



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



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March 13, 2014

MEMBERS OF THE PARKS AND RECREATION COMMISSION

City of Long Beach
California

RECOMMENDATION:

Support the activity and recommend that the City Council authorize the City Manager or Designee to execute a Non-exclusive Commercial License Agreement with Jorge Rivera to operate a Farmers' Market and provide free fitness classes at Admiral Kidd Park for a term of two years with two, two-year renewal options at the discretion of the City Manager or his designee. (District 7)

DISCUSSION

Admiral Kidd Park (AK Park), located at 2125 Santa Fe Avenue, serves a high-density area of the City of Long Beach (City) with multiple civic and recreational services provided to the surrounding neighborhood. The west side of Long Beach including the area around AK Park has been identified as a "food desert" area in the City. The United States Department of Agriculture defines what is considered a food desert as a "low-access community", where at least 500 people and/or at least 33 percent of the census tract's population reside more than one mile from a supermarket or large grocery store.

Since April 2012, acting as the Conscious Community Coalition (C3), Jorge Rivera has been operating a Farmers Market (Market) at AK Park under the Non-profit umbrella of Partners of Parks. During this period of operation, C3 has operated 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 and/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 C3 have each determined that the Market is both viable and desirable for continuation in AK Park. Amplified or live music that meet City codes is also proposed as an enhancement to the atmosphere of the Market.

The scope of the Market and the approval of a Non-exclusive Commercial License Agreement (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. Therefore, 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.

"We create community and enhance the quality of life through people, places, programs and partnerships"

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Along with farmers and other vendors participating in the Market, C3 proposes to begin to provide running/walking fitness classes, fitness boot camps and Yoga and Zumba classes (collectively "classes") free of charge to participants during the proposed Market. Provided these activities remain free of charge, they would be allowed under the Agreement. Should a fee ever be charged for the classes, C3 would be required to go through the normal PRM and Commission approval processes.

The proposed terms for the Agreement are as follows:

- Term: Two years, May 1, 2014 through April 30, 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. Should C3 begin to charge for classes, the Permit would be amended to remove the classes, and C3 would then need to follow the standard PRM Fitness Provider Permit Application process.
- Location and Time: The footprint of the Market will include the northernmost portion of the AK Park parking lot and some fields (Attachment 1). The Market will be conducted weekly on Saturdays, from 9:00 AM to 2:00 PM with two-hour periods allowed before and after the Market, for set-up and teardown.
- Vendor/Farmer Fee: C3 will collect 7% of gross sales from farmer booths and 10% of gross sales from vendor booths each week.
- Rent and Expenses: C3 shall pay to the City the Commission approved hourly staff rate for any hours that the restrooms or Community Center are opened beyond normal hours. Beginning August 1, 2014, and every quarter thereafter, C3 shall pay to the City, a quarterly License fee of 1% of the weekly amount collected from vendors up to \$4,000, plus 2% of the weekly amount collected from vendors between \$4,000 and \$8,000, plus 3% of the weekly amount collected over \$8,000.
- Utilities: The City will pay all utilities except for additional refuse deemed necessary by PRM, which will be paid for by C3.
- Insurance: C3 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.

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SUGGESTED ACTION:

Approve the recommendation.

Respectfully Submitted,


STEPHEN P. SCOTT
MANAGER
BUSINESS OPERATIONS

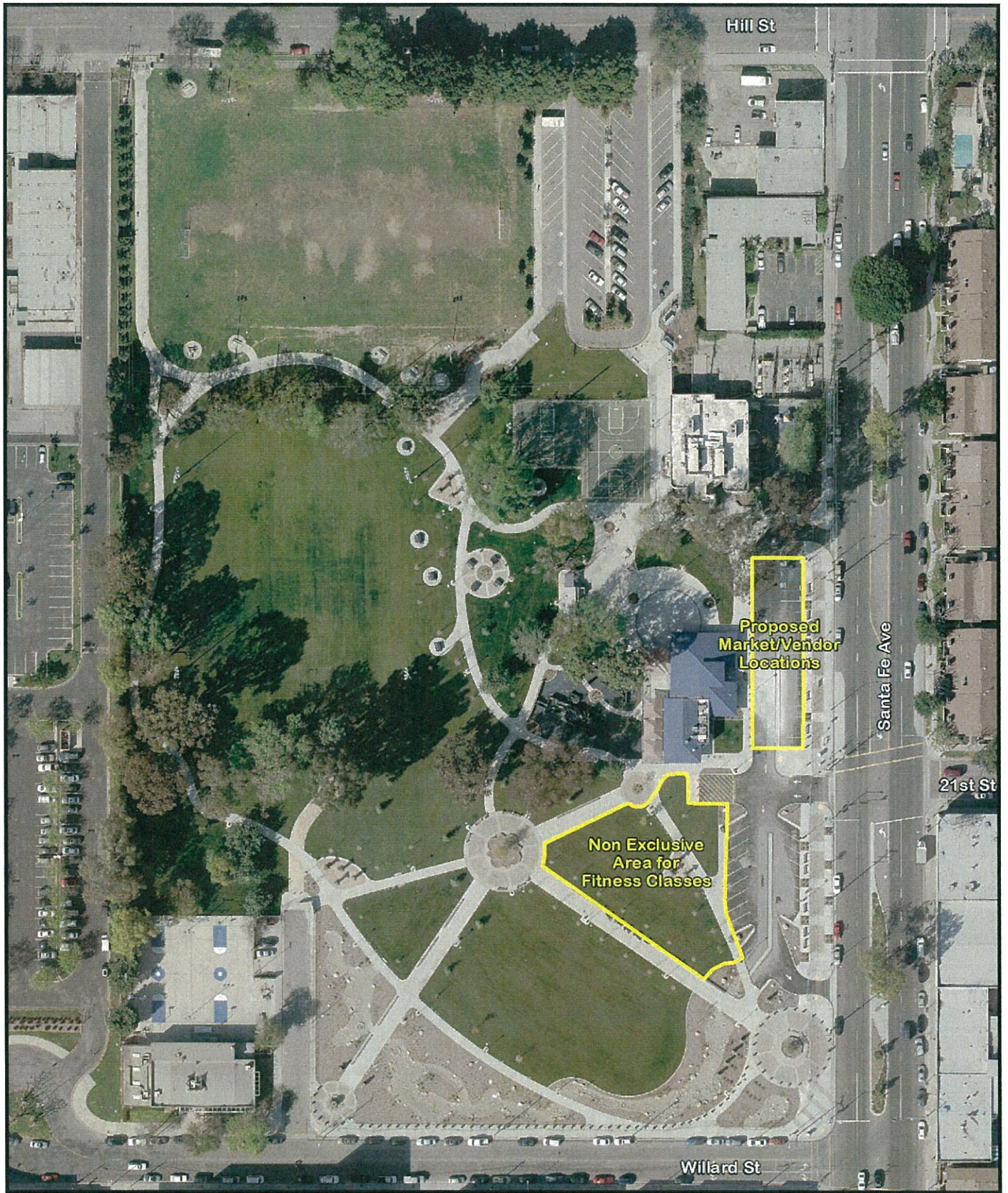
APPROVED:


GEORGE CHAPJIAN
DIRECTOR


GLADYS KAISER
MANAGER
RECREATION SERVICES BUREAU

GC:SS:GK:rl

Attachment 1: Aerial of Admiral Kidd Farmer's Market Footprint



Attachment 1
Proposed
Conscious Community Coalition Farmer's Market
and Fitness Classes



contracts-farmers mkt & fitness classes.mxd teh 2/25/14