

RESOLUTION NO. 2533

A RESOLUTION APPROVING TEMPORARY MODIFICATIONS TO THE AMENDED AGREEMENT BETWEEN THE CITY OF TROUTDALE AND MCMENAMINS, INC. FOR THE SUMMER CONCERT SERIES

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City has supported for many years the Summer Concert Series at McMenamins at Edgefield. The City has further previously designated the Series an “Event of Community Wide Interest” under the Troutdale Municipal Code.
2. The City appreciates the positive impact the Series has had on the community and the local economy.
3. The parties agreed to an amendment to the original summer concert agreement in October 2019 to allow additional fall concerts for the 2020 season to assist in maintaining the viability of the series. However, due to COVID 19, no concerts were held, and the parties were unable to determine the impact of the additional concerts.
4. McMenamins, and the Series, are facing significant financial shortfalls, and the potential loss of the concert series, due to the Governor’s shutdowns as a result of COVID 19. Having flexibility to hold more fall concerts, moving from 7 to 10 school night concerts in September, as restrictions are hopefully relaxed, will likely allow McMenamins to remain viable in the concert market.
4. The City understands that the changes could negatively impact citizens, but it willing to agree to the modification for the 2021 season.
5. The City and McMenamins have a positive history of working together, and the City believes it is in the best interest of the community to work with McMenamins and institute temporary modifications in the Amendment to the current “Agreement Between the City of Troutdale and McMenamins Inc. For the Summer Concert Series as an Event of Citywide Interest” and the October 2019 amendment.

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

Section 1. The City hereby approves a modification to Amendment to Agreement Between the City of Troutdale and McMenamins, Inc. For the Summer Concert Series as an Event of Citywide Interest in substantially the form as attached hereto as Attachment A.

Section 2. The City Manager is hereby authorized to sign, acknowledge and to deliver to McMenamins the Modification to the Amendment, and other necessary changes or modifications thereto that are reasonable to comply with the intent of this Resolution.

Section 3. The Agreement Between the City of Troutdale and McMenamins Inc. For the Summer Concert Series as an Event of Citywide Interest dated May 1st, 2014, and the October 2019 amendment, are affirmed in all other regards not otherwise amended.

Section 3. This Resolution shall be effective upon adoption.

YEAS: 6
NAYS: 0
ABSTAINED: 0



Sarah Skroch, City Recorder
Adopted: June 8, 2021



Randy Lauer, Mayor
Date: June 9, 2021

**Modification to Amendment to Agreement
Between the City of Troutdale and McMenamins, Inc.
For the Summer Concert Series as an
Event of Citywide Interest**

This modification is made by and between the City of Troutdale, an Oregon municipal corporation (the "City") and McMenamins, Inc., an Oregon corporation ("McMenamins") (together, the "Parties") and amends the Agreement dated November 10, 2016 between the Parties for the Summer Concert Series as an Event of Citywide Interest, and its Amendment dated October 28th, 2019.

RECITAL

A. The Parties hereto desire to modify the Amended Agreement as set forth herein.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS
CONTAINED HEREIN, THE PARTIES AGREE TO MODIFY THE AMENDMENT TO
THE AGREEMENT AS FOLLOWS:**

1. Paragraph 3.2.7 is amended as follows:

3.2.7 McMenamins shall start the Summer Concert Series no sooner than the Friday before Memorial Day weekend and end the Summer Concert Series no later than October 15. The total number of concerts in September shall be no more than 15, of which no more than 10 may be on School Nights. The total number of concerts in October shall be no more than 8, of which no more than 4 may be on School Nights. For purposes of this paragraph, School Nights shall mean any evening which is followed by a regularly scheduled school day for students in the Reynolds School District. For the first 2 concerts of the Summer Concert Series, \$2.00 for each ticket sold will be donated to the Reynolds School District music program.

2. Paragraph 3.2.17 is amended as follows:

3.2.17 McMenamins will ensure that the maximum capacity for any Summer Concert Series show does not exceed 7,000 persons.

3. Paragraph 4 is amended as follows:

4. The Term of this Agreement shall be from June 1 to September 30, 2014. Thereafter, this Agreement will automatically renew for successive annual terms between June 1 and September 30 of each year, unless terminated sooner under the terms of this Agreement. At the conclusion of the 2021 concert season, the City Manager and McMenamins shall review the impact of the amendments to paragraphs 3.2.7 and 3.2.17 and agree to make adjustments, if any, that might be agreed upon to assure continued success of the concerts and minimize issues of concern.

Except as specifically set forth in this modification to the amendment, all other terms and conditions of the Agreement and Amendment shall remain in full force and effect.

IN WITNESS THEREOF, the Parties have caused this Amendment to be executed as of the _____ day of _____, 2019.

Ray Young, City Manager
City of Troutdale

DJ Simcoe
McMenamins, Inc.