

C-9

September 19, 2023

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager, or designee, to execute any and all documents necessary for a License Agreement with Kilroy Realty, LP, a Delaware limited liability partnership, for the short-term use of a portion of the parking lot located at 3800 Kilroy Airport Way, for the Long Beach Airport Festival of Flight; and,

Authorize the City Manager, or designee, to execute any and all documents necessary for Release and Indemnification Agreements with any tenants of the Long Beach Airport, granting the City use of their ground service equipment, or other personal property, in connection with the Festival of Flight. (Districts 4, 5)

DISCUSSION

The Long Beach Airport (Airport) will be celebrating its annual Festival of Flight (Festival) on Saturday, October 21, 2023. This event occurs on the airfield and provides the public with the opportunity to meet with airport tenants, fixed-base operators, pilot shops, and flying schools. This year's Festival will kick-off the Airport's year-long celebration of its 100th anniversary and feature aviation static displays, activities for kids, gourmet food trucks, refreshments, and live entertainment. More than 10,000 attendees are expected to attend the outdoor event.

The majority of public parking for the Festival is provided on a City of Long Beach (City) -owned parking lot located at the corner of Wardlow Road and Globemaster Way, immediately adjacent to the airfield. Given the number of people anticipated to attend this year, additional overflow parking is needed to ensure sufficient parking for the Festival.

Kilroy Realty, LP (Kilroy), is the City's ground lessee and owner of Aero Long Beach, formerly known as the Kilroy Airport Center, which is a 32-acre business park located on Spring Street and Kilroy Airport Way. The business park consists of multiple buildings with adjacent surface parking lots serving its tenants and visitors. In a collaborative effort with the Airport to support the Festival, Kilroy is willing to provide parking on its large surface parking lot located at 3800 Kilroy Airport Way. Parking will be provided free of charge and a shuttle service to the main location will be provided to the public by the Airport.

Negotiations between the parties have resulted in a proposed License Agreement containing the following major terms and conditions:

- Licensor: Kilroy Realty, LP, a limited liability partnership.
- Licensee: City of Long Beach (City), a municipal corporation.
- Licensed Premises: The non-exclusive use of the surface parking lot located at 3800 Kilroy Airport Way.
- Term: The term of the Agreement will commence on October 20, 2023, and terminate on October 22, 2023.
- License Fee: The use of the Licensed Premises will be provided at no charge to the Licensee.
- Condition of Licensed Premises: Licensor will grant use of the Licensed Premises to Licensee in its "as-is, where-is" condition and Licensee will be responsible for returning the Licensed Premises free of debris and trash at the end of the event.
- Insurance and Indemnification: The Licensee will provide Licensor evidence of public liability self-insurance and indemnify and hold harmless Licensor during the term of the agreement.

This matter was reviewed by Principal Deputy City Attorney Richard F. Anthony on August 24, 2023 and by Budget Analysis Officer Greg Sorensen on August 29, 2023.

TIMING CONSIDERATIONS

City Council action is requested on September 19, 2023, to allow for the License Agreement to be executed by the parties prior to the date of the Festival of Flight on October 21, 2023.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

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FISCAL IMPACT

The Airport will not be charged for the use of the Licensed Premises. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



CYNTHIA GUIDRY
DIRECTOR, LONG BEACH AIRPORT

APPROVED:



THOMAS B. MODICA
CITY MANAGER

LEVINE ACT DISCLOSURE STATEMENT

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

Proposers are responsible for accessing these links to review the names prior to answering the following questions.

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

YES

NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

8/22/2023

Date

Ana Wood

Signature of authorized individual

Ana Wood

Type or write name of authorized individual

Kilroy Realty Corporation

Type or write name of company