



# CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

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[www.lbparks.org](http://www.lbparks.org)

October 4, 2005

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Authorize the City Manager to execute a Ninth Amendment to Lease No. 22897 with Gene, Jan, and Michael Todd, for a period of three months, for the sale of Halloween pumpkins and Christmas trees, using the portion of the former Pacific Electric right-of-way property located between Ximeno and Tremont Avenues. (District 3)

## DISCUSSION

Gene, Jan, and Michael Todd (Todd family) have been selling Halloween pumpkins and Christmas trees in Long Beach for the past 46 years. They have used the Pacific Electric right-of-way (PE ROW) property (Attachment A) since 1996. The amendment will allow the Todd family to sell Halloween pumpkins and Christmas trees from October 1, 2005 through December 31, 2005, using the portion of the leased property located between Ximeno and Tremont Avenues (Attachment B).

The original property lease with the Todd family was approved by City Council on April 13, 1993, and was executed based on the family's plans to develop the property as a Christmas tree farm. However, the construction of the tree farm is on hold, due to a Los Angeles County storm drain project that requires a 50-foot wide temporary construction easement on the property. The storm drain project has been repeatedly delayed and it is now tentatively scheduled to begin in March 2007.

Since 1996, the Todd family has requested an amendment to their lease each year, to allow them to sell Halloween pumpkins and Christmas trees from the property during the holiday season. The amendment is necessary in order to provide for a fair market rent during the three-month term, since the Todds are not required to pay rent for the property under the terms of the initial lease until after the storm drain project is complete and the tree farm begins. The rental rate has been adjusted to reflect a 5.84 percent increase in the Consumer Price Index (March 2003 to March 2005).

The proposed ninth amendment contains the following major provisions:

- Location: Portion of the former PE ROW between Ximeno and Tremont Avenues.

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- Term: October 1, 2005 through December 31, 2005.
- Rent: \$3,571 for the three-month term.
- Authorized Use: The premises shall be used for the sale of Halloween pumpkins and Christmas trees.
- Maintenance: The lessee shall be responsible for maintaining the property in good condition.
- Utilities: The lessee shall be responsible for all costs related to the installation and use of utilities at the site.
- Insurance: The lessee shall provide evidence of insurance as deemed sufficient by the City's Risk Manager.

This letter was reviewed by Senior Deputy City Attorney Donna Gwin on September 20, 2005, and Budget Management Officer David Wodynski on September 21, 2005.

TIMING CONSIDERATIONS

City Council action is requested on October 4, 2005, to authorize the execution of the lease.

FISCAL IMPACT

Revenue in the amount of \$3,571 will be deposited in the General Fund (GP) in the Department of Parks, Recreation and Marine (PR).

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PHIL T. HESTER  
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:GP:els  
Attachments

APPROVED:



GERALD R. MILLER  
CITY MANAGER