

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 7/25/05		Item Number: <u>C-5</u>	
AGENDA ITEM: Consideration of Existing Agreements with Circle X Theatre Company and The Other Side of the Hill Productions			
Contact Person/Dept.: Susan Evans		Phone Number: 310.253.5702	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☐	Consent Item: ☒ Attachments: ☐
Public Notification: Master Notification List on 7/20/05			
Department Approval: Susan Evans 7/14/05		CAO Approval: Jerry Fulwood 7/20/05	
City Controller Approval: Marlee Chang 7/19/05			

RECOMMENDATION:

That the City Council considers the existing Performing Arts Grant agreements with The Circle X Theatre Company ("Circle X") and The Other Side of the Hill Productions ("Other Side") respectively, and approve a mutual termination to both agreements.

BACKGROUND/DISCUSSION:

On September 23, 2004, a workshop was held at the Veterans' Memorial Building for prospective 2005 performing arts grant applicants. At this workshop, staff notified those present (which included representatives of Circle X and Other Side) that a Request for Proposal for a Resident Theater Company ("RFP") would be issued in the coming months and that the availability of the Ivy Substation in 2005, to grant recipients, was uncertain at that time. Staff advised the prospective applicants to identify alternative venues to the Ivy prior to submitting their 2005 grant applications, given the Ivy's popularity and unknown future availability.

In February of 2005, the City of Culver City entered into agreements with Other Side (Contract No. 2005 – 019) and Circle X (Contract No. 2005-038). Both agreements were for a six-week theater performance at the Ivy Substation ("the Ivy"). Circle X was to perform in the summer while Other Side was to perform in the fall pursuant to their performing arts grant applications submitted to the City in October 2004. At that time, both contracts were entered into in good faith given past experience with integrating performing arts grant recipients' performance schedules with that of Center Theatre Group, the former resident theater company at the Ivy Substation.

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Pursuant to direction given by the Redevelopment Agency on September 20, 2004, staff issued a Request for Proposal for a Resident Theater Company at the Ivy Substation ("RFP") on February 3, 2005. A workshop and walk through of the Ivy Substation for prospective applicants was held on February 24, 2005, which was attended by representatives from Other Side and Circle X. At that time, there was a discussion between staff and both companies regarding the City's existing contract and a potential conflict with the schedule of a new resident theater company at the Ivy Substation. As the tentative lease date for the resident theatre company was determined for July 1, 2005, staff encouraged both groups to consider alternative timing and/or location, as advised during the application process. Additionally, Circle X independently submitted a proposal for consideration to be the resident theatre company at the Ivy

On May 9, 2005, the Redevelopment Agency unanimously approved The Actors' Gang Theatre Company as the new resident theater company at the Ivy Substation, beginning July 1, 2005. Since that time, staff, The Actor's Gang, and representatives from Other Side and Circle X have been in discussions in hope of identifying alternative venues in Culver City. These efforts were extensive, however, a mutually agreeable site and timeframe was not reached.

To that end, staff has spoken several times with both Other Side and Circle X regarding potential solutions, and all parties have concluded that a mutual termination of the agreements would be the best course of action.

As stated in their contracts, Section 8, "Either the City or Artist may terminate the Agreement at any time with or without cause, at the sole discretion of the party terminating the Agreement... and Artist shall be entitled to pro rata payment for services rendered to the date of notification."

Due to the inability to accommodate either Other Side or Circle X at the Ivy Substation, staff is recommending that payment of the awards be made in full, as a good faith gesture to the services and preparations for anticipated performance.

FISCAL ANALYSIS:

As both companies were planning on generating income for their operation for these events, staff believes that full award payment is a fair and reasonable determination. The award amounts approved by the City were \$4,000 to The Other Side of the Hill Productions and \$5,000 to Circle X Theatre Company. These amounts are available from the Art Fund in account 41300614.619800.

ATTACHMENTS:

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Exhibit A – Dissolution Agreement with Other Side of the Hill Productions

Exhibit B – Dissolution Agreement with Circle X Theatre Company

MOTION:

That the City Council:

Approve a mutual termination to the existing agreement with The Other Side of the Hill Productions, Contract Number 2005 – 19 and authorize award payment of \$4,000, and;

Approve a mutual termination to the existing agreement with Circle X Theatre Company, Contract Number 2005 – 38 and authorize award payment of \$5,000.