

City of Culver City, California

Agenda Item Report

Meeting Date: <u>05/26/2015</u>		Item Number: <u>J-1</u>	
JOINT CITY COUNCIL AND SUCCESSOR AGENCY BOARD AGENDA ITEM: (1) Consideration of the Amount of In-Kind Assistance for and Possible City Sponsorship of IndieCade: International Festival of Independent Games; and (2) Approval of Related License Agreements.			
Contact Person/Dept.: Jeremy Green/ City Clerk's Office		Phone Number: (310) 253-5859	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Creative Collaborative Media, Inc. (04/08/15); Meetings and Agendas – City Council (05/21/15), DBA (05/21/15); Culver City Chamber of Commerce (05/21/15).			
Department Approval: Martin R. Cole (05/19/15)		City Attorney/Successor Agency General Counsel Attorney Approval: Carol Schwab (by H. Baker) (05/19/15)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (04/08/15)		City Manager/Executive Director Approval: John M. Nachbar (05/21/15)	
<u>RECOMMENDATION:</u> Staff recommends the City Council (1) consider the amount of in-kind financial assistance for and potential City sponsorship of the International Festival of Independent Games (IndieCade Festival) and (2) approve related license agreements. <u>BACKGROUND:</u> Note: This item appeared on the City Council Agenda for the Regular Meetings of March 23, 2015 and May 13, 2015. Both times, at the request of the event producer, the item was not considered by the City Council at those meetings and no action was taken by the City Council. The item is re-presented this evening. During the February 13, 2012 City Council meeting, the City Council expressed their desire for there to be consistency for assistance of special events and encouraged staff to meet with the event organizers to determine their ability to conduct the event with limited assistance. Staff determined three types of assistance that could be provided to events with limited impacts on the General Fund: • Waiver of property rental fees • Provision of in-kind equipment rental			

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- Waiver of in-kind staff costs for services during regular business hours.

At the March 23, 2015 City Council meeting, the 2015 Car Show and L.A. Modernism Show were specifically designated as City-Sponsored events and the City Council approved financial assistance in the form of fee waivers for City soft costs. Both events will be responsible to pay for staff time incurred at times other than regular business hours. While the request for IndieCade was also included in the staff report, the event producers requested that the request be postponed until April 13, 2015 and then until May 26, 2015.

DISCUSSION:

City Sponsorship

IndieCade will need to be specifically designated as a City-sponsored event by the City Council. As part of such City-sponsorship, the event producers would be eligible to post banners in the public right-of-way advertising the sponsored event. To be categorized as a "sponsored" event by the City, an event must comply with Culver City Municipal Code (CCMC) Section 17.330.040.B.7.b.ii., confirming that the City 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 thereof.

The CCMC requires both (a) AND (b) conditions be satisfied. Additionally, City Council Policy requires that in order for an event to be considered City-sponsored, the City Council must determine, by specific action, that the above criteria have been met.

Should the City Council determine to provide support in an amount of at least \$1,000 (funds, staff time and/or fee waivers, etc.), then IndieCade may be designated a City-sponsored event.

Should IndieCade receive City-sponsorship, the organizers will be required to include the City's logo on the banners as a sponsor and list the City as a sponsor of the event in e-mails, on their website, in promotions, press releases and on printed materials, where applicable.

INDIECADE FESTIVAL 2015: October 22-25, 2015

The IndieCade Festival is a showcase and celebration of independent video and other independent games and game-makers. Last year's 6th annual event in Culver

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City brought more than 6,000 attendees who attended IndieXchange Summit, GameU, Professional Conference Tracks, signature NightGames, and ongoing hands-on gameplay at the IndieCade “Village” in Downtown Culver City and Fire Station #1. The weekend portion of the event is open to the general public.

Most of the fee waiver requests are the same as last year and include requests for rental locations, equipment rental from the City, and staff costs during regular business hours. IndieCade also requests marketing support through promotions on the City website, through e-mail blasts, with advertisement of IndieCade on the inside of City buses and via directional bus signs, indicating those buses that travel from the Expo Line to downtown Culver City. IndieCade has also made requests that the City solicit donations of items (not in the City's inventory) from outside organizations such as additional crossovers and electrical setups.

