

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 

DATE: February 24, 2012 (CC Meeting of 3/7/2012)

SUBJECT: Consider Reduction of Fees for a Film Permit issued to ABC Studios

BACKGROUND/DISCUSSION

On September 8, 2011, staff was contacted by ABC Studios about a proposed film permit on High Street for scenes for an episode of Criminal Minds. This permit was issued to allow filming during the afternoon/evening/night of September 21-22, 2011 on High Street. The filming also required the lease of City property and an Encroachment Permit for the closure of parking along High Street as well as the closure of the street itself. Staff had originally estimated fees for this production to be approximately \$6,000.00, but ended up requesting a \$12,000.00 deposit primarily due to the extensive time spent negotiating the terms of the lease of City property and issuing and enforcing the Encroachment Permit. Final staff billing to this deposit (attached) was \$12,599.08, which included \$8,820.00 for City staff time, \$2,188.95 for Police traffic control, \$90.13 for City equipment use (trucks used by Public Works employees), and \$1,500.00 for rental of City property. An additional \$150.00 was collected for the Encroachment Permit. The production company for Criminal Minds, has contacted Mayor Parvin and expressed concern that the amount of the City's fees were excessive. As a result, staff has analyzed the fees for consideration of a possible fee reduction and refund.

The charges can be broken down by time spent on preparing and executing the lease of City property, time spent processing and overseeing the Film Permit (including Police traffic enforcement), and time and vehicle use charges spent processing and overseeing the Encroachment Permit. The charges would be broken down as follows:

Time Charged for Work on Lease of City Property – Total \$3,640.00

City Manager - \$510.00 (2 Hours@\$255/Hour)
Deputy City Manager - \$400.00 (2 Hours@\$200/Hour)
Redevelopment Manager - \$2,250.00 (15 Hours@\$150/Hour)
Principal Planner - \$480.00 (4 Hours @\$120/Hour)

Charge for Lease of the City Property - \$1,500.00 This included the dirt parking lot between the Chamber of Commerce building and Maria's Restaurant, the wood-chip lot between the thrift store and Metrolink lot, and the former Pacific Pride fueling station.

Time Charged for Work on the Film Permit – Total \$5,413.95

Community Development Director - \$585.00 (3 Hours@\$195/Hour)
Principal Planner - \$1,680.00 (14 Hours@\$120/Hour)
Assistant Planner - \$960.00 (12 Hours@80.00/Hour)
Traffic Enforcement (includes 15% administrative charges)
Senior Deputy - \$1,195.17 (14 Hours@\$85.37/Hour)
Deputy - \$993.78 (14 Hours@\$70.98/Hour)

Time and Vehicles Charged for Work on Encroachment Permit – Total \$2,045.13

City Engineer/Public Works Director - \$1,330.00 (7 Hours@\$190/Hour)
Assistant Engineer - \$105.00 (1 Hour@\$105/Hour)
Public Works Superintendent/Inspector - \$460.00 (4 Hours@\$115/Hour)
Maintenance Worker III - \$60.00 (1 Hour@\$60/Hour)
Superintendent/Inspector's Vehicle - \$63.44 (4 Hours@\$15.86/Hour)
Maintenance Worker's Vehicle - \$26.69 (1 Hour@\$26.69/Hour)

Total City Charges to Deposit - \$12,599.08

Encroachment Permit (charged separately) - \$150.00

Total City Charges for Film Production - \$12,749.08

The amount of staff time spent on this production was far greater than any other production experienced by the City for a variety of reasons:

- The standard lease language for City properties did not address the intellectual property needs of the production company. This had not been an issue in the past and the City did not have language developed to meet this request. The lease included their demands for changes to standard language for indemnification and insurance, which took considerable staff time, as well as review by the Deputy City Manager and City Manager to minimize risk to the City with language acceptable by both parties.
- The size of the production kept expanding from preliminary discussions with City staff to the day the permit was issued. Staff made this permit a priority over other pending work due to the short time frame.
- The Encroachment Permit involved a lot more attention than other requests as it involved using parking spaces on High Street, spaces that are critical to the businesses on High Street.
- The film production company did not present all aspects of the production to City staff in the permit request, including the use of the parking lot at Mission Bell

Plaza for staging, and the use of a non-franchised refuse hauler. This brought in the need for greater oversight by City staff during production activities.

