




MEETING DATE: 11/3/08
ITEM NO: 10

COUNCIL AGENDA REPORT

DATE: OCTOBER 24, 2008
TO: MAYOR AND TOWN COUNCIL
FROM: GREG LARSON, TOWN MANAGER 
SUBJECT: ADOPT A RESOLUTION ADOPTING THE DRAFT MUSIC IN THE PARK GUIDELINES AND RESCINDING RESOLUTION 2003-138.

RECOMMENDATION:

That the Council Adopt a Resolution Adopting the Draft Music in the Park Guidelines and Rescinding Resolution 2003-138. (Attachment 1).

BACKGROUND:

After a successful 20th anniversary concert series, the Arts Commission held a facilitated debrief on September 17th. (Debrief notes attached, Exhibit B.) As follow-up to that discussion, the Commission reviewed the Council adopted MIP Guidelines at its October 8 meeting. Staff prepared revised Guidelines based largely on the September and October discussions. The Commission voted to approve the revised Guidelines at a special meeting held October 28. The amended Guidelines are presented in this report for Council's consideration.

An overriding objective considered in drafting the revisions is the need and desire to develop a sustainable, on-going, program given available community support, volunteer capacity, and staff resources.

The MIP Program has increased dramatically in cost and impact over the last few years. As shown in the Budget Summary (Exhibit D) the revenues collected have increased from \$30,809 in 2002 to \$59,497 in 2008. The expenses have increased from \$29,861 to \$52,033 during the same period with expenses for bands and music increasing from \$17,812 to \$33,665. To support these expenses, the number of sponsorships required has increased from 21 to 40.

PREPARED BY: Regina A. Falkner 
Community Services Director

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Reviewed by: PGS Assistant Town Manager OK Town Attorney
SC Clerk Administrator SC Finance OK Community Development

The increased costs and related fundraising have had a significant impact on the volunteer commissioners as well as on staff which manages all the contracts and completes project accounting. Staff has also assumed all tasks related to the July 4th symphony concert, which had previously been coordinated by AC members. The drafted Guidelines assume that the Town's volunteer commission and staff resources applied to this event are limited.

DISCUSSION:

The proposed changes to the MIP Guidelines are discussed below.

Purpose:

Signature Event: The purpose is amended to reflect the Commission's intention to expand MIP's role as a signature Arts event. In other words, MIP is the Commission's primary service to the community and the intention is to use the series to leverage other artistic projects and events in Los Gatos. For example, other arts organizations such as the Los Gatos Museum could be highlighted through announcements and distribution of marketing materials.

Event Location and Size: The Commission agreed that the Civic Center Lawn is the ideal location for the concert series and would like to see the event remain at this site. As the event has grown, so has concern that the series may outgrow the site. Although larger crowds have been accommodated by imposing restrictions to disallow blankets, other measures may need to be taken to limit attendance.

Community Event: The Commission proposes that the event purpose be focused on attracting Los Gatos residents and families. As a result, the amended purpose highlights the social and community aspects of the concert series. Focus is shifted away from the diversity of artistic styles. Because exposure to a variety of arts and cultures remains important to the Commission, it suggests that excess revenues be used to augment the Town's Community Grant program, including grants to groups offering a culturally diverse artistic expressions.

Project Funding

Community Grant Augmentation: As mentioned above, the Commission proposes to continue to solicit sponsorships for MIP. Additionally it proposes that excess revenues be used to augment the existing Community Grant Program to allow for funding of a diverse array of artistic programs. It is recommended that such a program be tested as a pilot project.

Budget Limits: As stated above, the MIP budget has grown annually from 2002 to 2008 and there has been a correlating increase in the audience. It was the Commission's intention, as it entered the 2008 concert series, that the budget would be greater than previous years in order to allow for a grand 20th anniversary celebration. Capping the 2009 and future budgets to a modest increase over the 2007 budget is recommended to manage the following:

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- event growth so that it can continue to be held at the Civic Center Lawn;
- impact on the volunteers who raise money for the concert series; and,
- impact on staff resources.

On the revenue side, it is recommended that the number of sponsorships also be limited to 2007 levels. The number of upper level sponsorships has increased from 21 in 2002 to 40 in 2008. Any increase in the number of sponsorships not only impacts the volunteer workload, but also impacts staff which is required to track all of the sponsorships for budget and acknowledgement purposes. Furthermore, a benefit of sponsorship is use of a tent at an MIP concert. With the increase in audience size, it would be difficult to find space for more tents.

