



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: MAY 4, 2010

ITEM NUMBER:

**SUBJECT: STAFF TIME REQUEST FOR SUMMER CONCERT SEASON PLANNING**

**DATE: APRIL 27, 2010**

**FROM: ADMINISTRATIVE SERVICES DEPARTMENT/RECREATION DIVISION**

**PRESENTATION BY: WILLIAM TURPIT, PRESIDENT, COSTA MESA COMMUNITY FOUNDATION AND JANA M. RANSOM, RECREATION MANAGER**

**FOR FURTHER INFORMATION CONTACT: JANA M. RANSOM AT (714) 754-5654**

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## **RECOMMENDATION:**

In response to an offer by the Costa Mesa Community Foundation to fund two concerts and solicit funding for two additional concerts for the summer 2010 season, it is requested that City Council:

1. Approve up to ten hours of City staff time to work with the Costa Mesa Community Foundation Board of Directors to plan up to four concerts to be held at Fairview Park July 2010.
2. Approve up to an additional ten hours per concert (up to a total of forty full time staff hours) to provide venue management (concert set-up, parking and traffic control, supervision, tear-down and clean-up) should the Costa Mesa Community Foundation secure funds to cover the direct costs.
3. Authorize the Administrative Services Director to approve contracts with Reality Entertainment not to exceed \$1,550 each (\$6,200 total) to provide bands and sound services for up to four concerts. All amounts paid out by the City shall be reimbursed by the Costa Mesa Community Foundation.

## **BACKGROUND:**

Discussion of this item was continued for discussion from the April 20, 2010 City Council meeting.

Last year, Council eliminated general fund support for the 2009 summer concert season. The Costa Mesa Community Foundation (CMCF) requested the opportunity to raise funds sufficient to cover the City's direct costs for the 2009 season. Full time staff was authorized by City Council to cover planning and venue management. Direct costs totaling \$10,000 were charged to the City budget and CMCF was then invoiced for all direct cost expenditures not including full-time staff hours. Full time staff hours expended in connection with the 2009 concerts was approximately 80 hours. CMCF covered the cost of part time staff.

At their February 23, 2010 meeting, the CMCF voted to offer fiscal sponsorship of two concerts and to take on fundraising for up to two additional concerts to be held at Fairview Park (Attachment 1). Based upon City staff presentation, and to decrease staff resources needed to plan and conduct the concerts, it was recommended by staff that a promoter be retained to take

on some of the responsibilities and liabilities that ordinarily would be borne by staff, the City and the Foundation.

### **ANALYSIS:**

Ten (10) full time staff hours are needed in this current year to plan for the concerts in anticipation of the CMCF being successful in their fund raising efforts. There currently is no General Fund budget allocation for the 2010 summer concerts nor authorization to expend staff resources for planning in the expectation that CMCF or any other entity are able to provide funds to cover the costs.

Should the Council accept CMCF offer to fund two concerts, it is anticipated that an additional twenty full time staff hours will be expended (ten staff hours per concert). If the CMCF secures sufficient funding commitments they hope to cover the direct costs of up to four concerts. This would increase staff time support by ten additional hours per concert, or up to 40 total staff hours. The Community Foundation will inform the City Manager of their intention and ability to fund up to four community concerts by May 21, 2010.

To reduce the amount of full-time staff needed to plan concerts and provide venue management, staff recommended that a promoter be retained to secure the bands and provide sound services for the concerts. The cost of the promoter is included in the costs CMCF has agreed to fund. Using a promoter to contract with the bands relieves staff of many responsibilities both in advance of the concerts and on the actual days concerts are held.

Reality Entertainment is a promoter that works with many cities and has an established reputation in the community concert industry. The promoter's staff will secure bands according to the genre of music desired and will guarantee the band will play appropriate family-oriented music, that the band will be on time, that the band will perform the full amount of time contracted for and will follow City rules and conditions.

There are licensing issues that must be addressed as well. The City is currently licensed by only one music industry catalog, ASCAP. The license is good expires June 30, 2010. The City has a credit with ASCAP of \$875. The 2010 licensing fee is \$992 (based upon population). There are several other music licensing companies. In order to keep costs at a minimum, staff secured agreement of promoter that all music performed by the bands come from the ASCAP catalog. If music performed at a City concert is found to be in another company's catalog (such as BMI or SESAC), the City could be fined. The promoter will be responsible for assuring that all music performed is ASCAP licensed. The Cultural Arts Committee has offered to pay the differential cost of \$117 for the ASCAP license should this promoter be retained.

Reality Entertainment would also provide the sound system, technician, and staff for each concert to make sure that all elements agreed upon are provided. Reality Entertainment has offered to reduce their fee by \$200 per concert (from \$1,750 per concert to \$1,550 per concert). This fee is equivalent to the amount paid last year for City staff to pay for the bands, sound system and sound technician. Staff time savings is realized in both planning the concerts since there is only one point of contact for the bands and in the venue management because the promoter provides a staff person on site at each concert to handle set-up, tear-down and any issues that may arise with the band or sound during the course of the concert itself.

A suggestion has been received by staff that the City considers using community bands that would perform at the concerts for no payment. This would reduce the amount of funding that CMCF would have to raise. However, the commitment of full time staff hours would increase under this alternative by an additional 20 hours to initiate call-out, review and negotiate no-fee contracts with potential bands. A cost comparison and procedure is provided as Attachment 2

should Council wish to explore this alternative further. The Community Foundation vote was to provide funding sufficient to cover the cost of Reality Entertainment contracts.

**FISCAL REVIEW:**

There is no direct cost related to authorization of full time staff hours to begin planning for the concerts. The value of the 50 total hours of staff time requested is approximately \$3,000. As Recreation Division full time staff will flex their schedules for hours spent managing the concerts, these hours will be regular and not overtime hours.

**ALTERNATIVES CONSIDERED:**

- Do not authorize staff to expend more than four hours of full time staff time to plan the concert season.
- Do not authorize any City staff involvement in summer concerts. This may result in the CMCF withdrawing their funding offer.
- Provide staff direction.

**CONCLUSION:**

The Costa Mesa Community Foundation is initiating efforts to raise sufficient funds to cover the direct costs to provide up to four concerts at Fairview Park this summer. In order to have sufficient plans in place should the Community Foundation achieve their funding goal, staff requests authorization to expend up to ten (10) hours of staff time for the planning phase, and twenty up to forty (40) total hours of staff time for the venue management.

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JANA M. RANSOM  
Recreation Manager

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STEPHEN N. MANDOKI  
Director of Administrative Services

- ATTACHMENTS:
1. [Minutes of February 23, 2010 Costa Mesa Community Foundation Board Meeting](#)
  2. [Cost Assessment for Free Bands](#)

DISTRIBUTION: William Turpit, CMCF President  
Lisa McPherson, Recreation Supervisor