

THIRD AMENDMENT TO PERMIT NO. 32943

32943

THIS THIRD AMENDMENT TO PERMIT NO. 32943 is made and entered, in duplicate, as of January 22, 2020 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on January 21, 2020, by and between FRIENDS OF COLORADO LAGOON, a nonprofit for public benefit corporation ("Permittee") whose address is 6475 Pacific Coast Highway, #252, Long Beach, California 90803, and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City and Permittee (the "Parties") entered into Permit No. 32943 (the "Permit") wherein City granted Permittee, its contractors, agents and employees the exclusive right to enter the perimeter area surrounding Colorado Lagoon ("Permitted Area") for the purpose of providing vegetation restoration and maintenance; and

WHEREAS, the Parties entered into a First Amendment to the Permit to extend the term to September 30, 2016; and

WHEREAS, the Parties entered into a Second Amendment to the Permit to extend the term to September 30, 2018; and

WHEREAS, the Parties desire to extend the term and amend various provisions of the Permit;

NOW, THEREFORE, in consideration of the mutual terms and conditions herein contained, the Parties agree as follows:

1. Section 1 of the Permit is hereby amended to read as follows:

"1. Access. City grants to Permittee, its contractors, agents and employees (collectively, the "Permittee Parties"; individually, a "Permittee Party") the exclusive right to enter the perimeter area surrounding Colorado Lagoon, ("Permit Area") depicted in Exhibit "A" attached hereto and incorporated herein, solely for the purpose of providing vegetation restoration and maintenance. City acknowledges that the permission granted by this Permit may include placing, using and leaving equipment and materials, provided, that the location and placement of

1 equipment and materials shall first be approved by the City Manager or designee.
2 Permittee shall use its best efforts to limit entry of Permittee Parties to the Permit
3 Area to the extent necessary to meet the purposes stated in this Permit."

4 2. Section 2 of the Permit is hereby amended to read as follows:

5 "2. Use. Permittee shall have access to the Permit Area for the
6 sole purpose of revegetation and maintenance. No other permitted use of the
7 Permit Area will occur without the prior written consent of the City Manager or
8 designee."

9 3. Section 3.A of the Permit is hereby amended to read as follows:

10 "A. Permission to enter shall begin at midnight on October 1, 2012,
11 and shall terminate on September 30, 2021, unless sooner terminated as provided
12 in this Permit, or unless the services to be performed hereunder or the project are
13 completed sooner. The term may be renewed for two (2) additional two-year
14 periods, at the discretion of the City Manager.

15 It is also expressly understood and agreed that termination of this
16 Permit will result in the immediate termination of Lease No. 32944."

17 4. Section 17, Miscellaneous, of the Permit is hereby renumbered to be
18 Section 23.

19 5. Section 17 is hereby added to the Permit to read as follows:

20 "17. Livescan. Pursuant to City policies regarding adult interactivity
21 with children in parks, Permittee shall ensure that all of its staff, volunteers,
22 contractors, and agents (one-time special event volunteers are excluded) are
23 LiveScanned prior to interacting with youth. When available, City shall perform the
24 Livescans and/or refer the LiveScanees to alternative City Livescan sites."

25 6. Section 18 is hereby added to the Permit to read as follows:

26 "18. Identification. Permittee will maintain a copy of all Permit and
27 Lease documents at the Permit Area and Building. Permittee's subcontractor will
28 also maintain a copy of all Permit and Lease documents on hand/in vehicle(s), which

1 will be available to the public upon request. When working in the Permit Area and
2 Building, Permittee and its subcontractors will be clearly identifiable through their
3 clothing, vests or identification badges."

4 7. Section 19 is hereby added to the Permit to read as follows:

5 "19. Grant Approval Process. Permittee's programming is primarily
6 grant-funded. Should Permittee identify a grant funding opportunity that obligates
7 the City in any way, Permittee will send a written notification of the grant opportunity
8 to the Department at least two (2) weeks prior to the grant deadline to seek written
9 permission to apply for funding. The Department will review Permittee's request,
10 the grant criteria, consider other Department programming and facilities' needs, and
11 will respond within four (4) business days. City reserves the right to deny the request
12 if the grant performance measures are not financially or operationally feasible, or
13 unreasonably burdensome for any other reason, or violates City policies for
14 obligating to fulfill grant requirements the City without City Council approval."

15 8. Section 20 is hereby added to the Permit to read as follows:

16 "20. Advertising and Signage. Advertising will not be allowed on or
17 at the Premises, Building, or Permit Area. Limited signage directly related to
18 Permittee's restoration or programming may be displayed in the Permit Area and
19 Building, as approved in advance and in writing by the Director."

20 9. Section 21 is hereby added to the Permit to read as follows:

21 "21. Reporting. Permittee will provide City with a mid-year and an
22 annual report, which outlines the frequency, type, participation, and scope of all
23 education programming and restoration events performed during the year."

24 10. Section 22 is hereby added to the Permit to read as follows:

25 "22. Communication and Meeting Attendance. Permittee's point of
26 contact with the City will be Permittee's President, unless the President designates
27 another representative. As requested, Permittee will send a representative to all
28 City meetings regarding the Building and Permit Area as Permittee's schedule

permits.”

11. Exhibit “A” to the Permit is hereby amended and replaced to remove the Appian Way Street median, as shown on Exhibit “A-1”, attached hereto and incorporated herein.

12. Except as expressly amended herein, all of the terms, covenants and conditions in Permit No. 32943 are ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this document to be duly executed with all formalities required by law as of the date first stated herein.

FRIENDS OF COLORADO LAGOON, a nonprofit for public benefit corporation

By [Signature]
Name Heather Altman
Title President

By [Signature]
Name Christine Whitcraft
Title Vice president

“Permittee”

CITY OF LONG BEACH, a municipal corporation

By [Signature]
City Manager

“City”

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER

This Third Amendment to Permit No. 32943 is approved as to form on

SEPT. 11, 2020.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

EXHIBIT “A-1”



ATTACHMENT: Permit Area

Legend

- FOCL Area 2.7 ac. (approx.)
- Intertidal Contract Area 6.8 ac. (approx.)
- PRM and Contract Maint. Area 19.7 ac. (approx.)

