

City of Culver City, California
City Council and Redevelopment Agency Agenda Item Report

Meeting Date: 11/17/08		Item Number: <u>J-1</u>	
AGENDA ITEM: JOINT ITEM: Approval of an Amendment to Existing Memorandum of Understanding Among the City, the Redevelopment Agency and the Downtown Business Association to Include the Duties and Responsibilities of the Respective Parties as they Relate to the Downtown Holiday Tree Lighting Event, Including the Designation of the Downtown Tree Lighting Event as a City-Sponsored and Agency-Sponsored Event.			
Contact Person/Dept.: Jeremy Green/ Community Development		Phone Number: (310) 253-5764	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master E-Mail Notification List (11/12/08); Downtown Business Association (11/11/08); Culver City Chamber of Commerce (11/11/08).			
Department Approval: Sol Blumenfeld (11/10/08)		Agency Counsel Approval: City Attorney Approval: Carol Schwab (by H. Baker) (11/12/08)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (11/12/08)		Executive Director Approval: Jerry B. Fulwood (11/12/08)	

RECOMMENDATION:

Staff recommends the City Council and the Culver City Redevelopment Agency approve an amendment to the existing Memorandum of Understanding ("MOU") among the City, the Redevelopment Agency and the Culver City Downtown Business Association ("DBA") to include the duties and responsibilities of the respective parties as they relate to the Downtown Holiday Tree Lighting Event ("Downtown Tree Lighting"), including the designation of the Downtown Tree lighting as a City-sponsored and Agency-sponsored Event.

BACKGROUND:

The Downtown Business Association is proposing to host its annual Downtown Holiday Tree Lighting Event on Thursday, December 4, 2008 at 6:00pm. As proposed, the Downtown Tree Lighting will be presented at Town Plaza, which is owned by the Agency.

The Downtown Tree Lighting continues the tradition and practice of Town Plaza as the gathering center of Downtown Culver City. This year, the community will once again participate, with members of two school choirs performing, the Police Officers Association arriving with Santa Claus on a sleigh, and downtown restaurants providing refreshments. To add to the holiday environment in

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Downtown Culver City, the Agency will install existing holiday banners on the light poles in the median of Culver Blvd. at a cost of \$1,375.00 for installation/removal.

The Tree Lighting will generate positive publicity for Culver City and provide a potential additional customer base for Downtown restaurants and other businesses. As Town Plaza is completed, it will become even more of a destination gathering location for the residents and visitors of Culver City. The Tree Lighting will act as one of the anchors of this tradition.

On November 5, 2007, the Agency authorized the expenditure of \$15,050 to acquire an artificial tree with a life span of approximately ten (10) years, as well as the lights and decorations that adorn the tree. Amortized over the life of the tree, each year the Agency provides approximately \$1,500 in financial support to the Tree Lighting.

Approved in June, 2008 and effective September 1, 2008 the City, Agency and DBA entered in to a Memorandum of Understanding, which expires on June 30, 2009 and is renewable on an annual basis. Staff is recommending an amendment to the MOU which would add and specify the duties and responsibilities for all parties with regard to the Tree Lighting, including the designation of the Tree Lighting as a sponsored event.

Last year the DBA advertised in only one of the two local newspapers, as they did not have funds to advertise in both the Culver City News and the Culver City Observer. The cost to advertise in both newspapers is approximately \$1200. In an effort to more fully publicize the event, the DBA requests that the Agency grant an expenditure for this year's event in the amount of \$600 to allow for an additional advertisement. The DBA will include a line item for additional funds for the promotion of the Holiday Event in their 2009 budget to allow for an ad in both local newspapers.

DISCUSSION:

Memorandum of Understanding

The Agency and City Council have historically provided partial costs, fee waivers and staff assistance to the DBA for a holiday tree in Town Plaza. Staff has also worked with the DBA to produce the Downtown Tree Lighting in the past, although the event itself has not officially been designated an Agency- or City-sponsored event.

Specifically, Agency staff has, in the past, worked with the DBA to 1) request funds to provide an eco-friendly, artificial tree, with a lifespan of approximately of ten

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(10) years; 2) coordinate with the Public Works Department for the harnessing of the tree and to provide electricity for the tree lights; 3) coordinate with the Police Officers Association to provide an appearance by Santa Claus on his sleigh; 4) provide a sound system for amplification; and 5) provide supplemental marketing for the event.

This year, Community Development Department (CDD) staff will act as the initial point person for the Police Officers Association, as well as the Public Works and Fire Departments, to coordinate the elements above as well as provide supplemental marketing for the event. On the day of the event, CDD staff will provide the sound system and the light switch at the event location.

This year, the DBA will oversee annual storage and the installation of the tree, provide funding for the event as allowed by the DBA budget, execute all pre-event details and produce all aspects of the event on the given date, inclusive but not limited to staffing, refreshments, entertainment and promotion.

