



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



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www.LBParks.org

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November 14, 2013

MEMBERS OF THE PARKS AND RECREATION COMMISSION
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council authorize the City Manager or Designee to execute a non-exclusive Commercial License Agreement with Lee Ostendorf to operate a Farmers' Market at Bixby Park for a term of three years with two, two-year renewal options at the discretion of the City Manager or his designee. (District 2)

DISCUSSION

Bixby Park, located at 130 Cherry Avenue, serves a high-density area of the City of Long Beach with multiple civic and recreational services provided to the surrounding neighborhood. Since June 2012, Lee Ostendorf, who runs the successful Wednesday Farmers' Market at Marine Stadium, has been conducting the Bixby Farmers' Market (Market) at Bixby Park, under a temporary Permit issued by the Office of Special Events and Filming (SEF) as a pilot project. SEF is the lead organization in the City for permitting activities that require the interaction of multiple City Departments, as the Market originally required inspections or cooperation by the Police, Fire and Public Works Departments, as well as the Department of Parks, Recreation and Marine (PRM). The SEF Permit charge is \$495 for a 6-month period. PRM and Lee Ostendorf have each determined that the Market is both viable and desirable for continuation in Bixby Park.

The scope of the Market and the approval of a Commercial License Agreement with the operator exceeds the authority granted to the Parks and Recreation Commission (Commission) by the Long Beach City Charter and Long Beach Municipal Code. The City Attorney has recommended that approval of the Market for any extended period of time should rest with the City Council, upon a positive recommendation from the Commission.

The proposed terms for the Commercial License Agreement area as follows:

- Term: Three years, January 1, 2014 through December 31, 2016, with two, two-year renewal options at the discretion of the City Manager or designee. Either party may terminate the agreement with 30 days written notice.
- Location and time: The footprint of the Market would include the central quad located west of the Community Center and south of the playground, and could include the basketball court and band shell (Attachment 1). During the set up

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November 14, 2013

Page 2

and take down of booths, cement areas will be used for access. The Market will be conducted weekly on Tuesdays, from 3:00 to 7:00 PM during Standard Time and from 3:00 to 8:00 PM during Daylight Savings Time, with four hours allowed for clean up and two hours for set up prior to the Market, and a two-hour takedown period after the Market.

- Rent and expenses: Lee Ostendorf will receive 6% of gross sales from farmer booths and 10% of gross sales from vendor booths. Lee Ostendorf will pay the Commission approved hourly staff rate for any hours that the restrooms or Bixby Community Center are opened beyond normal hours, and 1% of the weekly gross sales up to \$4,000, 2% of the weekly gross sales between \$4,000 and \$8,000 and 3% of the weekly gross sales over \$8,000.
- Utilities: The City will pay all utilities except for additional refuse deemed necessary by PRM, which will be paid for by Lee Ostendorf.
- Insurance: Lee Ostendorf shall purchase and maintain all applicable insurance and endorsements, as required and approved by the City's Risk Manager.

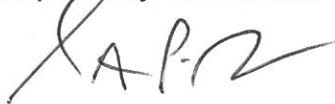
FISCAL IMPACT

There is no fiscal impact from this action, however, if eventually approved by the City Council, some revenue will accrue each year to PRM in the General Fund Budget.

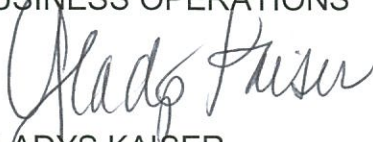
SUGGESTED ACTION:

Approve the recommendation.

