



Legislation Details (With Text)

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**Title:** Approve a three-year License Agreement with Cumulus Media Inc. for use of Rotary Amphitheater for ten events each year

**Sponsors:** Parks, After School, Recreation and Community Serv

**Indexes:**

**Code sections:**

**Attachments:** 1. Cumulus License Agreement.pdf

Date	Ver.	Action By	Action	Result
3/17/2016	1	City Council	approved	Pass

**REPORT TO THE CITY COUNCIL**

**March 17, 2016**

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**BY:** KAREN M. NORRIS, Administrative Manager  
Parks, After School, Recreation and Community Services Department

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Parks, After School, Recreation and Community Services Department

**SUBJECT**

Approve a three-year License Agreement with Cumulus Media Inc. for use of Rotary Amphitheater for ten events each year

**RECOMMENDATIONS**

Staff recommends approval of the License Agreement with Cumulus Media Inc., for approximately ten event days at the Rotary Amphitheater in calendar years 2016 through 2018, with the option for two one-year extensions.

**EXECUTIVE SUMMARY**

The City of Fresno provides License Agreements for entities wishing to “rent” the Amphitheater for multiple events. When the License Agreement fees fall outside of the scope of the Master Fee Schedule, Council approval is required for the

Agreement. The Cumulus Media Inc., License Agreement is for approximately ten days each calendar year spanning 2016, 2017 and 2018, with the option for an additional two-year extension. These fee provisions fall outside the scope of the Master Fee Schedule, requiring Council approval for this Agreement.

## **BACKGROUND**

The City of Fresno routinely “rents” the Rotary Amphitheater to different promoters and groups wishing to use this area for major events. The normal rental fee that is charged is annually approved by Council as part of the Master Fee Schedule. Cumulus Media Inc., has operated under Agreements approved by Council for the past five years which included rental fees as called for in the Master Fee Schedule, but also included the City receiving a percentage of the concessions revenue and up to \$30,000 a year in “trade” for air time on Cumulus Media Inc., stations. The City Attorney has opined that this particular agreement must be approved by Council because the Master Fee Schedule does not include multi-event contracts, multi-year contracts, and contracts that include non-traditional revenue, such as trade and concession revenue. As such, staff is requesting Council approval of this Agreement.

## **ENVIRONMENTAL FINDING**

Pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378, this item does not qualify as a “project”.

## **LOCAL PREFERENCE**

Local preference was not implemented because this does not include a bid or award of a construction or service contract.

## **FISCAL IMPACT**

The License Agreement has a positive fiscal impact on the City, as Cumulus Media Inc., will pay the City a set fee for each of the days they have access to the Amphitheater, plus per ticket fees and a percentage of concessions sold. This amounted to \$194,800 in revenue that included auto entry fees from the previous three-year agreement. The City also received \$62,300 in air time trade that was used to promote various City events.

Attachment:  
License Agreement