



Staff Reports

File #: 106-2021, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Vincent Smith, Interim Parks & Recreation Services Director

Prepared By: Katrina Gregory, Recreation Manager

TITLE:

License Agreement with Mad Dog Presents, LLC for Use of Oxbow Commons

RECOMMENDED ACTION:

Authorize the City Manager to negotiate and execute a License Agreement with Mad Dog Presents, LLC from June 2022 - October 2022 and June 2023 - October 2023, to allow the licensee to reschedule summer concerts that have been cancelled due to the COVID-19 pandemic in 2020 and 2021 and determine that the actions authorized by this item are exempt from CEQA.

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. Mad Dog Presents in partnership with Another Planet created the "Oxbow RiverStage" brand and booked 6 concerts for the 2019 season.

At the November 5, 2020 meeting, City Council determined that Mad Dog Presents LLC's Progress Report to the City documented 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 and authorized 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.

Due to the COVID-19 pandemic and Napa County health orders, any group gatherings and events such as music concerts were cancelled or postponed for the 2020 summer season. Therefore, Mad Dog Presents requested to extend its License Agreement for an additional season, from June 1, 2021 to October 31, 2021, in order to reschedule many of the concerts to the following season. In April 2020, City Council authorized the City Manager to execute the amendment for extending the term of the original agreement. The original agreement will expire on October 31, 2021.

Due to the continued uncertainty with the COVID-19 pandemic and health order guidelines for larger events, it is likely the 2021 season for the Oxbow RiverStage will be significantly impacted. Since Mad Dog Presents, LLC made a significant investment in the equipment and music series and since the

Licensee was not able to fully operationalize the previous three years of the agreement due to the pandemic, the City is proposing granting a license agreement for use of Oxbow Commons for the 2022 Season and 2023 Season.

The license agreement will require the Licensee to pay the monthly license fees for 2022 of \$1700/month and \$2000/month for 2023. The other license fees in the agreement will remain as stated, including the percentage of revenue from ticket sales and one (1) free community concert for every three (3) ticketed concerts. Mad Dog Presents will still be required to provide a Progress Report at the end of the season for 2022 and 2023 to document compliance with the License Agreement requirements. In addition, the License Agreement includes allowing the stage to be available for use by third parties or other event organizers that are not a part of the Oxbow RiverStage event series.

Staff has engaged with the Oxbow District stakeholders to review the 2019 season and discussed opportunities to improve the special event permit requirements. Additional meetings will take place as needed to assist with reducing any negative impacts for the neighboring businesses and residents as well as increase collaboration and create positive outcomes for all parties.

FINANCIAL IMPACTS:

The revenue from the License Agreement for 2019 was \$28,200 and was deposited into GL 45215 36201 to assist with expenses to maintain Oxbow Commons and other city parks. The revenue projections are estimated to be approximately \$65,000-\$80,000 for both FY2022-2023 and FY2023-2024.

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 - 2022-2023 Oxbow Commons License Agreement

NOTIFICATION:

None