

Agenda Report

February 10, 2003

TO: CITY COUNCIL
THROUGH: FINANCE COMMITTEE

FROM: CITY MANAGER

SUBJECT: LICENSE AGREEMENT WITH THE LEVITT FOUNDATION FOR IMPROVEMENTS TO THE MEMORIAL PARK BAND SHELL AND NAME CHANGE TO THE LEVITT PAVILION; AND APPROPRIATION OF RESIDENTIAL IMPACT FEES FOR PARK IMPROVEMENTS

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the Negative Declaration and the de minimis finding of no impact on fish and wildlife.
2. Amend the FY 2003 Capital Improvement Program Budget to recognize and appropriate \$78,926 residential impact fees and \$26,074 residential impact fee interest to the Memorial Park Implement Master Plan Project.
3. Authorize the City Manager to enter into a license agreement according to the business points set forth in the body of the agenda report with the Friends of the Levitt Pavilion and the Mortimer Levitt Foundation.
4. Direct the City Clerk to file the Notice of Determination and Certification of Fee Exemption from State Fish and Game fees with the Los Angeles County Registrar-Recorder/County Clerk.

RECREATION AND PARKS COMMISSION RECOMMENDATION:

At their February 4, 2003 meeting, the Recreation and Parks Commission unanimously recommended approval of the Levitt Pavilion proposal including appropriation of west district residential impact fees.

BACKGROUND:

On May 2, 2000, the Mortimer Levitt Foundation met with the Recreation and Parks Commission to discuss their interest in creating a public/private partnership. This partnership would involve funding an annual summer concert series and building a performing arts band shell or renovating an existing band shell in a City park. The Mortimer Levitt Foundation received direction from Recreation and Parks Commissioners on where to locate this proposed project and were informed of the importance of partnering with the local community to present a viable business plan to the City. The Recreation and Parks Commission identified Memorial Park as the most suitable site to receive a contribution from the Mortimer Levitt Foundation, since it already has an existing band shell in need of restoration.

The Mortimer Levitt Foundation coordinated meetings with property owners and stakeholders surrounding Memorial Park to discuss shared interests. Realizing the goals of the approved Memorial Park Master Plan, providing free concert programming reflecting the diverse interests and culture of Pasadena, and providing funding to restore the Gold Shell proved to be common priorities.

As a result, "The Friends of the Levitt Pavilion" was formed. This local nonprofit includes on its Board many community leaders who have their base of operation near Memorial Park including representatives from the Pasadena Senior Center, the Armory Center for the Arts, the Old Pasadena Management District, the Los Angeles Music Academy, adjacent property owners, the Pasadena Parks Foundation, Pasadena Heritage, and the Pasadena Shakespeare Company. The Friends hopes to be seen as a model organization for other neighborhoods wishing to promote citizen participation and involvement in enhancing services to local parks.

Scope of Work

The Friends of the Levitt Pavilion proposes to fund approximately \$250,000 dollars in improvements to the Gold Shell and amphitheater during the current fiscal year including:

1. Repairing water-damaged structural elements;
 2. Replacing the bottom 8' of the shell interior with Hardie board to strengthen it;
 3. Constructing the arch gateway near the Gold Shell as delineated in the Memorial Park Master Plan;
 4. Providing the State required ADA ramp to the Gold Shell;
 5. Repainting walls and ceilings and stage floor according to historic colors/paint study;
 6. Providing a mobile sound and supplemental lighting system;
-

7. Repairing the utilities inside the Gold Shell including restrooms, sinks, and any non-working electrical;
8. Adding protective mesh behind the stage lights to prevent pigeons from roosting;
9. Repairing the side stage wing doors;
10. Fixing the doors, windows and converting the interior of the abandoned restroom building for equipment storage and concert coordinating activities;
11. Furnishing and installing lighting poles fixtures and footings;
12. Furnishing and installing the electrical pull box;
13. Installing the new concrete paving as delineated in Exhibit #2.

The Friends of the Levitt Pavilion propose to conduct community fundraising over the next year to fund new amphitheater benches.

The Friends of the Levitt Pavilion request that the City agree to fund \$105,000 dollars in park renovations including:

1. Providing sub drainage improvements;
2. Funding the removal of the concrete in the seating area of the amphitheatre, replacing it with grass and providing a seating and a lawn picnic area for concert attendees and park users;
3. Extending the grassy field towards the stage, allowing good sightlines for concert attendees and picnic parties, while preserving accessible seating.
4. Installing an irrigation system in the amphitheater area;
5. Providing assisted listening devices for ADA compliance.

In addition, the City is the recipient of a grant from the Metropolitan Transit Authority (MTA) that will provide new concrete by the park restrooms as well as the ADA required lighting fixtures along the new walkways (Exhibits 3 & 6). The city also has an agreement with Kiewit-Washington (the MTA contractor) to construct ADA accessible walkways in the park (Exhibits 4 & 5).