CONCLUSION:

It is recommended that the Council consider the attached MIP Guideline revisions. The roles and responsibilities of the Arts Commission and Town Staff will be outlined in internal policies. It is anticipated that there will be further clarification of commission and staff roles after the Council reviews Council Policy Committee recommendations.

ENVIRONMENTAL ASSESSMENT:

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

FISCAL IMPACT:

Costs for the MIP program are included in the Community Services Department 2008/09 Operating Budget.

Attachments:

1. Draft Resolution
2. Debrief Notes
3. MIP Budget Summary

Distribution:

Arts Commissioners

RESOLUTION 2008-

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS
ADOPTING REVISED MUSIC IN THE PARK GUIDELINES AND RESCINDING
RESOLUTION 2003-138**

WHEREAS, the Town of Los Gatos Community Services Department and Arts Commission coordinate the production of an annual Music in the Park (formerly Music in the Plaza) concert series; and

WHEREAS, the Town Council adopted Resolution 2003-138, "Resolution of the Town Council of the Town of Los Gatos Adopting Music in the Plaza Guidelines," at its December 3, 2003, meeting; and

WHEREAS, the purpose of said Guidelines are to define the program purpose, funding, and general responsibilities; and

WHEREAS, the Music in the Park Guidelines have been revised and revised for adoption by Council.

NOW, THEREFORE, BE IT RESOLVED THAT that the Town Council of the Town of Los Gatos (1) repeals Resolution 2003-138; and (2) adopts the revised Town of Los Gatos Music in the Park Guidelines attached as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 3rd day of November, 2008, by the following vote.

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED: /s/ Mayor Barbara Spector
MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST: /s/ Jackie D. Rose
CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

DRAFT **TOWN OF LOS GATOS** **MUSIC IN THE PARK GUIDELINES**

A. Purpose

These guidelines identify the responsibilities of the Town of Los Gatos Community Services Department and the Town of Los Gatos Arts Commission in producing the Music in the Park (MIP) summer concert series. *MIP is a Town of Los Gatos Arts project.*

Together, the Community Services Department and Arts Commission shall strive to plan and produce ~~up to~~ *no more than* twelve concerts per season which:

- Provide a ~~common~~ social and cultural experience *through music for Los Gatos families and other community members;*
- ~~Exhibit a variety of styles and a diversity of cultural origins that may include costume and dance.~~
- *Serve as a signature series to leverage and support the Arts in Los Gatos;*
- ~~Meet the~~ *Deliver the highest quality musical artistic standards experience possible at the Los Gatos Civic Center lawn;*

These guidelines shall serve as a ~~internal~~ guide to managing MIP, ~~and may be amended from time to time by the Arts Commission as warranted.~~ Any contemplated changes to the guidelines that might touch on Town budget or other policy issues shall be brought to the Town Council for its review.

B. Project Funding

1. ~~MIP is traditionally funded by community contributions raised by The Town of Los Gatos Arts Commission and other designated volunteers shall raise funds sufficient to cover non-staff costs.~~ Contributions made to ~~MIP the Arts~~ are deposited to the Town's General Fund ~~and are accounted for separately.~~ Funds raised by the Arts Commission for each MIP concert series must be on deposit with the Town on or before May 15. *1.*
2. The Community Services Department shall *annually* recommend a ~~an annual~~ project budget sufficient to cover the cost of all MIP expenses to be incurred in the *next* fiscal year. *Project expenses shall be based on prior year's expenses, plus a modest annual CPI inflation adjustment. The number of sponsorships shall be limited to 40.*
3. The Town is responsible for executing all project related agreements including but not limited to performers, sound technicians, printers, graphic artists and advertising. Commissioners should forward all documents requiring signatures to Town staff *for processing.*
4. ~~The Community Services Department shall provide appropriate services listed herein~~

as ~~"Town Responsibilities," including those relating to a special July 4th concert if such a concert is planned.~~

4. *After the concert series has been completed and all expenses have been paid, staff will finalize the project budget and calculate the program balance. A portion of any positive program balance may be designated as "excess revenue" and recommended to Council for inclusion in the Town's Community Grant Program for granting to the arts agencies/projects serving Los Gatos residents.*
5. ~~The Town of Los Gatos Arts Commission shall raise funds for MIP from businesses, residents, granting agencies, and provide all appropriate services listed herein as "Arts Commission" responsibilities, including those relating to a special July 4th concert if such a concert is planned.~~

C. Town of Los Gatos Staff Responsibilities

~~The Town of Los Gatos (Community Services Department Staff) shall provide the following services in coordinating the production of Music in the Park:~~

