



**CITY OF NEW BEDFORD**  
JONATHAN F. MITCHELL, MAYOR

November 14, 2017

City Council President Joseph P. Lopes and  
Honorable Members of the City Council  
133 William St.  
New Bedford, MA 02740

Dear Council President Lopes and Honorable Members:

I respectfully submit for the Council's consideration, the Zeiterion Theatre Inc.'s request to enter into a long-term lease agreement with the City of New Bedford. As the Council's Committee on City Property is the statutorily designated authority for the disposition of City-owned property, the establishment of a long-term lease requires an initial vote of the Committee to issue a Request for Proposals. The rationale for this request, as detailed in the attached letter from the Zeiterion's Co-Directors, is to provide a stable operating arrangement for the theater in the long term, and thereby to facilitate a successful capital campaign for the theater building.

As you are aware, the non-profit corporation Zeiterion Theatre, Inc. has been occupying the city-owned Zeiterion Theatre building for over 30 years. They have done so under the auspices of a series of short-term license agreements which, per Massachusetts General Law, are freely revocable with a short notice period. As you are also aware, the Management Agreement between the Z and the City, which the Council recently voted to renew, is for a three-year term. And while the Management Agreement provides the Zeiterion organization with a measure of fiscal stability, it does not address the organization's need for true operational stability as it pertains to their tenancy in the building. As the attached letter implies, preliminary conversations with potential donors have revealed a reluctance to invest in a municipally owned facility for which there is no formal, legal assurance that it will remain a performing arts center for an extended duration.

The leadership of the Z is well aware of the City's legal obligation under Massachusetts General Law to undertake a competitive procurement process in any long-term disposition or leasing of public property, and understands that such a process does not guarantee their long-term occupancy of the Zeiterion Theatre building.

CITY CLERK  
2017 NOV 14 A 10:45  
CITY OF NEW BEDFORD MA

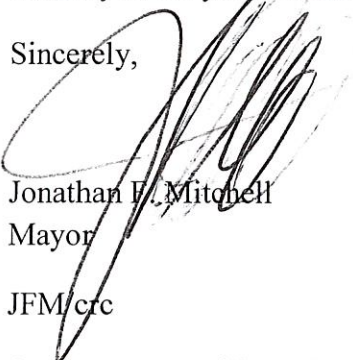
it is in the City's interest to see our beautiful performing arts center preserved and improved, particularly given that the City has invested over \$2 million in local and state resources in the last few years into the facility. For the first time in the organization's history, Zeiterion Theatre, Inc. is willing and able to step up to become a partner in the physical restoration of the building, realizing, as we do, that given our tremendous fiscal constraints, the City cannot do it alone.

I encourage the Council to begin the process of ensuring the long-term viability of the performing arts center by referring this matter to the Committee on City Property for their full consideration. Under M.G.L. Chapter 40, Section 3, the City Council's Committee on Property is responsible for selling and leasing City property, and therefore would be the issuing authority for the Request for Proposals, as required under Chapter 30-B, Section 16, as well as the awarding and negotiating authority for the resulting lease.

As always, my administration is available to provide all the necessary technical and administrative support as the process moves forward.

Thank you for your consideration.

Sincerely,



Jonathan F. Mitchell  
Mayor

JFM/crc

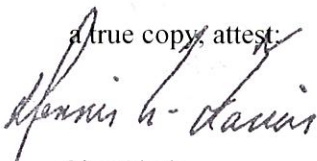
Cc: Rosemary Gill  
Justin LaCroix

Referred to the Committee on City Property.

IN CITY COUNCIL, November 21, 2017

Dennis W. Farias, City Clerk

a true copy, attest:



City Clerk



Zeiterion Performing Arts Center  
684 Purchase Street  
New Bedford, MA 02740  
Phone: 508-997-5664 • Fax 508-999-5956  
www.zeiterion.org

November 13, 2017

The Honorable Jon Mitchell  
City of New Bedford  
Mayor's Office – City Hall  
133 William Street  
New Bedford, MA 02740

Dear Mayor Mitchell,

We are writing today to officially request a formal, 30-year, long-term lease agreement between the City of New Bedford and the Zeiterion Theatre, Inc. (The Z) for the use of the city-owned Zeiterion Theater building.