It should be noted that most film productions in Moorpark involve minimal staff time and oversight and cost less than \$1,000.00 in City fees, particularly when they do not involve street closures or use of High Street. Film permits used to be handled by the Community Development Department's management analyst. With the loss of that position, planners, some at a higher hourly billing rate than the management analyst, have taken over the role of oversight of film permits. This production of Criminal Minds was the first major film permit in Moorpark since the loss of that position. It is also typical for television production companies to contact the City less than two weeks before they want to film in the City, which gives film permits a high urgency and need for more attention than other land use permits.

Staff is concerned about the charges that resulted from this production and has initiated the process of looking for ways to reduce these costs in the future to avoid a similar situation. Staff is currently drafting a new film ordinance to clarify expectations in filming in Moorpark in a manner fair to the residents and businesses in Moorpark as well as the film production companies. Standard conditions for filming and a new fee schedule will be presented to the City Council for review as part of this ordinance. In addition, staff is developing a standard lease agreement for the use of City property for film production.

Should the Council wish to reduce the fees charged for this permit as requested by the applicant, staff offers the following option:

- ***Eliminate the charges for staff time spent on negotiating the lease of City property (\$3,640.00).*** Much of this time was spent creating language on the ownership of the intellectual property of the filming on City property and proposed changes to indemnification and insurance. The language for intellectual property can be utilized for future permits. In addition, the City had already charged \$1,500.00 for rent of these properties. Staff has historically not charged time for negotiating property leases.
- ***Eliminate the staff time and vehicle charges for the Encroachment Permit (\$2045.13).*** Although this particular permit involved extensive time from Public Works staff, the applicant already paid an Encroachment Permit fee of \$150.00.
- ***Eliminate time charges by the Community Development Director (\$585.00).*** The Community Development Director normally has minimal oversight on film permits, and has not had to charge time to individual permits. Because of the complexity of this permit and the need to resolve differences with the applicant over conditions of approval, the director was more involved in this permit.

The combined reduction of the above fees would be \$6,270.13, bringing the total charges to the applicant's deposit to \$6,328.95. Since the applicant deposited \$12,000.00, this would result in a refund of \$5,671.05.

FISCAL IMPACT

Any refund of fees would be a reduction of revenue from the City general fund (Account No. 1000-3211).

STAFF RECOMMENDATION

Direct staff as deemed appropriate.

Attachment:

Film Permit Charges

Criminal Minds Film Permit

Staff	Title	Hourly Rate	Hours	Total
	City Manager	\$ 255.00	2	\$ 510.00
	Deputy City Manager	\$ 200.00	2	\$ 400.00
	Community Development Director	\$ 195.00	3	\$ 585.00
	City Engineer/Public Works Director	\$ 190.00	7	\$ 1,330.00
	Redevelopment Manager	\$ 150.00	15	\$ 2,250.00
	Principal Planner	\$ 120.00	18	\$ 2,160.00
	Assistant Engineer	\$ 105.00	1	\$ 105.00
	Assistant Planner	\$ 80.00	12	\$ 960.00
	Superintendent/Inspector	\$ 115.00	4	\$ 460.00
	Maintenance Worker III	\$ 60.00	1	\$ 60.00
Total Staff Cost			65	\$ 8,820.00
Police	Title	Hourly Rate	Hours	Total
	Senior Deputy	\$ 85.37	14	\$ 1,195.17
	Deputy	\$ 70.98	14	\$ 993.78
Total Police Cost			28	\$ 2,188.95
Equipment	Qty.	Rate	Amount	Total
F250 Utility (9.2K) #58	1	\$26.69	\$26.69	\$ 26.69
F350 Utility (9.7K) #43	0	\$26.69	\$0.00	
F450 Utility / Dump (10.7K) #66, #24	0	\$26.69	\$0.00	
F650 Dump (26K) #63	0	\$40.09	\$0.00	
Backhoe (JD 310 SG) #59	0	\$30.47	\$0.00	
Loader/Gannon (FORD)	0	\$28.63	\$0.00	
Ranger/Dakota (5.2K)	4	\$15.86	\$63.44	\$ 63.44
Changeable Message Sign	0	\$8.75	\$0.00	
Total Equipment Cost				\$ 90.13
City Property Rental				\$ 1,500.00
Grand Total				\$ 12,599.08

CC ATTACHMENT