



Staff Reports

File #: 382-2021, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Vincent Smith, Parks & Recreation Services Director

Prepared By: Katrina Gregory, Recreation Manager

TITLE:
Oxbow Riverstage Concert Series

RECOMMENDED ACTION:

Authorize the City Manager to amend the License Agreement with STR Entertainment (formerly Mad Dog Presents) to allow the erection and use of a stage for music concerts and other events within the Oxbow Commons City park for the 2022 concert series, but at a location that differs from prior years; 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, 2019 meeting, the City Council determined that the Licensee'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 the Napa County health orders, any group gatherings and events such as music concerts were cancelled for the 2020 summer season. Therefore, the Licensee 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. On April 7, 2020, the City Council authorized the City Manager to execute the amendment for extending the term of the original agreement.

In April 2021, due to the continued uncertainty with the COVID-19 pandemic and the health orders for larger events, it was unknown if the 2021 season for the Oxbow Riverstage would be significantly impacted. Since the Licensee made a significant investment in the equipment and music series and since the Licensee was not able to fully operationalize the agreement within the initial three years, on

April 6, 2021, the City Council authorized the City Manager to execute a License Agreement for use of Oxbow Commons for the 2022 Season and 2023 Season. For this agreement, the Licensee name was changed from Mad Dog Presents to STR Entertainment, both managed by Ken Tesler.

With California's health orders changing on June 15, 2021 and COVID-19 cases decreasing, the Oxbow Riverstage was able to schedule and produce 14 concerts (3 concerts cancelled) between August 14, 2021 and October 23, 2021. After reviewing the 2021 season, there were several positive community benefits from the Oxbow Riverstage concert series as well as several areas to improve which are listed below:

- **Attendance:** There were approximately 27,500 attendees during the 2021 concert series. It is estimated that approximately 80% attendees were visitors to Napa.
- **COVID-19 Safety:** COVID-19 protocols were strictly enforced including requiring all ticket holders to show proof of vaccination or proof of negative COVID test within 72 hours of the event.
- **Employment:** The Oxbow Riverstage employed approximately 250 staff with a payroll of nearly \$800,000. There were 16 musical groups, including opening acts, with the additional staff supporting their respective tours which is estimated to be a total of 480 employees. In addition, there were over 20 subcontractors with another estimated 75 employees providing services at the venue.
- **Economic Impact:** Based on preliminary analysis, the estimated economic impact by the direct ticket holders of the Oxbow Riverstage is estimated to be approximately \$7-\$8 million.
- **Noise Complaints:** There were numerous noise complaints during the 2021 season especially from residents in the Alta Heights neighborhood. Staff worked with the Licensee to decrease the sound volume to help reduce the impact to the nearby residents.
- **Stakeholder Scheduling:** Staff engaged with the Oxbow District stakeholders to reduce any negative impacts for the neighboring businesses as well as discussed ways to increase collaboration and create positive outcomes for all parties. One important result of these discussions is establishing a plan to schedule any future events at the Riverstage further in advance to allow other businesses to plan around the concerts.
- **Risk of Flooding:** There was an unexpected large storm event on October 24, 2021 which nearly caused the Oxbow Commons Bypass to flood. There is consideration for not allowing the stage to remain at Oxbow Commons through October 31st going forward.

Based on the noise concerns, staff has encouraged the Licensee to explore an alternative location in the downtown area to host the concert series including exploring the option to move to the Napa Valley Expo and Fairgrounds. It is undetermined if an agreement could be reached by these parties in the near future to ensure a successful 2022 season.

As another alternative to lessen the negative impacts of the Oxbow Riverstage, staff is exploring reorienting the stage to face west toward downtown Napa and use the eastern section of Oxbow Commons (see Attachment 1) for the stage and back of house equipment. The area would be fenced in and secured during non-concert days. Reorienting the stage should help with the noise

impact for nearby residents. This would also allow for the public to access and enjoy the lower concrete area at Oxbow Commons during non-concert days which is utilized frequently by community members. There would still be public access along the sidewalk adjacent to the Napa River between the Westin Hotel and Oxbow Market (at all times) as well as the sidewalks on the North and South end of the stage area (during non-concert days).

While the initial feasibility of changing the stage orientation appears optimistic, further analysis of the final stage layout, anchoring and approved engineering of the weight on the turf matt will need to be completed before final approval can be provided by the City and the Napa County Flood Control and Water Conservation District.

With relocating the stage, there will be an impact to the turf area. The Licensee will be solely responsible for the expense for the restoration of the turf area which may include re-seeding or re-sodding. The area will likely need to remain closed for approximately 3-4 weeks to be fully restored after the stage is removed. The Napa County Flood Control and Water Conservation District requested the turf returns to its original condition by October 15th to prepare for the wet season. Additionally, if there is any damage to the turf matt, the Licensee will be responsible for any repairs or replacement.

Staff is also recommending the Licensee use only the agreed upon dates for the 2022 season (see Attachment 2) to provide predictability for the nearby businesses, other event organizers, and community members wanting to use Oxbow Commons. The 15 concert dates within the proposed 22 dates will be finalized through the Special Event Permit process; the process by which the specific logistics are finalized and approved by the City. In addition, staff is recommending limiting the number of concerts to 15 paid concerts and only one free concert for the community which will be scheduled for July 4th.

At the conclusion of the 2022 season, Staff recommends returning to the City Council to review the success of the proposed changes, should they be executed, at which time the Council would consider renewal for the 2023 season.

FINANCIAL IMPACTS:

The revenue from the License Agreement for 2021 was \$68,370 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 \$80,000 for both FY2022-2023 and FY2023-2024. Relocation of the venue to the Napa Valley Expo or terminating the event altogether would eliminate this revenue.

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 - Amended Stage Layout at Oxbow Commons
ATCH 2 - 2022 Proposed Available Concerts Dates

NOTIFICATION:

None