

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council  
**FROM:** Jennifer Mellon, Administrative Services Manager   
**DATE:** December 19, 2014 (CC Meeting of 1/7/15)  
**SUBJECT:** Consider Amendment No. 2 to the Agreement with the Moorpark Foundation for the Arts for Operation of the High Street Arts Center

**BACKGROUND & DISCUSSION**

On July 2, 2012, the City Council authorized the City Manager to sign an Agreement with the Moorpark Foundation for the Arts (Foundation) to operate the High Street Arts Center (Agreement). The Agreement includes exclusive use of the Theater at 45 High Street (HSAC) and the old fire station at 782 Moorpark Avenue, collectively referred to as the Premises.

This second Amendment to the Agreement relates to the issuance of exterior door keys to the Premises. The current agreement does not address the issuance of keys since the keys necessary for access to the facilities were issued to Assistant City Manager, Hugh Riley in his capacity as liaison between the City and the Foundation. With the retirement of Mr. Riley from the City on December 30, 2014, all keys issued to him for the premises were returned to the City.

The Amendment provides that the City will re-issue the necessary keys to Mr. Riley as the representative of the Foundation.

The Amendment also deletes the requirement that the Foundation acknowledge that the parking area at 33 High Street being leased by the Foundation is to be shared with the second floor tenant (Suite 200). That tenant has vacated the building and the Foundation now occupies both floors.

**FISCAL IMPACT**

There is no fiscal impact associated to this Amendment No. 2 to the Agreement.

Honorable City Council  
January 7, 2015 Regular Meeting  
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**STAFF RECOMMENDATION**

Authorize the City Manager to sign Amendment No. 2 as discussed in this report subject to City Manager final language approval.

Attachment: Amendment No. 2.

## AMENDMENT NO. 2

### AGREEMENT BETWEEN THE CITY OF MOORPARK AND THE MOORPARK FOUNDATION FOR THE ARTS FOR OPERATION OF THE HIGH STREET ARTS CENTER (HSAC)

THIS AMENDMENT TO AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between the City of Moorpark, a municipal corporation located in the County of Ventura, state of California, hereinafter referred to as "City" and The Moorpark Foundation for the Arts, a California non-profit under the IRS Code 501 (c) 3, hereinafter referred to as "Foundation".

#### WITNESSETH

WHEREAS, on July 2, 2012, the City and Foundation entered into an Operating Agreement for operation of the High Street Arts Center (HSAC) located at 45 East High Street as a performing arts venue; and

WHEREAS, on February 13, 2013, the City and Foundation entered into Amendment No. 1 to the aforesaid Agreement with regards to utilities at 45 East High Street; and

WHEREAS, the City and the Foundation wish to amend the aforesaid Agreement with regard to the issuance of exterior door keys to the Theater at 45 East High Street and the old fire station at 782 Moorpark Avenue.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree to amend the aforesaid Agreement as follows:

- I. SECTION 1 – OPERATING AUTHORITY, shall be replaced in its entirety to read as follows:

"City hereby agrees and authorizes the Foundation to operate as hereinafter provided, the High Street Arts Center (HSAC) located at 45 High Street as a performing Arts Venue. This Operating Agreement shall also include use of the City's warehouse building located at 782 Moorpark Avenue (Old Fire Station) for storage of costumes, props and equipment. When the provisions of this agreement apply to both the HSAC and the Old Fire Station, the term Premises may be used. The City agrees to issue exterior door keys to the Foundation in accordance with the Key Inventory included as Exhibit A. Based on availability and prior written approval by the City Manager, Foundation may also have use of Apricot Room at Community Center located at 799 Moorpark Avenue, when necessary for performer auditions Mondays through Fridays between 4:00 p.m. and 9:00 p.m., not including City holidays, at no cost provided no City personnel are required to be available for such use. This Operating Agreement also acknowledges the fact that public parking available along High Street and in the public parking lots accessible from High Street may be used but will not be

reserved for HSAC events, and other use of public parking may occur and affect the availability of parking for patrons at HSAC events.”

II. REMAINING PROVISIONS

All other provisions of the aforesaid Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 2 to the Agreement between the City and the Foundation to be executed the day and year first above written.

CITY OF MOORPARK:

MOORPARK FOUNDATION FOR THE ARTS:

\_\_\_\_\_  
Steven Kueny, City Manager

\_\_\_\_\_  
Dr. Michael W. Marion, President

ATTEST:

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

\_\_\_\_\_  
Cara Tedrick, Secretary

EXHIBIT A

Exterior Door Keys – 45 East High Street and 782 Moorpark Avenue

<u>Key No.</u>	<u>QTY</u>	<u>Description</u>
B128	3	45 East High St. – High Street Arts Center – Front Door*
K4	1	782 Moorpark Avenue – Front Door
K2	1	782 Moorpark Avenue – Rear Door

\*Duplication Restricted

Notes:

- Interior locks for these buildings have been replaced and/or re-keyed by tenant.
- Rear doors to 45 High Street open only from the inside and are no longer keyed.
- Access to Rear Door at 782 Moorpark Avenue is blocked by the City of Moorpark fence.