

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

85140

M. M. M. M.
City Attorney

2014 JUN 26 PM 3:05

RESOLUTION No. _____ C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR HIS
DESIGNEE TO EXECUTE AN AGREEMENT WITH PRODUCERS
ASSOCIATES, INC. TO PROVIDE SUMMER MUSICAL THEATER AT
WOODMINSTER AMPHITHEATER FOR A TEN-YEAR TERM FROM
2014 THROUGH 2023 WITH ONE THREE-YEAR OPTION TO RENEW**

WHEREAS, Producers Associates, Inc. ("Producers") is a non-profit organization founded in 1967 dedicated to providing classic American musical theater at Woodminster Amphitheater; and

WHEREAS, Producers provides a valuable community program that is enjoyed by many Oakland and Bay Area residents; and

WHEREAS, the City co-sponsors the summer musical theater by providing the venue, cleaning services, maintenance support and collection of parking revenue; and

WHEREAS, Producers completed a successful 2012 and 2013 season and served over 21,000 patrons each year; and

WHEREAS, the most recent five year agreement between Producers and the City has expired and a proposed ten year agreement from 2014 through 2023, with one three year option to renew has been prepared; and

WHEREAS, Producers theater season shall include four days in April for auditions and callbacks, rehearsals seven days a week from June 1 through the third week in September, excluding days in the month of June for Graduations, and three different productions with seven performances in July, August and September; and

WHEREAS, Producers will collect a \$2.25 per adult ticket surcharge in the 2014 and 2015 seasons, \$2.50 per adult ticket surcharge for the 2016 through 2018 seasons, \$3.00 per adult ticket for the 2019 through 2023 seasons, and \$4.00 per adult ticket surcharge from 2024 through 2026; and

WHEREAS, the per adult ticket surcharge shall be submitted to the City where it will be placed in a Woodminster maintenance, program and repair fund; and

WHEREAS, Producers understands that the City may enter on and operate its own programs on the property as a means to increase revenue, such as the Sundays in the Redwoods program and other programs and services deemed appropriate by City; and

WHEREAS, Producers understands that the City has full rights to the property including but not limited to the sound room, dressing rooms, concession stand and storage areas; and

WHEREAS, Producers shall comply with the City's Special Event Access for People with Disabilities as stated in the Declaration of ADA Compliance for Facility Use Agreements and Other Special Events Agreements; and

WHEREAS, Producers shall not make any improvements or adjustments at the property without written approval by the City Administrator or designee; and

WHEREAS, Producers shall not represent the City in resolving litigation liabilities or conflicts created by patrons; now, therefore, be it

RESOLVED: That the Oakland City Council authorizes the City Administrator or his designee to execute an agreement with Producers Associates, Inc. to produce musical theater at Woodminster Amphitheater during the summer seasons for a ten-year term from 2014 through 2023, with one three-year option to renew; and be it

FURTHER RESOLVED: That said agreement shall be approved as to form and legality by the Office of the City Attorney and placed on file in the Office of the City Clerk.

JUL 29 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

Feid

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, ~~WILLIAMS~~, SCHAAF and PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: *LaTonda Simmons*
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California