

## RESOLUTION NO. 2093

### A RESOLUTION APPROVING THE AGREEMENT FOR THE 2011 EDGEFIELD SUMMER CONCERT SERIES.

#### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The McMenamins Edgefield Summer Concert Series is an event of citywide interest.
2. It is both necessary and desirable to enter into an Agreement with McMenamins Edgefield relating to the Summer Concert Series.
3. The City of Troutdale will receive reimbursement from McMenamins Edgefield for all overtime costs associated with the Summer Concert Series.

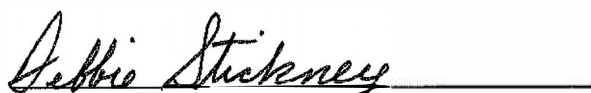
#### NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROUTDALE

**Section 1.** That the Mayor is authorized to sign an Agreement relating to the Edgefield Summer Concert Series which is in substantial conformity to that which is attached to the Staff report as Exhibit "A".

**Section 2.** This resolution is effective upon adoption.

YEAS: 7  
NAYS: 0  
ABSTAINED: 0

  
Mayor Jim Kight

  
Debbie Stickney, City Recorder  
Adopted: February 22, 2011

**Agreement  
Between the City of Troutdale and McMenamins Inc.  
For the Summer Concert Series as an  
Event of City Wide Interest**

THIS AGREEMENT is made and entered into between the City of Troutdale, an Oregon municipal corporation (the "City") and McMenamins, Inc, an Oregon corporation ("McMenamins") for the purpose of establishing the City's and McMenamins' coordination obligations related to outdoor concerts held at 2126 SW Halsey, Troutdale, Oregon ("Edgefield") from June through September 2011 ("Summer Concert Series").

**RECITALS**

- A. Edgefield is zoned General Commercial under the Troutdale Development Code ("TDC") 3.120. Edgefield and the Summer Concert Series are allowed as permitted uses under the TDC.
- B. On April 24, 2007, the Troutdale City Council designated Edgefield as an event of city wide interest under the TDC ("Event of City Wide Interest") and collectively deemed all events at Edgefield as Events of City Wide Interest, including the Summer Concert Series.
- C. Parking for the Summer Concert Series requires use of unpaved parking areas for temporary overflow parking. Temporary overflow parking in conjunction with Events of City Wide Interest is allowed on unpaved surfaces under TDC 9.070(C).
- D. The City requires an applicant to submit an application for Events of City Wide Interest ("Events Permit Application"). The Event Permit Application provides City staff with specific information about the planned event to help the City better assist an applicant during the planning for the event. McMenamins submitted an Event Permit Application for the Summer Concert Series, and this Agreement provides the coordination obligations for the City and McMenamins for the Summer Concert Series.

IN CONSIDERATION of the mutual benefits and obligations set forth herein, the parties agree as follows:

**AGREEMENT**

**1. The City's Obligations**

- 1.1 The City Police Department will provide traffic control on the public roads to include SW Halsey, 244th Avenue, 238th Avenue, and 257th Avenue and assist McMenamins in facilitating parking for the Summer Concert Series ("Traffic Control").

- 1.2. The City Police Department will coordinate with outside police agencies if additional police staff is needed to provide Traffic Control.
- 1.3. The City will bill McMenamins monthly for City police services for Traffic Control.
- 1.4. The City will bill McMenamins monthly for outside agency police services for Traffic Control if the City requires assistance from outside agencies. Outside agencies will be reimbursed pursuant to section 2.15 of this Agreement.
- 1.5. The City Police Chief or his designee will participate in any neighborhood meeting McMenamins schedules related to the Summer Concert Series.
- 1.6. The City Police Department, after coordinating with McMenamins, will provide Multnomah County, the Oregon Department of Transportation, the City of Wood Village, and the City of Fairview information on Traffic Control for the Summer Concert Series.
- 1.7. The City will put information on the City's webpage showing the traffic control and parking locations for the Summer Concert Series.

## **2. McMenamins' Obligations**

- 2.1 McMenamins will provide door hangers to affected neighborhoods of Sedona Park, Cherry Ridge, and the homes on Halsey east of Edgefield. Flyers will be provided to the Cherry Ridge Apartment complex and the Troutdale Terrace Apartments on 257th Avenue south of Sedona Park.
  - 2.1.1 Door hangers and flyers will include information on the Summer Concert Series schedule, the address for the McMenamins Summer Concert Series homepage for up-to-date concert changes and information, the approximate ending time of 9:30 PM but not later than 10:00 PM for Summer Concert Series shows, and telephone numbers to contact McMenamins staff during a concert.
- 2.2 McMenamins will provide an onsite liaison to the City Police Department during the Summer Concert Series. The onsite liaison will be communicated to the City Police Chief, or his designee. The onsite liaison and the Chief of Police, or his designee, shall communicate to assure compliance with the terms of the agreement. The onsite McMenamins liaison shall have the authority to terminate the concert(s).
- 2.3 McMenamins will ensure that noise level from a Summer Concert Series show does not exceed 87 Dbl as measured at the Distillery Bar. This Dbl noise limit will be included in the promoter/performers contracts.

- 2.4 McMenamins will not have any after hour's concerts at Blackberry Hall following the conclusion of any Summer Concert Series show.
- 2.5 McMenamins will start the Summer Concert Series after school is out for summer in June 2011 and will not schedule Summer Concert Series shows on school nights (Sunday through Thursday) during the month of September 2011 unless the following day is a holiday.
- 2.6 McMenamins will ensure that Summer Concert Series shows end at approximately 9:30pm, but not later than 10 pm.
- 2.7 McMenamins will provide staff for parking. This may include working with an outside agency.
- 2.8 McMenamins will provide a staff member at the entrances and exits as needed to work with the City Police Department in directing traffic and parking.
- 2.9 McMenamins will ensure that there is no amplified sound during the Summer Concert Series prior to 2 pm. System and sound checks conducted after 2 pm will be limited to the minimum time required, but will not exceed three hours (approximately one hour for the system check and two hours for the sound check).
- 2.10 McMenamins will ensure that lighting in the parking lots will be turned off no later than midnight following a Summer Concert Series show. An exception would be permitted when the City Police Department determines that there is a public safety need to maintain the lighting.
- 2.11 McMenamins will ensure that lighting in the parking lots for the Summer Concert Series will face in a northerly direction.
- 2.12 McMenamins will provide the City Manager with a copy of the contract between the promoter and McMenamins as it pertains to the coordination obligations set forth in this Agreement. Proprietary business and financial information will be redacted prior to submitting the copy to the City.
- 2.13 McMenamins will reimburse the City for City police services associated with the Summer Concert Series within 30 days of receiving an invoice issued pursuant to section 1.3 of this Agreement.
- 2.14 McMenamins will directly reimburse any outside agency for police services associated with the Summer Concert Series within 30 days of receiving an invoice issued pursuant to section 1.4 of this Agreement.
- 2.15 McMenamins will ensure that the maximum capacity for any Summer Concert Series show not exceed 5,000 ticket holders.

2.16 McMenamins will contract with the Summer Concert Series promoter for security inside the Summer Concert Series venue and for the performers.

3.0 **Remedies.** The remedies available under this Agreement are those provided for under local and state law, including, but not limited to TMC 8.24 and TMC 1.04.095.

Mayor Jim Kight February 24, 2011  
Jim Kight, Mayor Date  
City of Troutdale

DJ Simcoe March 14<sup>th</sup>, 2011  
DJ Simcoe Date  
McMenamins, Inc.