



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 03/03/2020

ITEM NO: 11

DATE: February 25, 2020
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Prepare and Execute an Agreement for the Production of Music in the Park 2020, Including Any Council Direction

RECOMMENDATION:

Authorize the Town Manager to prepare and execute an agreement for the production of Music in the Park (MIP) 2020, including any Council direction.

BACKGROUND:

On December 3, 2019, the Town Council received a staff report detailing the staff production of MIP and seeking input on the development of an MIP Request for Proposals (RFP). The staff report presented the financial results for the past two years of the staff produced series. The financial results are summarized below:

2018	
Total Expenses 2018	\$38,939
Total Sponsorships 2018	\$36,000
Net Loss	(\$2,939)

2019	
Total Expenses 2019	\$38,454
Total Sponsorships 2019	\$22,000
Net Loss	(\$16,454)

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Manager, Town Attorney, Finance Director, and Economic Vitality Manager

BACKGROUND (continued):

In addition, staff sought guidance on the extent of financial and other in-kind considerations the Council would provide to a successful RFP respondent. Following is the itemized list of in-kind and other monetary considerations that the Council opted to include in the RFP.

In-Kind Donations	
•	Use of Council Lobby as a band staging area (“green room”)
•	Use of Town stage, including setup and tear down
•	Use of electricity to power the stage and sound systems
•	Use of parking spaces to accommodate restrooms, sponsors, and band and sound technicians
•	Use of Town staff for affixing the main concert sign behind the stage

Monetary Consideration		
•	Special Event Permit Application Fee (For-Profit)	Waived \$680.00
•	Parks Hourly Fee	Waived \$4,400.00
•	Temporary Sign Fee	Waived \$99.00
•	No Parking Signs Fee	Waived \$110.40
•	1 LGMS Police Officer Fee	Waived \$5,120.00
Total Monetary Consideration		\$10,409.40

On January 31, 2020, the Town released an RFP “For Production and Promotional Services for the Town of Los Gatos Music in the Park (MIP) Summer Concert Series”. By the submission date of February 20, 2020, the Town received a single proposal (Attachment 1).

DISCUSSION:

RFP Response and Proposal Summary

On February 20, 2020, the Town received a proposal from a group which includes Neal Turley, Mark Secchia, and Perry Thorwaldson. All three of the individuals either currently live in Los Gatos or have previously resided in Town and are very familiar with the Music in the Park summer concert series. Mr. Turley and Mr. Thorwaldson both have extensive experience in the production and planning of music venues. It should be noted that Mr. Thorwaldson provided audio services for MIP the past two years. Mr. Secchia currently serves on the Town’s Sales tax Oversight Committee and volunteers his time for a multitude of other agencies in Town. Mr. Secchia is financing the project and will be responsible for sponsorship development.

DISCUSSION (continued):

The proposal group has the ability to produce the series through either existing 501c3 non-profit organization Sustainable Waze or through the existing for-profit organization Bliss Point Productions.

The submitted proposal confirmed that the group can comply with the Scope of Work (SOW) as outlined in the RFP. The respondents understand that the SOW is not comprehensive in nature and that additional event details will be addressed through the Special Event Permit process. Provided below is the SOW per the RFP:

- a. Produce eight Sunday concerts commencing on July 5, 2020 and concluding on August 23, 2020. Concerts are to begin at 5:00 p.m. and end by 7:15 p.m. (including encores).
- b. Audition, book, contract with, and pay the performers. The Town reserves the right to reject any band deemed inappropriate for the MIP series. Bands should be targeted that attract audiences between 1,500 and 2,500 people.
- c. Provide a professional sound system and sound engineer on site for the duration of the concert. The sound system must be capable of accommodating the horizontal dimensions of the concert venue (see Attachment C).
- d. Provide an adequate number of staff and/or volunteers to run the concerts and clean after the concerts. Minimum staffing requirements per concert is six individuals.
- e. Maintain a clean, safe, and attractive environment for the concerts.
- f. Provide at least one family friendly activity at each concert.
- g. Indemnify and hold harmless the Town of Los Gatos.
- h. Carry necessary liability insurance as required by the Town.
- i. Work with Town staff to ensure all other aspects of the required Special Event Permit are met.
- j. Market the series primarily to the geographic area of Los Gatos.
- k. Use the existing MIP branding/logo in the RFP as the primary brand.
- l. Maintain the existing MIP Facebook presence. The Town will transition the current Facebook page to the successful respondent.

In addition to confirmation of the SOW requirements listed above, the group also included a commitment option to contribute 10% of net non-audited profit to the Town or chosen recipient.

DISCUSSION (continued):

Additional Requests from the Submitted Proposal

The submitted proposal included a section referred to as “Commitment from the Town of Los Gatos”. In follow-up conversations with the respondent, the Town Council is being asked to provide specific direction as to whether it accepts any of the following requests:

- Purchase the naming rights sponsorship for MIP for \$20,000 to remain “Los Gatos Music in the Park” with no additional sponsor name in the title;
- Fund all required Police Officers for the full duration of each MIP concert;
- Provide and pay for all trash and recycling bins and removal service;
- Allow a beer and wine tasting roped off area to be run in accordance with the requirements of the State Alcoholic Beverage Control;
- Provide a 30-minute meeting with the Town Attorney to discuss liability, insurance, and choice of executing entity;
- Allow the removal of the portable bathrooms every Monday morning before 9 a.m.;
- Not charge for any special event application fees (already waived by Town Council); and
- Allow the team to exclusively deal with one person (i.e., Arn Andrews) as a point of contact between the Town and Mark Secchia.

The two main items for Council consideration are the first two bulleted items. Staff believes the remaining bullets already have established precedent in place or can be easily accommodated.

Regarding the first item (*Purchase the naming rights sponsorship for MIP for \$20,000 to remain: “Los Gatos Music in the Park” with no additional sponsor name in the title*), the respondent intends to develop a single title naming rights sponsorship and they believe the Town would be the likely partner for this level. In the event the Council opts not to be a naming rights sponsor, the group would like assurance that the Town is accepting of a potential corporate entity having exclusive naming rights.

Regarding the second item (*Fund sufficient Police Officers for the full duration of each MIP*), the respondent would like the second required Police Officer to also be financed by the Town. In the event the Council opts not to provide additional funding for the second Officer, the group would like the ability to meet with the Town’s Chief of Police to see if alternative public safety approaches could be deployed. The group mentioned the possibility of local sworn residents acting as volunteers to meet the needs of public safety officials needing to present during events.

CONCLUSION:

Staff believes the representative respondents have the professional expertise to produce and promote a successful MIP summer concert series. For this reason, staff recommends moving forward with the preparation and execution of a contract. However, the response clearly illustrates some reservations of the group to assume the full financial responsibility for the series beyond the in-kind and monetary contributions already identified by the Town. For this reason, Council direction on these additional items is needed.

ALTERNATIVES:

In the event the Council opts not to outsource the production and promotion of the MIP summer concert series, it would likely default to staff to produce. Similar to the prior two years, a staff production would be for a five-concert series and as in years past, requires a significant staff commitment. It should be noted, that while staff seeks sponsorships to the best of their ability, Town employees are not ideally suited for fundraising. It should also be noted, that despite best efforts, the production of the concert series has resulted in a net loss both years.

COORDINATION:

This staff report was coordinated with the Town Manager, Town Attorney, and Economic Vitality Manager.

FISCAL IMPACT:

The current impact as outlined in the RFP is a series of in-kind donations and \$10,409.40 of waived fees.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. MIP RFP Proposal