Los Gatos staff shall provide the following services in coordinating the production of Music in the Park:

1. *Provide use of Civic Center Park for summer concert series.*
2. *Coordinate all internal communications with other Town Staff and Council.*
3. *Prepare and execute all contracts.*
4. *Provide fiscal accounting and management.*
5. *Coordinate the production of all advertising materials.*

~~1. GENERAL~~

- a. ~~Provide use of Civic Center Park for concerts to be held from 5:00 p.m. to 7:00 p.m. for a maximum of twelve (12) Sunday concerts, held from June through August. One of the twelve concerts may be held at Los Gatos High School. Concerts scheduled for a different time frame or location must be approved by the Arts Commission and Community Services Director.~~
- b. ~~Provide use of Town stage and up to thirty (30) chairs, and four (4) six foot tables for each concert.~~
- c. ~~Provide use of Los Gatos Neighborhood Center for restroom access.~~
- d. ~~Community Services will coordinate the following services with other Town departments and monitor the fees associated with each service:~~
 - ~~• Transportation of stage, hospitality tents, tables, and chairs to and from each concert~~
 - ~~• Assembly and disassembly of stage~~
 - ~~• Provide electrical access by 3:00 PM for performers and sound technician~~

- ~~Park clean up after each concert~~
- ~~Restroom maintenance and monitoring of the Los Gatos Neighborhood Center~~
- e. ~~Create time table for accomplishing MIP functions; distribute to Arts Commission for approval.~~
- f. ~~Create and maintain Commissioner/Council Member Concert Sign-Up Sheet.~~
- g. ~~Prepare schedule of performers (once determined by Arts Commission).~~
- h. ~~Work with Arts Commission to use volunteers where practical in the production of MIP; ensure that all appropriate volunteer enrollment requirements are met.~~
- i. ~~Maintain MIP records, files and related correspondence; maintain MIP Procedures Manual.~~
- j. ~~Review survey/feedback forms and prepare summary for Arts Commission as appropriate.~~
- k. ~~Prepare weekly MIP supplies for Friday pickup; supply box includes payment for performers and sound technician, MIP programs, donation box, community event information and flyers, and miscellaneous MIP supplies~~

2. ~~INTERNAL COMMUNICATIONS~~

- a. ~~Notify Town Council, Chamber of Commerce, and Town staff of MIP concert schedule.~~
- b. ~~Provide sound technician with final MIP schedule with names/phone numbers of bands so he/she may coordinate sound requirements with musicians.~~
- c. ~~Write and prepare Commendations presented by Town Council to Major Sponsors; establish date for Council presentations; notify Major Sponsors of presentation date; request Arts Commissioners attend presentation.~~
- d. ~~Maintain roster of Major Sponsors.~~
- e. ~~Draft "thank you" letters to Major Sponsors for Arts Commission approval and mail.~~

3. ~~CONTRACTS, INSURANCE, BUSINESS LICENSE~~

- a. ~~Prepare and execute Letters of Agreement with performers, sound technician and other vendors; monitor return of signed Agreements and related documents (Release of Liability, Assumption of Risk and Indemnity Agreement; Application for Business License).~~
- b. ~~Coordinate agreement and payment to American Society of Composers, Authors and Publishers (ASCAP), as required.~~
- c. ~~Prepare and execute all other project related agreements.~~

4. ~~FISCAL MANAGEMENT~~

- a. ~~Receive donations and invoices for MIP at the following address: Music in the Park, c/o Town of Los Gatos, PO Box 949, Los Gatos, CA 95031.~~
- b. ~~Prepare and monitor annual MIP budget.~~
- c. ~~Prepare periodic revenue and expense reports.~~
- d. ~~Coordinate distribution of payments to performers, sound technician, and other vendors.~~
- e. ~~Invoice sponsors using MIP Pledge Forms submitted by the Arts Commission.~~
- f. ~~Prepare invoice request for Building Attendant's time for the monitoring of the Los Gatos Neighborhood Center.~~

5. ~~ADVERTISING & PROMOTION~~

- a. ~~In coordination with the Arts Commission, develop a marketing strategy which considers the use of posters, programs, web updates, paid advertising, and other promotional efforts.~~
- b. ~~Coordinate production of promotional materials. This includes obtaining bids, preparing and executing agreements, and processing purchase orders.~~
- c. ~~Proof read and edit all program materials with Arts Commission.~~
- d. ~~Update Town website to include MIP schedule and listing of all Major Sponsors.~~
- e. ~~Mail programs to the Major Sponsors that the Arts Commission could not contact.~~

D. Town of Los Gatos Arts Commission Responsibilities

The Arts Commission or its sub-committee shall provide the following services contingent upon sufficient funding to cover concert expenses as described above.

