



CITY OF LONG BEACH

R-25

DEPARTMENT OF PUBLIC WORKS

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April 15, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute all documents necessary for Amended and Restated Lease Agreement No. 30310 with the Los Angeles County Flood Control District for the use of approximately 19 acres of property at the Hamilton Bowl Detention Basin, commonly referred to as Chittick Field. (District 6)

DISCUSSION

Chittick Field, also known as the Hamilton Bowl Detention Basin, is a 19-acre flood control detention basin located between Walnut Avenue and just west of Gardenia Avenue, and between Pacific Coast Highway and the Pacific Electric Right of Way (Attachment). Owned and operated by the Los Angeles County Flood Control District (County), Chittick Field is also a National Pollution Discharge Elimination System (NPDES) compliance site for the City of Long Beach and the City of Signal Hill.

On June 19, 2007, the City Council authorized the execution of Lease Agreement No. 30310 (Lease) with the County for the use of Chittick Field for continued recreational purposes. Up until that time, the City had enjoyed non-exclusive use of Chittick Field since March 1950 under a permit with the County for baseball fields and other recreational purposes. On November 20, 2007, the City Council authorized the execution of the First Amendment to modify the original 65-year Lease term and provide for a 99-year Lease term. The termination date was extended from June 30, 2072 to June 30, 2106.

On March 19, 2013, the City Council authorized the awarding of a contract with C.S. Legacy Construction Inc., for the construction of improvements to Chittick Field to enhance the recreational opportunities for the surrounding community. These City improvements include three soccer fields, a regulation-sized football field surrounded by a 400-meter all-weather track, and accommodations for javelin, pole vault, long jump, and triple jump competitions. The City improvements also include the installation of a bike path, a parking lot, improvements to the drainage and storm water facilities, installation of landscaping, irrigation and electrical infrastructure. Construction of the City improvements commenced in April 2013 and is anticipated to be completed in April 2014.

As a result, the County has requested to modify the Lease in order to address the current City improvements. Due to the long-term nature of the Lease, the County has requested an Amended and Restated agreement, instead of additional amendments, so that all past and current modifications will be contained in one document moving forward.

Amended and Restated Lease Agreement No. 30310 has been negotiated with the County and shall contain the following major terms and provisions:

- Leased Premises: The Leased Premises shall consist of approximately 19 acres of land used as a flood control facility known as Hamilton Bowl and commonly referred to as Chittick Field.
- Term: The Lease shall terminate on June 30, 2106.
- Use: The Leased Premises shall be used by the City for publicly-owned recreational improvements consisting specifically of landscaping, playing fields, tracks (all weather or otherwise), bleachers, playground equipment, a paved parking lot, lighting and light standards, and restroom facilities and appurtenances.
- Rent: Rent for the Leased Premises shall continue at \$0 per year. If the Lease is amended to allow for non-recreational purposes, Tenant may be required to pay increased rent, based on fair market value rental rates.
- Cancellation: The County shall have the right to terminate the Lease upon 180-days prior written notice, if the County reasonably determines that the Leased Premises are required for flood control, watershed quality or water conservation purposes. The City shall have the right to terminate the Lease for any reason upon 60-days prior written notice.
- Landlord Facilities: The County shall continue to operate and maintain certain flood control facilities and will reserve access for such ongoing activities. The City shall not interfere with the County's use of the Leased Premises for flood control purposes, nor for the City of Signal Hill's use for existing water quality improvements.
- City Improvements: The County authorizes the construction of the City Improvements, which upon completion, shall remain the property of the City. The entire cost and expense of constructing the City Improvements shall be borne by the City and shall include all necessary entitlements and permits. The City, at its sole cost and expense, shall maintain the Leased Premises and the City Improvements in good repair and in compliance with all requirements of law and usual industry standards.
- Sublease: The City shall have the right to sublease the Leased Premises upon the reasonable approval of the County.
- Sale of a Portion of the Leased Premises: In the event the County determines that certain portions of the Leased Premises are no longer needed for flood control purposes, such portion shall be offered for sale to the City on mutually acceptable terms and conditions.

- Environmental Condition: The City shall not be responsible for existing environmental conditions, if any, nor for environmental issues related to the storm water retention uses of the Leased Premises.
- Repossession: The County shall have the right to immediately repossess the Leased Premises for the purpose of preventing sabotage, or in an emergency where the County reasonably believes that lives, excessive property or environmental damage are threatened. Such possession may not terminate the Lease. If possession continues for more than 180 consecutive days, the Term shall be automatically extended for a period equal to the period of possession by the County.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on February 19, 2014 and by Budget Management Officer Victoria Bell on February 25, 2014.

TIMING CONSIDERATIONS

City Council action on this matter is requested on April 15, 2014, in order to execute the Agreement in an immediate and expeditious manner.

FISCAL IMPACT

There is no fiscal impact associated with the recommended action. Approval of this recommendation will provide continued support to the local economy.

SUGGESTED ACTION:

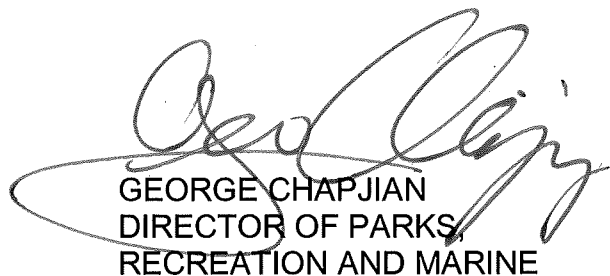
Approve recommendation.

Respectfully submitted,



ARA MALOYAN, PE
DIRECTOR OF PUBLIC WORKS

AM:GC:JMLR:ms
P:Chittick Field Amend & Restated Lease.R1
Attachment



GEORGE CHAPJIAN
DIRECTOR OF PARKS,
RECREATION AND MARINE

APPROVED:



PATRICK H. WEST
CITY MANAGER

ATTACHMENT



Chittick Field – Hamilton Bowl