License Agreement

Staff, the Friends of the Levitt Pavilion, and the Mortimer Levitt Foundation propose the following major business points for a license agreement:

1. The Friends of the Levitt Pavilion (FLP) and the Mortimer Levitt Foundation agree to fund \$750,000 in Gold Shell/amphitheater improvements and concert programming over an initial five-year period. Of the \$750,000, \$250,000 dollars would be reserved for Gold Shell and amphitheater improvements. \$100,000 a year would be spent to fund 34 free community concerts and two benefit concerts in the first year and 50 free community concerts and two benefit concerts in each of the subsequent four years.
-

2. FLP and the Mortimer Levitt Foundation have requested that the amphitheater area encompassing the Gold Shell be called the Levitt Pavilion for the Performing Arts and that this naming be rescinded if they fail to provide the \$750,000 dollars in services and improvements during the first five years of the agreement.
3. These nonprofit organizations also commit to funding at least 20 free community concerts in every subsequent five-year period after the initial five-year commitment in order to retain the naming rights and demonstrate to the City continued community involvement and investment in the health and life of Memorial Park.
4. Both organizations commit to identifying all existing park users over the last five years and will make every effort to accommodate the scheduling needs of these users.
5. Both organizations will work with the MTA, Senior Center, Holly Street Apartment Management, the Armory and any other interested agency in close proximity to discuss sound system settings and placement, parking and any other issues which may arise.
6. FLP will hire and pay contractors for their City approved scope of work, which they are funding. The City will conduct a competitive bid process for any improvements funded by the City and
7. FLP will be permitted to grant naming rights of its concert series to a sponsor (tobacco sponsors excluded) (i.e. "The Avery Summer Concert Series at the Levitt Pavilion for the Performing Arts") and to provide sponsorship opportunities for the funding of new amphitheater benches with a tasteful plaque approved by the City.
8. FLP commits to using local Pasadena vendors and to solicit and contact for local services. Should none arise, seeking services outside the City would be allowable.
9. FLP will conduct fundraising efforts with the intent of attempting to match the \$750,000 provided by the Foundation to support the concert series and Gold Shell maintenance.
10. Both nonprofit organizations commit to conforming to all applicable laws, regulations and codes.

Concerts

The Friends of the Levitt Pavilion plan to offer a wide range of performances from Folk music, R & B, Afro-cuban music, jazz, cabaret, country, Shakespeare in the Park, and Brazilian dance. The goal of the organization is inclusiveness and encouraging performance groups throughout Pasadena to perform at the Gold Shell. Expected concert attendance is 200-400 people and would be offered during the summer on either a Wednesday, Thursday, Friday, Saturday or Sunday evening for no more than an hour and a half some time during the hours of 7 p.m. to 9:30 p.m. The two benefit concerts would take place between 8 p.m. to 11 p.m. and higher attendance above 400 is anticipated.

Environmental Analysis

Staff conducted an Initial Study of environmental impacts and recommends that a Negative Declaration be adopted. An independent parking and trip generation study was completed which indicates that adequate parking and traffic flow exists to accommodate the project within the existing parking stock and during evening hours.

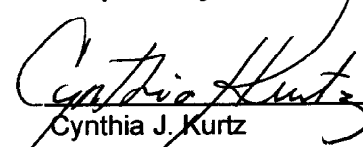
In addition, a live sound test was conducted replicating the concert conditions and to ensure that no violations of the Noise Ordinance would occur during the free concert series. All of the equipment brands, settings as well as placements are noted in this test so they can be replicated guaranteeing minimal impact to the adjacent neighbors. Decibel readings were taken around the perimeter of the park during the sound test and verified that the equipment settings noted in the report were adequate for maintaining the project within the City's Noise Ordinance decibel limits. A copy of the sound test was provided to the Holly Street Apartment management in the last two months, since they are the closest to the Gold Shell.

FISCAL IMPACT:

The Friends of the Levitt Pavilion and the Mortimer Levitt Foundation proposes to fund \$250,000 dollars in Gold Shell/amphitheater improvements. The Friends of the Levitt Pavilion and the Mortimer Foundation also commit to fund a free community concert series at a minimum of \$100,000 dollars a year for five years. The City of Pasadena would fund \$105,000 in Memorial Park improvements from an appropriation of \$78,926 dollars in residential impact fees and \$26,704 dollars in residential impact fee interest.

(LEVITT PAVILION REPORT – Signatures – Page 6)

Respectfully submitted,


Cynthia J. Kurtz
City Manager

Prepared by:



Ariel Penn
Filming & Special Events Manager

Approved by:



Richard J. Bruckner
Director of Planning and Development

Concurred:



Julie Gutierrez
Director of Public Works

Exhibits

1. Levitt Pavilion Improvements by City of Pasadena (site plan)
2. Levitt Pavilion Improvements by the Friends of the Levitt Pavilion (site plan)
3. MTA Grant/City Improvements (site plan)
4. Kiewitt (MTA Contractor) Improvements (site plan)
5. Levitt Pavilion Improvements by City of Pasadena - Cost Estimate
6. Levitt Pavilion Improvements by the Friends of the Levitt Pavilion - Cost Estimate
7. Negative Declaration
8. Initial Study
9. Certificate of Fee Exemption with de minimis finding
10. Notice of Determination