- 1. *Solicit sponsorships.*
- 2. *Select performers within Guideline specifications.*
- 3. *Assist with distributing advertising materials.*
- 4. *Coordinate logistics at each MIP concert.*

1. ~~GENERAL~~

- a. ~~Implement appropriate fundraising strategies in compliance with Town Policies and Procedures to ensure that MIP is fully funded.~~
- b. ~~Draft grant application for staff review and approval.~~
- c. ~~Coordinate merchandise fundraising sales at MIP performances as appropriate. Proceeds from sales shall be specifically designated to support MIP.~~
- d. ~~Submit MIP Pledge Form for all sponsors to the Community Services Department for invoicing and tracking.~~

- e. ~~Assist in obtaining donated materials and services.~~
- f. ~~Complete "Commissioner Sign-Up Sheet" and submit to the Community Services Department for distribution.~~
- g. ~~Appoint Lead Commissioner for each concert; Lead Commissioner is responsible for concert logistics, including:~~
 - ~~pick-up MIP boxes at Neighborhood Center the Friday before~~
 - ~~distribute checks to performers and sound technician~~
 - ~~assist with setup and tear-down of hospitality tents, tables and chairs~~
 - ~~setup MIP space within hospitality tent~~
 - ~~emcee MIP concerts; introduce performers and attending Council Members; and thank attending Major Sponsors~~
 - ~~monitor concert attendance and report weekly attendance estimates to staff~~
 - ~~return MIP boxes and any donations received to Neighborhood Center~~

2. ~~CALL FOR ENTRIES~~

- a. ~~Determine and publish "Call for Entry" schedule as needed; receive and review applications and promotional packets as needed.~~
- b. ~~Select musicians/performers.~~
- c. ~~Follow up with all applicants regarding band selection.~~
- d. ~~Prepare schedule of concerts and performers; provide staff with schedule and Band Worksheet for each performer.~~

3. ~~PROMOTION~~

- a. ~~In coordination with staff, develop a marketing strategy which considers the use of posters, programs, web updates, advertising, and other promotional items.~~
- b. ~~Draft press releases for distribution by staff.~~
- c. ~~Coordinate implementation of free advertising in the Los Gatos Weekly Times as appropriate (i.e., Community Bulletin Board).~~
- d. ~~Distribute MIP posters and programs to Major Sponsors and other local businesses at least two weeks prior to the first concert; inform the Community Services Department of those that were not delivered to.~~
- e. ~~Distribute programs and feedback forms (as applicable) at MIP concerts.~~
- f. ~~Prior to the first concert, provide the Community Services Department with a schedule of required hospitality tents for each concert.~~

4. ~~USE OF VOLUNTEERS~~

- a. ~~Enlist the help of volunteers where practical in the production of MIP concerts.~~
- b. ~~Work with staff to ensure completion of all appropriate volunteer enrollment forms, i.e., Town of Los Gatos Volunteer Application; Release of Liability; and Worker's Compensation Designation Form.~~

**Summary Notes
Arts Commission Meeting
September 17, 2008**

Attachment 2

Meeting Purpose and Objectives (stated in advance on the agenda)

- Purpose: To review the 2008 Music in the Park summer series and explore the role of MIP within the Arts Commission and in relation to the Town of Los Gatos.
- Objective 1: Debrief the 2008 MIP summer series
- Objective 2: Discuss how MIP fits within the scope of the Commission
- Objective 3: Assess the relationship between MIP and the Town
- Objective 4: Plan for next facilitated Arts Commission meeting

Introduction Activity: What Commissioners Enjoy Most about MIP

- Creating community and giving back to the community
- Making people happy
- Providing a place for families to be together
- Expressions of appreciation from the community

Debrief 2008 MIP

- Strengths and successes
 - Tribute band concept
 - Turnout/crowds
 - The community loved it
 - Music quality
 - Support from Town staff
 - Garbage control and recycling
 - Sponsorships
 - The Cash biography
 - The flexibility and responsiveness of the Arts Commissioners
 - The dedication of the Arts Commissioners (in time and energy)
- Challenges and concerns
 - Managing the size of the event. Arts Commissioners agree that MIP should not grow beyond the 2008 attendance, which was large by historical standards.
 - Monitoring blankets/adapting to the new ordinance. Arts Commissioners agree that they should not have to assume a police role in enforcing ordinances, rules and policies.
 - Marketing that targets Los Gatos residents exclusively.
 - Sound quality/sound engineer.

