



Staff Reports Details (With Text)

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Title: License Agreement for Use of Stage at Oxbow Commons by Mad Dog Presents, LLC

Sponsors:

Indexes:

Code sections:

Attachments: 1. ATCH 1 - License Agreement Mad Dog Presents C2018-304, 2. ATCH 2 - Oxbow RiverStage 2019 Report

Date	Ver.	Action By	Action	Result
11/5/2019	1	CITY COUNCIL OF THE CITY OF NAPA	adopted	Pass

To: Honorable Mayor and Members of City Council

From: John Coates, Parks & Recreation Services Director

Prepared By: Katrina Gregory, Recreation Manager

TITLE:

License Agreement for Use of Stage at Oxbow Commons by Mad Dog Presents, LLC

RECOMMENDED ACTION:

Determine that Mad Dog Presents LLC has provided a Progress Report to the City that documents compliance with the requirements of the License Agreement for use of the stage at Oxbow Commons for the term of June 1, 2019, through October 31, 2019; authorize the City Manager to provide written notice to allow Mad Dog Presents LLC to exercise its option to extend the term of the License Agreement for the term of June 1, 2020 through October 31, 2020; and determine that the actions authorized by this item are exempt from CEQA under the Agreement.

DISCUSSION:

In 2018, the City of Napa entered into a one-year license agreement with Mad Dog Presents (Licensee) to permit the Licensee to erect and maintain a stage on a 60' x 60' area at Oxbow Commons from June 1, 2019 through October 31, 2019 for a summer concert series. Licensee was permitted to produce up to fifteen (15) paid, ticketed music concerts and required to produce a minimum of five (5) free music concerts open to the public. Due to the fewer paid concerts for the 2019 season, the parties agreed to reduce the requirement for free concerts from five to one (1) free concert for every three (3) paid concerts produced.

Mad Dog Presents in partnership with Another Planet created the "Oxbow RiverStage" brand and

booked 6 concerts for the 2019 season. The 2019 concert schedule included:

- Sunday, August 25th - Steve Miller Band and Marty Stuart
- Saturday, Sept 21st- Bob Weir and the Wolf Brothers
- Friday, Oct 11th - The Roots and Royal Jelly Jive
- Sunday, Oct 13th - Free community concert featuring Sean Hayes, Sandy's, The Sam Chase and Jealous Zelig
- Saturday, Oct 26th - The B-52's and The English Beat
- Sunday, Oct 27th - Free community concert featuring Illeagles and The Purple Ones (cancelled due to high winds)

If the Licensee adheres to the terms of the Agreement and submits a timely request to extend the Agreement, the Agreement can be extended for two additional five-month terms (June 1, 2020 to October 31, 2020 and June 1, 2021 to October 31, 2021) if the City determines that the Licensee has complied with the performance objectives in the License Agreement and that no "material impediment" exists to continuing the Agreement for an additional year. A "material impediment" includes City or public dissatisfaction with the concert series or incompatibility of the concert series with the primary uses and purposes of the Oxbow Commons. The flat monthly license fees will increase to \$1700/month for 2020 and \$2000/month for 2021.

Below are the performance objectives of the License Agreement and a report on Mad Dog Presents adherence to those objectives for the 2019 term:

- (1) Licensee shall comply with all terms and conditions of this Agreement and of any Special Event Permit issued by City for the Event Series.

Mad Dog Presents successfully applied for a Special Event Permit and all necessary requirements were met including an Event Operations Plan, County Health Permit, ABC permit, Parking and Security plans, etc. All fees associated with these permits have been paid including associated fees for Police and Public Works staff expenses. For 2020, staff will be requesting all information (except for ABC license) including concert dates be provided 90-days in advance.

- (2) Licensee shall timely pay the License Fees to City.

Per the agreement, the City of Napa received a monthly park rental fee of \$1,500 per month as well as percentage of ticket sales from the gated concerts and a percentage of revenue from food and alcohol sales from each free concert. The payments have been received on time per the terms of the agreement. The total revenue collected and projected revenue for 2019 is listed below:

Month	Monthly License Fee	Attendance	% of Ticket Revenue	% of F&B
June	\$1,500	-	-	-
July	\$1,500	-	-	-
August	\$1,500	2327	\$5,730	-
September	\$1,500	1914	\$5,077	-

October	\$1,500	1923 500 2000*	\$ 4,306 - \$5,000*	- \$225 -
Subtotal	\$7,500	8,664	\$20,113	\$225
Grand Total	\$27,838*			

*Projected Revenue

- (3) Licensee shall resolve any conflicts or issues related to use of the Stage in a timely and reasonable manner.

Prior to the concert series starting, Mad Dog Presents mailed a notification to potentially impacted businesses and residents from the concerts. These notifications were sent to approximately 3,900 households and businesses. Mad Dog Presents also held several in person stakeholder meetings with nearby business owners including The Westin, Wine Train, Oxbow Market and CIA at Copia to mitigate concerns in advance of the concerts, including providing an accessible walkway with a temporary fence between The Westin and Oxbow Market. One of the goals for the project is to minimize the street closures on McKinstry Street and allow public access to Oxbow Commons park as much as possible until the venue is closed for the ticketed events. Lastly, Mad Dog Presents held a town hall public meeting on August 21, 2019 for the public to express concerns or questions. There was also a hotline available for the public if there were any noise complaints during the concerts. There were three noise complaints during the October 11th concert and one noise complaint during the October 26th concert. There was one parking complaint for Lot X (old Cinedome lot) on October 26th.

- (4) Licensee shall achieve attendance goals mutually agreed to by the parties for the Event Series.

The City of Napa was pleased with the attendance at the concerts for the inaugural season. Staff will encourage Mad Dog Presents to do additional promotion for the free community concerts planned for 2020.

- (5) Licensee shall maintain the Stage and the Premises in good condition and repair.

Mad Dog Presents has adhered to the city requirements for Oxbow Commons and the stage and premises have been maintained in good order.

- (6) Licensee shall ensure the safety of the Stage and Premises and of the persons who attend the Events on the Premises.

Mad Dog Presents has ensured adequate security for attendees at the events and for the property at and between concerts.

For the entire progress report submitted by Mad Dog Presents, see Attachment 2.

FINANCIAL IMPACTS:

The estimated revenue from the License Agreement for 2019 is \$28,000 and is deposited into GL 45215 36201 to assist with expenses to maintain Oxbow Commons and other city parks. The revenue in 2020 is estimated to be \$65,000-\$80,000.

CEQA:

City staff recommends that the City Council determine that the Recommended Action is exempt from CEQA pursuant to CEQA Guidelines Section 15303, which exempts the construction and location of small structures.

DOCUMENTS ATTACHED:

ATCH 1 - License Agreement

ATCH 2 - 2019 Progress Report

NOTIFICATION:

None