

## CITY COUNCIL COMMITTEE

# RECREATION, CULTURAL AFFAIRS & COMMUNITY SERVICES

Edi Birsan, Chair

Tim Grayson, Committee Member

6:00 p.m., Thursday, September 25, 2014

(please note later start time)

Building A, City Manager Conference Room  
1950 Parkside Drive, Concord

### - A G E N D A -

#### ROLL CALL

#### STAFF PRESENT

1. **CONSIDERATION** – Community/Pavilion Arts and Entertainment Advisory Committee.  
Report by Joan Carrico, Director of Parks & Recreation.
2. **ADJOURNMENT**

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3361, at least five days in advance of the meeting. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Distribution: City Council  
Valerie Barone, City Manager  
Scott Johnson, Assistant City Manager  
Mark Coon, City Attorney  
Joan Carrico, Director of Parks & Recreation  
Administrative Services

**REPORT TO COUNCIL COMMITTEE ON RECREATION, CULTURAL  
AFFAIRS & COMMUNITY SERVICES****TO THE HONORABLE COMMITTEE MEMBERS:**

DATE: September 25, 2014

**SUBJECT: COMMUNITY/PAVILION ARTS AND ENTERTAINMENT ADVISORY  
COMMITTEE****Report in Brief**

The Concord Pavilion Management Agreement executed on December 10, 2013 included a section providing for the formation of a Community/Pavilion Arts and Entertainment Advisory Committee. The purpose of this report is to review the terms of that section of the Agreement and to seek additional input from the Council Committee on Recreation, Cultural Affairs & Community Services.

**Background**

The terms of Section 4.14 and Section 7.04 of the Concord Pavilion Management Agreement are included as Attachment 1 to this report. The purpose of the Committee as stated in the Management Agreement is, "to provide input regarding use of the Pavilion for Community Events." While not explicitly stated in the Management Agreement, staff also believes this Committee can provide a positive link to strengthen partnerships with community organizations, the local business community, and develop synergy with the Tourism-based Business Improvement District and other economic development initiatives.

The Committee membership provides for five (5) members. One member to be appointed by the City, one member to be appointed by Live Nation, a third member to be appointed mutually by the City and Live Nation and whom will be a member of the Community and who will also serve as the Chair of the Committee. Thereafter, this three member Committee shall meet and select the remaining two community representatives to complete the complement of five Committee members. Section 4.14 further defines that the Committee shall be deemed a City Council appointed body and shall follow all applicable requirements of the Ralph M. Brown Act (California Government Code Section 54950, *et. seq.*). The Committee will meet not more than once per quarter and meetings shall not conflict with Pavilion Events. This Committee will be staffed by the Director of Parks & Recreation who will be responsible for posting meeting agendas and taking minutes of quarterly meetings. Based on matters addressed by the Committee, it is anticipated that other City staff will attend meetings as items of business require their attendance/expertise.

**COMMUNITY/PAVILION ARTS AND ENTERTAINMENT ADVISORY  
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**Discussion**

There are several items that were not addressed in Section 4.14 of the Management Agreement and for which staff desires input from the Council Committee on Recreation, Cultural Affairs & Community Services. The first matter is the name of the Committee. Currently the Management Agreement refers to this Committee as the "Pavilion Arts and Entertainment Advisory Committee". Staff seeks input on any alternative name/s desired. Secondly, section 4.14 does not provide for a set term of membership for Committee members. Currently, all other Commission appointments in the City are appointed to four-year terms. Staff seeks clarification on the preferred term of membership. Third, the provision of "representatives of the community" does not specify Concord resident. There have been community representatives who have inquired about this Committee who are residents of Clayton. There could also be the potential for representation from a member of the Chamber of Commerce or a staff member of a Concord school who may not be a resident of Concord. Staff seeks input on the definition of "representatives of the community".

**Fiscal Impact**

There is no fiscal impact. This newly designated Committee will increase the workload of existing City staff.

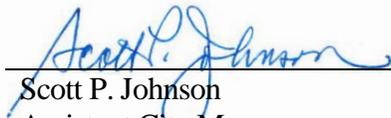
**Public Contact**

Posting of the Council Committee agenda. A copy of the report has been provided to Live Nation.

**Recommendation for Action**

Review the information contained in this report and provide input to staff.

Prepared by: Joan Carrico  
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Scott P. Johnson  
Assistant City Manager  
Scott.Johnson@cityofconcord.org

Enclosures: Attachment 1, Section 4.14 and Section 7.04 of the Concord Pavilion Management Agreement

Section 4.14. Relationship with City and Community/Pavilion Arts and Entertainment Advisory Committee. As soon as reasonably possible prior to or during the first full Fiscal Year of this Management Agreement, City and Manager shall coordinate the formation of a community-based Pavilion Arts and Entertainment Advisory Committee (“Committee”), which may adopt a different title in the future. The purpose of the Committee shall be to provide input regarding use of the Pavilion for Community Events. The Committee shall consist of at least five (5) members, one (1) of whom shall be appointed by City, one (1) of whom shall be appointed by Manager, and three (3) of whom shall be representatives of the community. City and Manager shall mutually select one community representative, who shall be the Chair of the Committee. Thereafter, the Committee shall meet and select the other two community representatives. The Committee shall be deemed a City Council appointed body, and shall follow all applicable requirements of the Ralph M. Brown Act (California Government Code Section 54950, *et. seq.*). Manager’s representative shall attend all Committee meetings during each year in which this Management Agreement is in effect. The Committee shall determine the frequency of its meetings; which shall be not more than once per quarter and not conflict with any Event. Manager’s representative shall also meet regularly as reasonably necessary with City representatives for the purposes of providing City with information to which City is entitled of Manager’s activities hereunder. In addition, when reasonably requested to do so by City upon reasonable notice and subject to Manager’s availability, Manager shall meet with representatives of various community groups and organizations, in order to promote public understanding of the Pavilion Facilities and input regarding use of the Pavilion for Community Events; provided that such meetings shall be not more than once per quarter and not conflict with any Event. Notwithstanding anything to the contrary contained in this Agreement, in the event that Manager cannot or does not attend any of the foregoing required meetings, then Manager shall not be in default if such lack of attendance was due to *force majeure* or if after Manager’s receipt of notice of breach for such lack of attendance, Manager reschedules the missed meeting and attends such rescheduled meeting.

7.04. Participation in Pavilion Arts and Entertainment Advisory Committee. During each Fiscal Year of this Management Agreement, Manager shall participate in the requisite number of meetings of the Pavilion Arts and Entertainment Advisory Committee, as required by and subject to the terms of Section 4.14 of this Management Agreement.