The following are new or changed requests:

- Use of the Fire Station for additional hours, beyond the approved hours provided for the last 6 years, at no cost to the event producers but additional cost for staff time. (Note: The event producer had originally characterized this new need as being due to a “crowd flow issue” because of a gap in time between the end of the event held at the Fire Station and the beginning of another event. In a more recent e-mail, the event producer has requested additional time. The late request for these hours seems to conflict with an opportunity for event attendees to patronize downtown restaurants during the event “down time” and allow the Fire Station to return to normal operations at the same time it did in prior years.)
- Use of the City Hall Courtyard for the outdoor IndieCade Night Games. In past years, it was held at Parcel B but Ms. Barish indicated the changeover from the day portion of the event in that space to the Night Games was difficult. Approval of use would need to be conditional upon the ability to close off the courtyard, lack of conflict with Kirk Douglas Theatre performances and safety measures. (There is no special event fee for the use of the Courtyard.)
- Use of Council Chambers for the Friday portion of the conference, heretofore held at the Foshay Lodge located across the street in Los Angeles. IndieCade expressed great satisfaction with last year's use of the Chambers on Saturday and Sunday. (There is no special event fee for use of the Council Chambers.)
- Use of additional rooms for IndieXchange and rooms for Volunteer meetings at Veterans Memorial Building prior to the event (Increase in cost and

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correction of costs for lobby rental increase the waiver request for this year by approximately \$2,100.)

- Beer Garden open throughout entire event, instead of only on Friday Night for 4 hours. (Increase in hard costs to be paid to Police Department. Does not affect financial assistance request.)

Last year, City Council approved a fee waiver for the in-kind costs in an amount of \$13,360. This year IndieCade is requesting a value of \$16,223.

Please note that the event producers have still not been able to identify a space that will work for their awards show but continue to look for a space inside Culver City limits.

The Festival continues to generate increased pedestrian activity and increased sales for the area and garner international awareness of Culver City as a media arts nexus. Benefits to the City can be viewed as part of the 2014 IndieCade Wrap-Up document (see Attachment.)

The producers request: (1) that the Successor Agency Board waive property rental fees, (2) the City Council waive equipment and rental fees and authorize in-kind staff time during regular business hours, and the City Council approve City sponsorship for this event. The producers also request that City Council again waive the requirement for CCPD at the events held at Veterans Memorial Building where alcohol will be served.

Also, at the City Council meeting of April 13, 2015, the City Council (during consideration of a request for sponsorship) provided the following direction:

“that future requests for City sponsorship be accompanied by financial data from the requesting group.”

Staff has provided the Producer with a reminder of the above direction and the producer has indicated that she will provide financial information to the City Council on the night of the meeting

FISCAL ANALYSIS:

Dedication of in-kind staff time to each of the events would mean a reduced availability of staff time for other City efforts but would not create an additional fiscal impact to the City. IndieCade is also asking for permit fees to be waived, which would result in less revenue than would otherwise be collected absent a fee waiver. As detailed in the attachments, it is proposed that staff time during regular business

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hours, property and equipment rental fees, and permit fees be waived (by City Council and Successor Agency combined) in the amount of \$16,223.00.

ATTACHMENTS:

1. IndieCade list of requests and spreadsheet of City costs requested for fee waiver.
2. Wrap-Up Review of IndieCade 2014

MOTION:

That the City Council:

1. Determine what level of in-kind financial assistance to provide for the IndieCade Festival; and,
2. (In the case such in-kind financial assistance is determined to be at least \$1,000), consider designating IndieCade Festival as a City-Sponsored event; and,
3. Approve a License Agreement between the City and Creative Collaborative Media, Inc. for the use of City public rights-of-way, property, equipment and in-kind staff time; and
4. Authorize the City Attorney to review/prepare the necessary documents; and,
5. Authorize the City Manager to execute such documents on behalf of the City.

That the Successor Agency Board:

1. Waive the rental fees for Successor Agency-Owned properties for the 2015 IndieCade Festival (\$572 for Parcel B for one week plus one day); and,
2. Approve a License Agreement between the Successor Agency and Creative Collaborative Media, Inc. for the use of 9300 Culver Boulevard (Parcel B); and
3. Authorize Successor Agency General Counsel to review/prepare the necessary documents; and,

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4. Authorize the Executive Director to execute such documents on behalf of the City.