Legislation Details (With Text)

File #:	57183	**Version:**	1	**Name:**	2019 FreakFest agreement
Type:	Resolution			**Status:**	Passed
File created:	8/23/2019			**In control:**	Mayor's Office
On agenda:	9/17/2019			**Final action:**	9/17/2019
Enactment date:	9/23/2019			**Enactment #:**	RES-19-00670

Title: Authorizing a contract with Frank Productions Concerts, LLC for Freakfest 2019 and authorizing a system of gating and ticketing for entry into the event area and amending the 2019 operating budget to receive $10,000 from UW-Madison towards the City's costs of the event and to authorize payment of up to $50,000 to Frank Productions from the Contingent Reserve for the cost to produce the event.

Sponsors: Patrick W. Heck, Michael E. Verveer

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
9/17/2019	1	COMMON COUNCIL	Adopt - 15 Votes Required	Pass
9/9/2019	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT (15 VOTES REQUIRED) - REPORT OF OFFICER	Pass
9/3/2019	1	COMMON COUNCIL	Referred	
8/23/2019	1	Mayor's Office	Referred for Introduction	

Fiscal Note

The proposed resolution authorizes payment of up to $50,000 to Frank Productions from the Contingent Reserve for services related to the Freakfest event. That payment would be made if event revenues, net of production costs of the event (net revenues), are less than $50,000. Net revenues in excess of $50,000 will be paid to the City. The resolution also accepts $10,000 from the University of Wisconsin-Madison to help defray some of the city's costs related to the event. This funding will be deposited in the General Fund. City costs for the event in 2018 totaled $188,000, primarily associated with Police overtime and benefits, as well as contracted security services. The current balance in the Contingent Reserve is $1,495,620.

Title

Authorizing a contract with Frank Productions Concerts, LLC for Freakfest 2019 and authorizing a system of gating and ticketing for entry into the event area and amending the 2019 operating budget to receive $10,000 from UW-Madison towards the City's costs of the event and to authorize payment of up to $50,000 to Frank Productions from the Contingent Reserve for the cost to produce the event.

Body

WHEREAS, for several years the City and Frank Productions have collaborated to organize an event on State Street for Halloween; and

WHEREAS, for 2019 as in past years, Frank Productions has or will be issued a Street Use Permit from the City to hold music and entertainment activities in downtown Madison as part of the City's continuing effort to ensure the State Street Halloween experience is a safe and positive attraction; this event is known as "Freakfest" and scheduled to take place from 7:00 p.m. on Saturday, October 26, 2019 to 1:30 a.m. on Sunday, October 27, 2019;

and

WHEREAS, the number of personnel needed to staff this event requires the use of large staging areas in proximity to the event; and

WHEREAS, the City has an interest in gating and ticketing the area surrounding the event to enhance crowd safety and to offset City costs associated with the Halloween event, and Frank Productions has an interest in charging a ticket fee for the entertainment; and

WHEREAS, one of the conditions of the Street Use Permit issued to Frank Productions is that the City and Frank Productions must enter into a written contract to address details of ticket sales, appropriate allocation of ticket revenue and any other fundraising revenue, and to reflect costs of city services associated with the Street Use Permit and the contributions of both parties to the safety and success of the event; and

WHEREAS, the division of Frank Productions that will be putting on this event is Frank Productions Concerts, LLC; and

WHEREAS, the financial terms of the 2019 contract are similar to the 2018 contract, with a few modifications:

- Frank Productions continues to handle all ticketing, promotion and production duties as in past years.
- Frank Productions will cap its costs of production and artist fees not to exceed $250,000.
- The event proceeds after costs of production/artists will be divided as follows:
    - Frank Productions retains the first $50,000. If the Event Proceeds, as defined in the contract, do not reach $50,000, the City agrees to pay Frank Productions the difference, up to a total of $50,000, as a fee for services rendered.
    - Frank will pay the City the balance of any proceeds that exceed $50,000.

- Both parties will promptly and regularly report and share relevant budget, invoices, other costs details on a schedule to be set in the contract.

WHEREAS, The University of Wisconsin-Madison has offered to contribute $10,000 to the City to help defray the City's costs of the event;

NOW, THEREFORE, BE IT RESOLVED that the Common Council approves an amendment to the 2019 adopted operating budget to receive $10,000 from the University of Wisconsin-Madison to be deposited in the General Fund and to pay Frank Productions up to $50,000 from the Contingent Reserve for the cost to produce the event; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are authorized to sign a contract as described above with Frank Productions Concerts, LLC for the 2019 Halloween event known as Freakfest; and

BE IT FURTHER RESOLVED, that the City may utilize a ticketing and gating system and collect admission fees, and receive donations in conjunction with the Halloween event to cover the costs described above and other related costs; and

BE FINALLY RESOLVED, that City staff will distribute free admission tickets as needed to residents and others within the gated perimeter as deemed appropriate.

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