main floor of the Bagley Wright Theatre, adding more wheelchair-accessible locations, renovating lobby restrooms, adding an all-gender/family restroom, increasing circulation space for patrons on the mezzanine, and upgrading the production and administrative offices, which cost \$3,920,110; and

WHEREAS, the Renovation Project was financed and paid for by SRT with sources other than the SRT Fund in order not to deplete the Fund as a source of emergency financial relief pursuant to the Third Amendment during the same time period; and

WHEREAS, the final phase of SRT’s Renovation Project is set to begin in summer 2024, which will include streamlining the main lobby staircase at Bagley Wright Theatre, replacing lobby carpeting with concrete floor, adding acoustical ceiling tiles, and completing cosmetic renovations to the Bagley Wright Theatre mezzanine, and is expected to cost about \$1.1 million; and

WHEREAS, the City is currently undertaking a major maintenance project to replace the exterior cladding and

select areas of the roof of the Bagley Wright Theatre (the “Roof Project”), as recommended in the Seattle Center Facility Condition Assessment to extend the lifespan of the roof and exterior; and

WHEREAS, the current balance of the SRT Fund is \$871,586 and the current balance of the BWTMRR Fund is \$119,669; and

WHEREAS, SRT and the City agree that as of March 28, 2024, the total funds owed in annual SRT contributions into the SRT Fund according to Exhibit 8 of the 1996 Agreement are \$918,994; and

WHEREAS, SRT has provided the City with documentation that the Renovation Project Phases I and II were completed and that at least \$871,586 was paid by SRT for construction of the Renovation Project between 2021 and 2023; NOW, THEREFORE,

**BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

Section 1. As requested by the Seattle Center Director and recommended by the Mayor, the Seattle Center Director or the Director’s designee is authorized to execute for and on behalf of The City of Seattle an amendment to the Facility Use and Occupancy Agreement, as amended, between Seattle Repertory Theater and The City of Seattle authorized by Ordinance 118109, which Agreement is attached to this ordinance as Attachment 1. The amendment shall be substantially in the form of the Fourth Amendment to Facility Use and Occupancy Agreement between Seattle Repertory Theater and The City of Seattle, attached to this ordinance as Attachment 2.

Section 2. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 3. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2024, and signed by me in open session in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved /    returned unsigned /    vetoed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_

Bruce A. Harrell, Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Scheereen Dedman, City Clerk

(Seal)

Attachments:

Attachment 1 - Facility Use and Occupancy Agreement between Seattle Repertory Theatre and The City of Seattle, as amended

Attachment 2 - Fourth Amendment to Facility Use and Occupancy Agreement between Seattle Repertory Theater and The City of Seattle