As you know, The Z has entered the feasibility period of a capital campaign. Funds raised during the campaign will direct more than \$2 million of improvements to the city-owned building that include new and/or improved: state-of-the-art marquee; theater seats; bathrooms; flame-retardant soft goods (curtains;) orchestra pit cover; among other capital improvements.

Through this dedicated fundraising effort, The Z seeks to preserve and update our magnificent, yet aging home of 35 years. Our continued success depends upon our ability to present world-class performing artists, providing the highest quality patron experience, and creating a landmark for this community.

Much of this work is well overdue. The Z is poised to reclaim the beauty of this magnificent theater by preserving what was established over three decades ago, while ushering in new technologies that pave the way for an even brighter future.

To maximize the participation of private donations, it is both prudent and imperative that we secure a 30-year long-term formal lease agreement.

These are exciting times for both The Z and the City of New Bedford. We look forward to partnering with you.

Sincerely,

  
Rosemary Gill  
Executive Director  
Programming and Development

  
Justin T. LaCroix  
Executive Director  
Production and Facilities



Office of  
Clerk of Committees  
133 William Street  
New Bedford, MA 02740

# City of New Bedford

MASSACHUSETTS

Tel: (508) 979-1482  
Fax: (508) 979-1407

**DENNIS W. FARIAS**  
*City Clerk Clerk of the City Council*

**DENIS LAWRENCE, JR.**  
*Clerk of Committees*

**DONNA M. BRITTO**  
*Assistant Clerk of Committees*

## MEMO

TO: ALL CITY DEPARTMENTS

FROM: DENIS LAWRENCE, JR.  
CLERK OF COMMITTEES

DATE: FEBRUARY 28, 2018

SUBJ: ZEITERION THEATRE, INC., 684 PURCHASE STREET, NEW BEDFORD, MA

The City Council's Committee on City Property at a meeting held on Monday, February 26, 2018, considered a COMMUNICATION, Mayor Mitchell, to City Council, submitting a request from the Zeiterion Theatre, Inc. to enter into a long term lease agreement with the City of New Bedford, that this matter be referred to the Committee on City Property to issue a Request for Proposals.

On motion by Councillor Lopes and seconded by Councillor Markey, the Committee VOTED: That the Clerk of Committee's Office notify Department Heads of each City Department that the City Property Committee is requesting each Department Head respond whether their respective department believes the above-referenced property is needed for municipal purposes; and further requesting a tentative agreement from the Solicitor's Office and the Mayor's Office on tentative terms for a lease agreement between the City of New Bedford and the Zeiterion Theatre Inc.

Please send all correspondence to the Clerk of Committee's Office, Room 213.

Thank you.

DLjr: dmb



Office of  
Clerk of Committees  
133 William Street  
New Bedford, MA 02740

# City of New Bedford

MASSACHUSETTS

Tel: (508) 979-1482  
Fax: (508) 979-1407


**DENNIS W. FARIAS**  
*City Clerk/Clerk of the City Council*

**DENIS LAWRENCE, JR.**  
*Clerk of Committees*

**DONNA M. BRITTO**  
*Assistant Clerk of Committees*

## MEMO

TO: Councillor Naomi R. A. Carney, Chairperson  
Committee on City Property

FROM: Denis Lawrence, Jr.   
Clerk of Committees

DATE: April 13, 2018

SUBJ: **ZEITERION THEATRE, INC., 684 PURCHASE STREET, NEW BEDFORD, MA**

Below are the names of the Departments that responded that their department has no use for the above-referenced property for municipal purposes.

Assessor's Office  
EMS Department  
Department of Inspectional Services  
Traffic Commission  
Health Department  
Environmental Stewardship  
Department of Public Infrastructure  
Department of Facilities and Fleet Management  
Planning & Community Development  
Treasurer's Office  
City Clerk's Office  
Veteran's Office  
City Solicitor's Office  
Airport  
Purchasing Department  
Election's Office  
Community Services  
Buttonwood Park Zoo  
Library  
Licensing