MIP and the Arts Commission

- Goals of MIP
 - To provide a rich experience for the community
 - To achieve excellence in providing a quality product

- Target and attract Los Gatos residents
 - Maintain the size at current levels, or less
- How MIP fits within the scope of the Arts Commission's work
 - AC is known for MIP
 - MIP expends most of its time and resources on MIP
- Ideas to expand the role of the Arts Commission
 - Leverage MIP to create awareness of other Commission programs, Los Gatos museums and other arts groups and programs in the Los Gatos community. For example, use the tent at MIP to market other arts groups and programs
 - Engage in collaborative efforts with other art groups and programs
 - Note: The goals, objectives and activities of the Arts Commission as stipulated in the AC Master Plan include all "arts programs and projects," so expanding the role beyond MIP is expected.

Proposed Action Items

- Consult with the Town Attorney to determine the extent to which, if at all, the Arts Commission can be involved in the selection of the sound engineer. As a starting point, the Commission will need to review sound specifications and be clear on the sound requirements that are needed.
- Work to streamline the MIP process. Begin by developing a written document that describes all of the steps necessary to plan and implement MIP, including a timeline with key dates.
- Clarify with Council the MIP guideline that the concert series should "Exhibit a variety of styles and diversity of cultural origins that may include costume and dance." For example, does that mean diversity as it is reflected in Los Gatos?
- Consider increasing the number of sponsorships and the dollar amount donated. This is part of a larger effort to create a budget that will enable MIP to be financially sustainable.
- Post signs at concert events that are consistent and clear regarding rules and policies (i.e. ordinance restricting blanket use).
- Review the grant program with an eye toward infusing it with new ideas and people.

MUSIC IN THE PARK BUDGET SUMMARY

Attachment 3

Following is a summary of MIP revenues from the 2002 to 2008 Concert Series:

	2002	2003	2004	2005	2006	2007	2008
Organizations/Businesses	\$25,850	\$28,850	\$24,700	\$28,700	\$36,250	\$36,300	\$47,250
Individuals	\$3,190	\$5,717	\$8,310	\$3,485	\$9,610	\$11,550	\$9,550
Number of Sponsorships (1)	20 + 5	22+2	19 + 4	19 +2	32 + 26	35 + 10	40 + 18
Other (2)	\$1,770	\$5,287	\$2,442	\$8,388	\$5,116	\$3,035	\$2,697
Number of Concerts (3)	12 + 1	10 + 1	8 + 2	8 + 2	9 + 2	9 + 2	10
Total Revenues:	\$30,810	\$39,853	\$35,452	\$40,574	\$50,976	\$50,885	\$59,497
Net Revenues:	\$948	\$10,929	-\$2,435	\$1,423	\$11,537	\$9,377	\$7,166
Reserve carry-over						\$28,370	\$35,536

Following is a summary of MIP expenses from the 2002 to 2008 Concert Series:

	2002	2003	2004	2005	2006	2007	2008
Band/Sound	\$17,813	\$18,418	\$21,904	\$24,907	\$27,900	\$30,900	\$33,665
Marketing	\$6,116	\$4,131	\$8,166	\$5,406	\$4,706	\$3,255	\$5,844
Labor	\$4,646	\$4,397	\$4,762	\$6,794	\$4,185	\$6,105	\$6,325
Fees & Licenses	\$720	\$1,038	\$1,469	\$1,328	\$1,578	\$528	\$537
Supplies/Misc.	\$567	\$939	\$1,586	\$717	\$1,071	\$720	\$5,960
Totals Expenses:	\$29,862	\$28,924	\$37,887	\$39,151	\$39,439	\$41,508	\$52,331
Unreimbursed Staff time		\$11,360	\$9,114	\$9,891	\$12,279	\$14,000*	\$16,000*
Total Expenses w/Staff time		\$40,284	\$47,001	\$49,042	\$51,718	\$55,508	\$68,331

(1) Total number of gold and platinum level sponsorships plus silver sponsorships

(2) Grant award and merchandise sales

(3) Number of concerts plus July 4th

*Estimated figures

Sponsorship fee: 2002 - \$1,200
 2005 - \$1,250
 2006 - \$250 (silver sponsors added)
 2007 - \$1,500 (opening/closing added)