

October 17, 2019

MEMBERS OF THE PARKS AND RECREATION COMMISSION

City of Long Beach
California

RECOMMENDATION:

Authorize the Director of Parks, Recreation and Marine to execute a Right of Entry Permit, and any other necessary documents, with the Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach, a nonprofit organization, for the production and maintenance of one mural on the exterior weight room wall at Earnest McBride Park, from December 1, 2019 through November 30, 2020, with two, two-year options to renew through November 30, 2024, for mural maintenance purposes, at the discretion of the Director. (District 6)

DISCUSSION

The Department of Parks, Recreation and Marine (Department) was approached by the Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach (Arts Council) to paint one mural on the exterior wall of the weight room at Earnest McBride Park (McBride Park) that will showcase Mr. Calvin Broadus, Jr., aka "Snoop Dogg". Mr. Broadus, who was born in Long Beach and a graduate of Long Beach Polytechnic High School, is a multi-platinum Grammy-nominated artist, Emmy-nominated personality host, actor, entrepreneur, and philanthropist. He is at the forefront of popular culture with award-winning albums and songs, hit television shows, films, lifestyle products, philanthropic efforts, and digital ventures.

McBride Park is a 2.8-acre park located on 1550 Martin Luther King, Jr. Avenue, directly east of Long Beach Polytechnic High School, with a community center, gymnasium, teen center, playground, basketball courts, skate park, picnic areas, and open turf area.

The Arts Council helps leverage the arts, culture and creativity that shapes the physical, social and economic character of the diverse Long Beach neighborhoods. Most recently, artists through the Arts Council have painted several murals at Peace Park, Drake Park, and Drake-Chavez Greenbelt. The Arts Council has selected mural artist Mr. Gustavo Zembruño, Jr. to design and paint the McBride Park mural. Mr. Zembruño is a Venice, California-based mural artist. His murals are located throughout Los Angeles County and mostly celebrate sports icons like LeBron James and music legends, such as Selena and Nipsey Hussle.

MEMBERS OF THE PARKS AND RECREATION COMMISSION

October 17, 2019

Page 2

Parks and Recreation Commission (Commission) approval is requested to authorize the Director of Parks, Recreation and Marine (Director) to issue a Right of Entry Permit (Permit) to the Arts Council (Permittee). The proposed Permit shall include the following significant terms:

- Permittee: Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach
- Location: McBride Park, 1550 Martin Luther King, Jr. Avenue. (Attachment 1)
- Mural: Permittee's artist (Artist) shall paint one mural, located on the exterior wall of the McBride Park Weight Room area. (Attachment 2) The mural shall depict Snoop Dogg, an American recording artist and actor who was born and grew up in Long Beach.

The mural shall not show or display any form or substances that are specifically against local, state or federal law or contain any profanity or nudity. No copyrighted material shall be used as the basis for the artwork unless proof or permission has been granted by the copyright holder. Such proof shall be provided by the Permittee and/or the Artist prior to painting the mural.

The Director reserves the right to view and approve proposed mural design/artwork, mural size, medium, and wall preparation and protective coatings prior to the painting of the mural.

- Term: One year, December 1, 2019 through November 30, 2020, to complete the mural painting and for mural maintenance.
- Options to Renew: Two, two-year options to renew from December 1, 2020 to November 30, 2024, for mural maintenance, at the discretion of the Director.
- Termination: Either party may terminate the permit with 30-days written notice.
- Funding: All funding to provide all mural supplies, artists, and maintenance of the mural shall be provided by the Arts Council. The Department shall not provide any funding, supplies or staff support, other than overall Park supervision, unless approved in advance and in writing by the Director. Should Permittee obtain funding through donations and/or sponsorships, the City reserves the right to approve any recognition of funders on the mural in advance and in writing.
- Safety: Artist must receive pre-approval for the placement of any personal equipment (e.g., ladders, scaffold, paint sprayer, etc.), at McBride Park, and must



MEMBERS OF THE PARKS AND RECREATION COMMISSION

October 17, 2019

Page 3

place a protective barrier around the area of the mural, and under Artist's equipment and paint to not mar the concrete walkway or impact the adjacent windows with paint overspray. Artist may not provide personal equipment unless it has been inspected by the Department or a City Safety Officer and the equipment meets CAL OSHA safety specifications.

- Utilities: The Department shall provide all utilities used by Artist during the painting and during Permittee's maintenance of the mural.
- Storage: The Permittee and/or its Artist may store limited art supplies at the Park during the active painting of the mural, on a space available basis, as approved in advance by the Park supervisor.
- Preparation/Preservation: Permittee and/or its Artist shall properly prepare the exterior wall for mural painting as required and approved by the Department prior to mural painting. The Artist may be required to provide a special graffiti coating to the finished mural to protect the mural from graffiti, as approved in advance by the Director.
- Mural Completion: Permittee/Artist shall confirm that the mural shall be completed no later than January 31, 2020, unless extended in writing by the Director.
- Ongoing Maintenance and Rights: As the sponsoring, hiring and funding entity, Permittee affirms that it will cover or cause to be covered, all ongoing costs for maintenance of the mural. Notification of blight/graffiti, physical or environmental damage by any cause must be repaired or cause to be repaired by Permittee/Artist within 72 hours of damage report or Permittee shall provide a written notice to the Department as to when repairs will be fully completed. If mural is not repaired or maintained to the satisfaction of the Director, both Permittee and Permittee's Artist agree that the mural may be removed/painted out by the Department.
- Waiver of Permittee and Artists Rights: The Permittee and Artist shall sign a waiver that they waive any and all claims or rights, under any circumstances against the City of Long Beach. The Permittee and Artist understand and agrees that the mural may be subject to destruction, distortion, mutilation or other modification, or other acts or by reason of their removal at a later date. The Permittee and Artist understand and agree that the City of Long Beach shall have discretion to remove the mural at any time.
- Minors: Artist shall not work with any minors unless supervised by Department staff and parental/guardian waiver signed, with copies to the Department.



