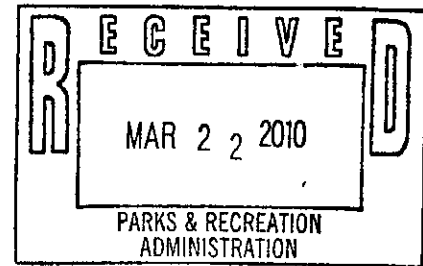


March 22, 2010

Nancy Rapp
Parks and Recreation Department
620 Laguna Street
Santa Barbara, CA 93101



Dear Nancy Rapp:

This letter serves as an appeal to the decision you made to not allow a permit for our festival on West Beach.

I want to make note that the problems you communicated to me at our meeting on February 16, 2010 are perceived problems that can be addressed. Every issue that has been identified can be mitigated. We are committed to resolving these issues as our history with the City and the 79 bookings with your department have proven. We are in this for the long haul and are willing to negotiate terms that make sense for all parties involved.

I have prepared a list of known issues and conflict resolution methods.

- Monies Due - Upon requesting dates for the 2010 edition of the West Beach Music & Arts Festival, Twiin Productions was notified by Susan Jang-Bardick, Parks & Rec Special Events Supervisor, that Twiin still had a balance due to SBPD and reimbursement owed to Public Works for a damaged sidewalk that Twiin allegedly created. Twiin paid the SBPD balance in full. Twiin has yet to resolve the dispute on balanced owed to Public Works. We are willing to resolve this issue:
 - As stated in our post event meeting on October 9, 2009, Twiin requested that this balance be dismissed because our initial request to Amanda Fleese, Project Manager of the West Beach Pedestrian Improvement Project, was not honored. Twiin made a clear and public request in presence of City representatives during our Pre-Event walk through meeting on September 1, 2009. At this meeting Twiin was notified by Amanda Fleese that we would be liable for any damage to the new sidewalk. I spoke up and disputed that this was an unreasonable verbal warning for liability and made a request that we receive documentation to fully understand the liability to which we were taking. No further communication on this item occurred until the Post Event Meeting when a suggested amount due was

presented. Furthermore, the evidence that was provided as cause of action was inaccurate. The alleged "roadway" that was built for vehicle use was actually only a 4' wide plywood pathway that was utilized for ADA access only.

- Once again, we are willing to resolve this issue. We have not received an invoice from the City on this matter – only a copy of an Interoffice Memo suggesting a balance due from Public Works to Nancy Rapp. Please advise how you would like to see this matter resolved.
- Waterfront Parking – Unfortunately, my organization was ultimately responsible for duplications of parking permits that were issued from the Waterfront Department. Outside of this single occurrence of bad faith, my organization has upheld its good faith with the City over the past three years and 79 bookings with the Parks and Recreation Department. We paid the invoice in full from the Waterfront Department for the cost of each duplicated parking permit.
 - In trying to identify why this type of activity would have occurred, I found that the use of the passes were not being met according to the requested use by Twiin. Twiin desired to have a thruway access to the vehicle entrance of the reserved park – similar to the thruway access that was used with the dredging project and the use of sand transport trucks. The passes were primarily used to allow logistical equipment transport from the park vehicle entrance and Cabrillo Blvd – not parking stalls.
 - I find that both of these circumstances can be addressed and corrected.
 - Twiin desires to work with the Waterfront Department closer, to ascertain a plan that works and use the experience of the department to help guide the solution they see best fit.
 - We are committed to spending the resources necessary to mend this issue.
- Noise – Twiin was notified that the 2009 edition of the West Beach Music & Arts Festival caused approximately 20 citizens to respond negatively with complaints about the level of sound generated from the music festival and the 33,000 attendees. This level of response did not happen in the 2007 or 2008 edition of the festival. I believe it is a correctable concern, as proven in the earlier editions of the festival.
 - We will lower the volume
 - Provide an independent sound monitor
 - Add relay speakers throughout the site to assist in lower initial DB level of sound.
- Impact on West Beach community and businesses – Twiin has been committed to working with the local citizens, hoteliers, and businesses of the West Beach community. Since the inception of the event, we have

complied with city protocol and have issued notification letters to all surrounding businesses and residents.

- We have taken further steps than recommended and have offered complimentary passes for all businesses or residents that are impacted.
- This past year we held a town hall style meeting at Veterans Memorial building on Cabrillo Blvd. This meeting was advertised and included in our notification letters. We had the opportunity to address any concerned citizens or businesses, as well as provide further detailed information about the event.
- Furthermore, we met with specific stakeholders and hoteliers to identify impact mitigation plans that would meet the needs of their concerns. We made payments to benefit these stakeholders to cover the cost of security, valet, and parking restriction waivers.
- Security – We have received feedback that the level of security this past year was inadequate and needs to be addressed.
 - We have **tripled** our security budget for the 2010 edition of the festival, allowing us to more than double the personnel and provide for a more qualified firm.
 - We have identified a qualified, event guard specialized company from San Dimas. This company has 350+ employees and provides services year round for events and festivals with capacities up to 130,000 attendees. They provided services for the Presidential Inaugural Ball, and have a mobile command center that can meet the needs of our festival.
 - In years past, we outlined our plans with the city and worked closely with SBPD to develop an approved plan for the event.
 - We will continue to work closely with SBPD and increase our resources to provide adequate security for the event site and impacted businesses.
- Demographics of festival goers – this is a programming fix. We are committed to meeting the needs of our community. This was not a concern in the 2007 or 2008 edition of the festival
 - This concern can be mitigated
 - Twiin is committed to programming a festival to the needs of our community

I want to stress that we are committed to making the West Beach Music & Arts Festival a world-class event for the City of Santa Barbara, its Citizens, Non-Profit Groups, Local Businesses and Merchants. We have worked with the Santa Barbara Chamber of Commerce, The Santa Barbara Convention Visitor's Bureau and Film Commission, and the Downtown Organization. We have a proven track record of

addressing the issues that have been presented, and we are committed to providing resolutions that meet the needs of our community.

The 2008 festival had a series of setup issues mentioned in the Post Event Agenda. The 2009 post event agenda had **NONE**. We clearly took to heart the feedback of issues and corrected them. I know we can do the same with the new issues at hand.

We are willing to negotiate terms that make sense for all parties involved. Outside of the TOT tax dollars, Sales Tax, and direct fees paid to the City for the event; we are offering the City an additional revenue source by establishing a facility fee for every ticket purchased for the event. This fee would easily cover the cost of salary for several staff members of the Parks and Recreation Department or other impacted departments. This would save jobs in your department and other departments. We are desirous of a multi-year deal and are capable to adjust our contribution according to length of contract.

Thank you for your time and consideration. Please take note that there are already hundreds of thousands of dollars in commitments, not to mention the dozens of local businesses and non-profit groups that are already committed for the 2010 edition of the festival.

Your timely response to this matter is appreciated.

Sincerely,



Jeremy Pemberton
Co-Founder / President
Twiin Productions, Inc.

CC: Helene Schneider, Mayor
Dale Francisco, Councilmember
Frank Hotchkiss, Councilmember
Grant House, Councilmember
Michael Kathleen Self, Councilmember
Harwood "Bendy" White, Councilmember
Das Williams, Councilmember
Jim Armstrong, City Administrator