Amending the MOU to include these items will allow for a more cohesive blueprint of how the City and the Agency work with the DBA on this event.

Sponsorship Request

Currently, only Agency- or City-sponsored events have taken place at Town Plaza, as there are no policies in effect for outside use of this Agency-owned property. New policies are being prepared to go into effect when the expanded Town Plaza opens.

In accordance with City Council Policy, in order to allow for the event to occur at Town Plaza, the Agency or City would need to determine that the Downtown Tree Lighting is a City- and/or Agency-sponsored event.

To be “sponsored” by the City or Redevelopment Agency, an event must comply with the City Council Policy regarding Community Organizations and Culver City Municipal Code Section 17.330.040.B.7.b.ii. confirming that the following criteria have been met: The City and/or Redevelopment Agency is (a) participating in an official capacity in the planning, preparation or promotion of the event or activity; and (b) contributing 25% of the total estimated costs of the civic event or activity, or at least \$1,000, whichever is less. This contribution may take the form of funds, labor, staff time, materials, a waiver of fees, or any combination of the foregoing.

The CCMC requires both (a) AND (b) to be met. In addition, the use of City staff resources, equipment, etc., for an event does not in and of itself constitute participation in the event by the City in an “official capacity” in the planning, preparation or promotion of the event. Further, in accordance with the recently adopted City Council Policy regarding Community Organizations, in addition to

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meeting the above-referenced criteria, in order for an event to be considered City-sponsored and/or Redevelopment Agency-sponsored, the City Council and/or Redevelopment Agency must determine, by specific action, that the above criteria have been met.

In summary, in order to be eligible to take place at Town Plaza the City and/or the Redevelopment Agency would need to take both of the following actions:

(1) determine the Downtown Tree Lighting meets the requirements of the City Council Policy AND (2) once this determination is made, determine to designate the Tree Lighting as a City (or Agency) sponsored event.

The amendment proposed would include the language above in addition to insertion of the responsibilities for the City, the Agency, and the DBA related to the Tree Lighting. This same language would be proposed in the annual renewal of the Agreement with the DBA. The City shall also include appropriate language in a License Agreement to reflect these actions, thereby granting the request for the event to take place at Town Plaza on an annual basis.

The DBA requests that the City and Agency consider whether to designate the Tree Lighting as a City- and Agency-sponsored event, based upon the above criteria.

FISCAL ANALYSIS:

There is no fiscal impact to designate the Downtown Holiday Tree Lighting Ceremony as an Agency- or City-Sponsored event or to borrow the sound equipment from the Fire Department.

It will take one staff member approximately six (6) hours to complete the tasks. This equates to Staff costs of approximately \$318.00 (assuming the average fully burdened hourly rate of \$53 for a Management Analyst.)

Additionally, the cost for Public Works to harness the tree and provide electricity for the lights that come with the tree will cost approximately \$100 for two (2) hours to complete the tasks.

The total cost in fee waivers and expenditures for this year's event, including staff time and the Agency costs is estimated to be:

Cost of Artificial Tree (amortized)	\$1,500 (Agency – already expended)
Staff time (6 hours)	\$ 318 (Agency)
Event marketing	\$ 600 (Agency)
<u>Public Works (electricity, harnessing)</u>	<u>\$ 100 (City)</u>

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TOTAL

\$2,518

Funds are currently available in the Economic Development budget (Account No. 55090200.610200 "Marketing Services") to fund the expenditure of \$600 associated with the event.

ATTACHMENTS:

1. MOU Among the City, the Agency and the DBA.
2. City Council Policy Statement 2008-01.
3. Excerpts from City Council Meeting Minutes on November 5, 2007.

MOTION:

That the City Council:

1. Designate the Downtown Tree Lighting as a City-Sponsored Event; and,
2. Approve an Amendment to Existing Memorandum of Understanding among the City, the Agency and the DBA to include this sponsorship and the duties and responsibilities of the respective Parties as they relate to the Downtown Holiday Tree Lighting Event;
3. Authorize the City Attorney to review/prepare the necessary documents and authorize the City Manager to execute such documents on behalf of the City; and
4. Approve a fee waiver in the amount of \$100 for staff time.

That the Redevelopment Agency:

1. Designate the Downtown Tree Lighting as an Agency-Sponsored Event; and,
2. Approve an Amendment to Existing Memorandum of Understanding among the City, the Agency and the DBA to include this sponsorship and the duties and responsibilities of the Parties as they relate to the Downtown Holiday Tree Lighting Event;

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3. Authorize Agency General Counsel to review/prepare the necessary documents and authorize the Executive Director to execute such documents on behalf of the Agency; and
4. Approve a fee waiver of \$318 for staff time and an advertising expenditure of \$600 for the 2008 Downtown Tree Lighting.