MEMBERS OF THE PARKS AND RECREATION COMMISSION

October 17, 2019

Page 4

- Filming/Publicity: The City of Long Beach shall be entitled to photograph and film the Artist painting the mural for use in publications, educational materials, and/or promotion for the use in the form of print media, as well as the internet, film, and all other forms of electronic or other media, including third party works. The Artist will retain rights to the image created by the Artist.
- Insurance: The Arts Council and Artist shall maintain and provide all applicable insurance and endorsements, as required and approved by the City's Risk Manager.

FISCAL IMPACT

There is no fiscal impact from the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully Submitted,



MEREDITH REYNOLDS
MANAGER
PARK PLANNING & PARTNERSHIPS



GLADYS KAISER
MANAGER
COMMUNITY RECREATION SERVICES



HURLEY OWENS
MANAGER
MAINTENANCE OPERATIONS

APPROVED:



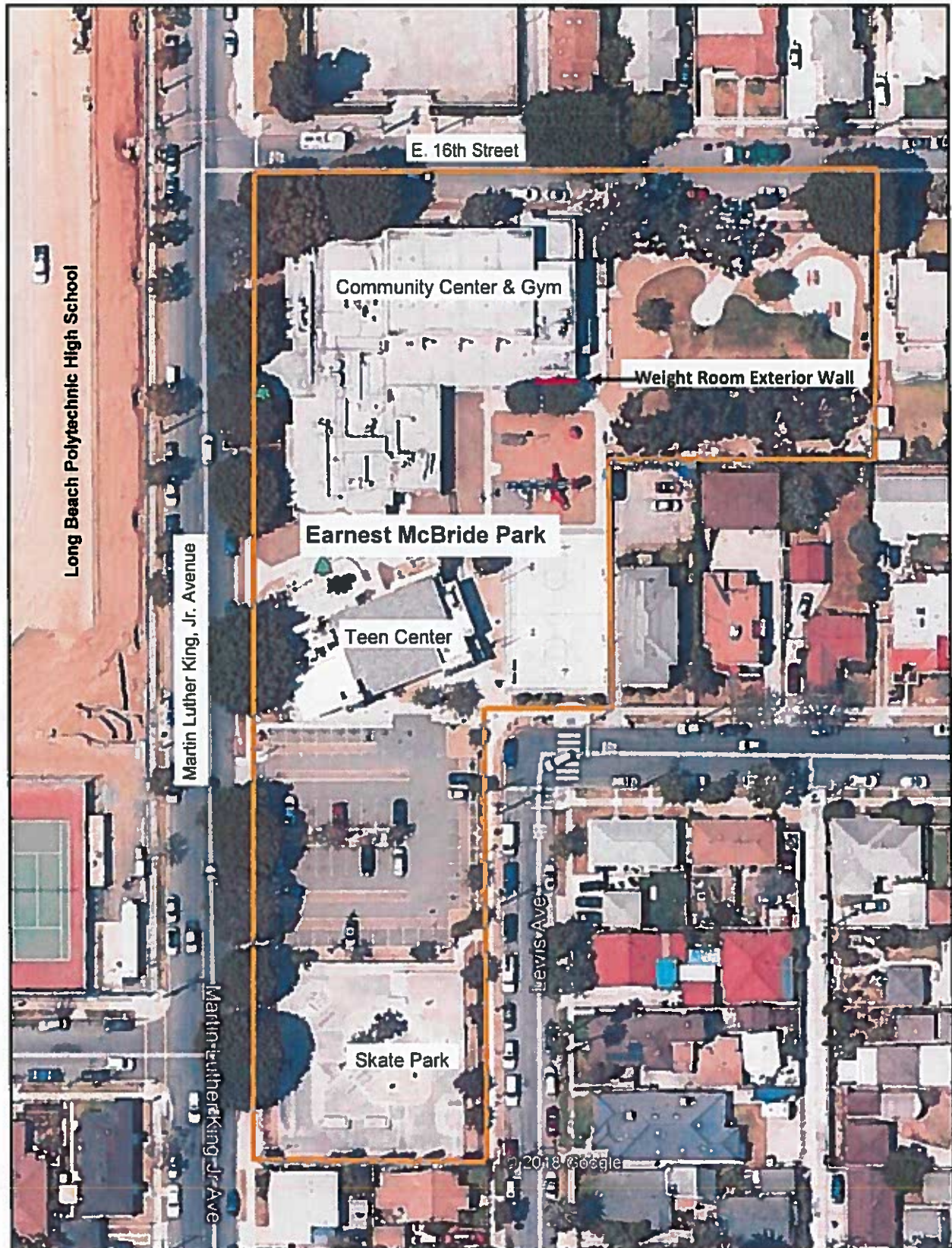
GERARDO MOUET
DIRECTOR

GM:SS:MR:GK:HO:lh

ATTACHMENTS:

- 1 - Earnest McBride Park Site Plan
- 2 - Photo of McBride Weight Room Exterior Wall Proposed Mural Location





EARNEST McBRIDE PARK SITE PLAN
1550 Martin Luther King, Jr. Avenue



McBride Park Weight Room

Exterior Wall Northside

2 views of proposed wall, which faces the McBride Playground