Respectfully Submitted,

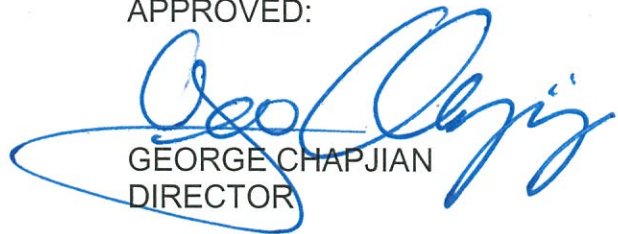


STEPHEN P. SCOTT
MANAGER
BUSINESS OPERATIONS



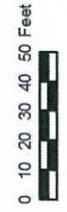
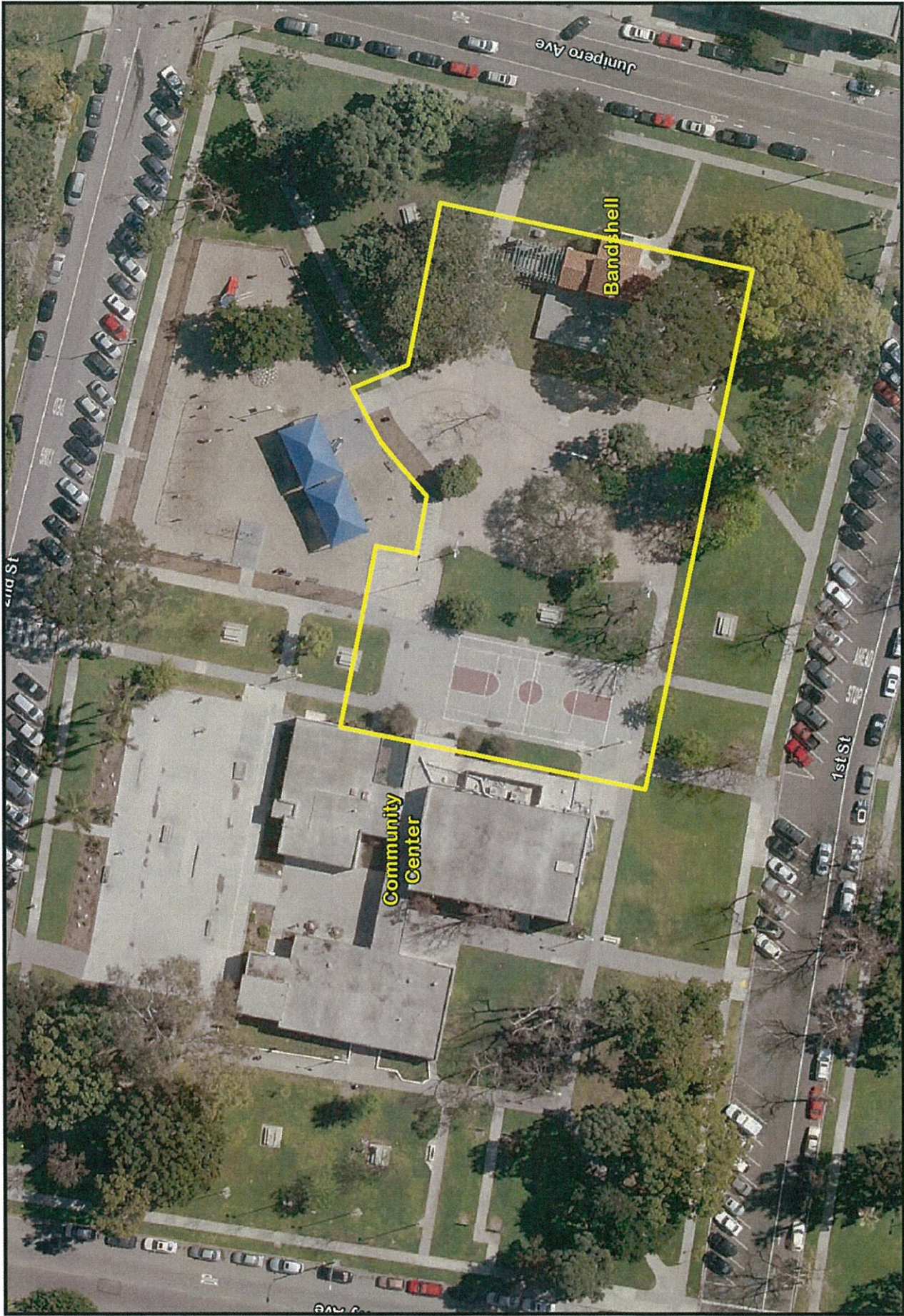
GLADYS KAISER
MANAGER
RECREATION SERVICES BUREAU

APPROVED:



GEORGE CHAPJIAN
DIRECTOR

GC:SS:GK:rl



bixby farmers market C.mxd Teh 10/28/13

Proposed Bixby Park Farmers Market

Proposed Limit of Market Site

