

July 15, 2021

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 Long Beach, dba Arts Council for Long Beach, a 501c3 nonprofit, for the production and maintenance of one mural in Houghton Park, for a term of one year from August 1, 2021 through July 31, 2022, to paint, complete, and maintain the mural, with two, three-year options to renew through August 31, 2028, for mural maintenance purposes, at the discretion of the Director. (District 9)

DISCUSSION

On October 15, 2020, the Parks Mural Toolkit (Toolkit) was received and filed by the Parks and Recreation Commission as a process for all future murals. The Toolkit is a user-friendly document designed to provide a roadmap to help interested parties navigate the process of completing a mural on Parks, Recreation and Marine Department (Department) property. The Toolkit provides all parties involved with a clear idea of what to expect and ensures that murals are installed in areas that are publicly accessible and visible. Additionally, the Toolkit lists standards to ensure each mural is durable and long-lasting as well as appropriate, culturally competent, multigenerational, and designed with all viewers and park users in mind. Murals require restoration from time to time due to wear and tear from prolonged exposure to the elements and due to vandalism.

Houghton Park is approximately a 26-acre park located at 6301 Myrtle Ave with a skatepark, baseball field, basketball court, community center, picnic area, playground, soccer field, softball fields, tennis courts, volleyball court, and restrooms. The mural is an ode to Houghton Park's history and home to the Uptown Jazz Festival (Attachment A). A yearly event, free to the public, the Jazz Festival features a taste of jazz sounds for all ages to enjoy. The festival continues to unite the North Long Beach community, in addition to attracting attendees from throughout Long Beach and outside of the city.

The artist, Bodeck Luna, is an immigrant from Manila, Philippines, has been creating art pieces that explores the relationship between nostalgia, social empowerment, and decolonization. Bodeck's site-specific mural aims to honor residents across Long Beach.

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

- Permittee: Arts Council for Long Beach, a 501c3 nonprofit.
- Premises: Houghton Park, 6301 Myrtle Avenue. (Attachment A)
- Mural: Permittee's artist (Artist) shall paint a mural on the exterior area of baseball field bleachers. (Attachment A)
- Term: One year from August 1, 2021, through July 31, 2022.
- Renewal Options: Two, three-year options, through August 1, 2022 to July 31, 2028, at the discretion of the Director.
- Termination: Either party may terminate the Permit with 30-days' written notice.
- Funding: Permittee will provide funding for mural supplies, Artist, and maintenance of the mural. 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 Department Director. Should the 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 Houghton Park and must place a protective barrier around the area of the mural, and under Artists' equipment and paint to not impact the adjacent areas of pain overspray. Artist may not provide personal equipment unless it has been inspected by the Department of a City safety officer and the equipment meets CAL OSHA Safety specifications.



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- 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 it's Artist may store limited art supplies in Houghton Park community center, on a space available basis, as approved in advance by the Park Supervisor. Artist shall have access to the community during operational hours.
- Preparation/Preservation: Permittee and/or its Artist shall properly prepare the walls for mural painting as required and approved by the Department prior to mural painting. Permittee/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 and the Artist shall confirm that the mural shall be completed no later than December 31, 2021, unless extended in writing by the Director. If time extensions are needed due to the size of the project, weather, personal emergencies, etc., a written request must be submitted and approved, to avoid non-compliance of contracted responsibilities by the Artist.
- 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, either directly and/or through the City's Percent for Public Art Program mural restoration fund. Notification of blight/graffiti or environmental damage by any cause must be repaired or cause to be repaired by Permittee or its Artist within 72 hours of damage report or provide written notice to the Department as to when repairs will be fully completed. If the mural is not repaired or maintained to the satisfaction of the Department Director, both Permittee and Permittee's Artist agree that the mural may be removed/painted out by the Department.
- Waiver of Permittee and Artist 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 agree that the mural is to be painted onto the exterior of the bleachers at Houghton Park and the mural may be subject to



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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 the discretion to remove the mural at any time.

- Minors: Artist shall not work with any minors unless supervised by Department staff and parental/guardian wavier signed, with copies to the Department.
- 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 internet, film, and all other forms of electronic or other media, including third party works.
- Insurance: Arts Council for Long Beach, its Artist, and agent shall maintain all applicable insurance and endorsements, as required and approved by the City Risk Manager.
- Laws and Other Permits: Arts Council for Long Beach, shall apply, pay for, and follow all applicable local, regional, state and federal laws, codes, regulations, requirements, and health orders.
- Liaisons and Communication: The City will designate a Department liaison through which the Arts Council will communicate.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully Submitted,



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GLADYS KAISER
MANAGER
COMMUNITY RECREATION SERVICES



HURLEY OWENS
MANAGER
MAINTENANCE OPERATIONS



NANCY VILLASEÑOR
MANAGER
PARK PLANNING & PARTNERSHIPS

APPROVED:



BRENT DENNIS
DIRECTOR

Attachment A: Premises Map & Mural Rendering



Attachment A

Mural Rendering

Dimensions: 1 Bleacher Backside: 19 ft x 54 ft
2 Bleacher Sides: 19ft x 35 ft (each)



Location:
Houghton Park, 6301 Myrtle Avenue

