



Legislation Details (With Text)

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File created: 11/30/2012 **In control:** City Council

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Title: Recommendation to authorize City Manager to execute all documents necessary for a lease with the Friends of Colorado Lagoon for City-owned property at 5119 E. Colorado Street, commonly known as the Colorado Lagoon Wetland and Marine Science Education Center, for a term of two years, with two, two-year renewal options at the discretion of the City Manager or his designee; and

Authorize City Manager to execute all documents necessary for a Right-of-Entry Permit with the Friends of Colorado Lagoon, coterminous to the recommended action above, to allow for third-party revegetation of a portion of the Colorado Lagoon, and amend the permit to expand the permitted area, as additional funding is secured. (District 3)

Sponsors: Parks, Recreation and Marine, Public Works

Indexes: Leases, Permits

Code sections:

Attachments: 1. 121812-R-11sr&att.pdf

Date	Ver.	Action By	Action	Result
12/18/2012	1	City Council	approve recommendation	Pass

Recommendation to authorize City Manager to execute all documents necessary for a lease with the Friends of Colorado Lagoon for City-owned property at 5119 E. Colorado Street, commonly known as the Colorado Lagoon Wetland and Marine Science Education Center, for a term of two years, with two, two-year renewal options at the discretion of the City Manager or his designee; and

Authorize City Manager to execute all documents necessary for a Right-of-Entry Permit with the Friends of Colorado Lagoon, coterminous to the recommended action above, to allow for third-party revegetation of a portion of the Colorado Lagoon, and amend the permit to expand the permitted area, as additional funding is secured. (District 3)

Since 2002, the Friends of Colorado Lagoon (FOCL) have been conducting educational programming and general advocacy for the Colorado Lagoon (Lagoon) in tandem with the Department of Parks, Recreation and Marine (PRM). FOCL is a 501(c)3 nonprofit organization, which was founded to “promote cooperative solutions to ensure a healthy balance between recreation, flood management, water quality, wildlife habitat and native plants at the Lagoon.” FOCL has been utilizing a 400 square foot facility owned by the City of Long Beach (City), commonly known as the Colorado Lagoon Wetland and Marine Science Education Center (WAMSEC), located at 5119 E. Colorado Street (Attachment A). Due to budgetary constraints, PRM ceased its use of the WAMSEC in 2010, and subsequently entered into discussions with FOCL to negotiate the leasing of WAMSEC for FOCL’s continued provision of educational programming and general advocacy for the Lagoon.

In 2011, with the assistance of the City, FOCL successfully applied for and was awarded a \$500,000

grant (Grant) by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy to revegetate the western arm of the Lagoon. This portion of the Lagoon was impacted by the City's recently completed dredging project. In lieu of monetary consideration for the aforementioned lease, FOCL proposes to fund, implement, and maintain the revegetation at no cost to the City. Efforts to identify additional funding for restoration of other parts of the Lagoon are ongoing, and approval of the recommended action would allow the City Manager to amend the permit to expand the permitted area, as additional funding is secured.

In light of the above, staff proposes a lease containing the following major terms and provisions:

- Landlord: City of Long Beach (City).
- Tenant: Friends of Colorado Lagoon (FOCL).
- Leased Premises: The leased premises is a 400 square foot City-owned facility, located at 5119 E. Colorado Street, commonly known as the Colorado Lagoon Wetland and Marine Science Education Center.
- Term: The term of the lease shall be for a two-year period, commencing retroactively on October 1, 2012, and terminating on September 30, 2014.
- Options to Renew: FOCL shall have two, two-year options to further extend the term of the lease at the discretion of the City Manager or his designee.
- Use: The leased premises shall be used for the administration of the Grant; maintenance of the western arm of the Lagoon (and other mutually agreed to areas of the Lagoon); educational programming; and Lagoon restoration-related activities, such as revegetation, fundraising, and general advocacy.
- Rent: The base rent for the leased premises shall be \$1 per year. As additional consideration, FOCL shall be responsible for the maintenance of Grant-funded revegetated areas of the Lagoon. FOCL shall also continue to provide educational programming and general advocacy of the Lagoon for the community.
- Operation, Maintenance, and Utility Costs: FOCL shall be solely responsible for all costs associated with the operation, maintenance, and the utilities on the leased premises. Due to the City's annual use of electricity on the leased premises from November to January for its Holiday Trees Program, the City shall be responsible for all electricity costs during this annual period pursuant to the continuation of the Holiday Trees Program.
- Termination: Either party may terminate the lease upon 90 days advance notice. In addition, the lease shall automatically terminate if FOCL's Right-of-Entry Permit for the same area is terminated.

In addition, staff proposes a Right-of-Entry Permit containing the following major terms and provisions:

- Permitter: City of Long Beach (City).

- Permittee: Friends of Colorado Lagoon (FOCL).
- Permit Area: The permit area shall include approximately 3.65 acres of land at the Colorado Lagoon (Attachment B). At the discretion of the City Manager or his designee, the permit may be amended to expand the permit area, as additional funding is secured.
- Term: The term of the Right-of-Entry Permit shall be for a two-year period, commencing retroactively on October 1, 2012, and terminating on September 30, 2014.
- Options to Renew: FOCL shall have two, two-year options to further extend the term of the Right-of-Entry Permit at the discretion of the City Manager or his designee.
- Use: FOCL shall utilize the permit area for the revegetation of the Lagoon.
- Revegetation and Maintenance Costs: FOCL shall fund and implement the revegetation of the permit area on the City's behalf, to the satisfaction of the City Manager or his designee(s) within the Departments of Public Works and Parks, Recreation and Marine. FOCL shall also maintain the revegetated permit area at its sole cost.
- Termination: Either Party may terminate the Right-of-Entry Permit upon 90 days advance notice. In addition, the Right-of-Entry Permit shall automatically terminate if FOCL's lease for the same area is terminated.

This letter was reviewed by Deputy City Attorney Gary J. Anderson on November 30, 2012, and Budget Management Officer Victoria Bell on December 3, 2012.

City Council action is requested on December 18, 2012, in order to finalize and execute the lease and the Right-of-Entry Permit in a timely manner to allow the Friends of Colorado Lagoon to receive the awarded Grant funding and meet deadlines imposed by the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy.

Annual revenue of \$1 will accrue to the Tidelands Operations Fund (TF 401) in the Department of Parks, Recreation and Marine (PR). Sufficient funds to cover the cost of electrical utilities at the leased premises from November to January for the City's Holiday Trees Program are available in the Tidelands Operations Fund (TF 401) in the Department of Parks, Recreation and Marine (PR). The recommended action will have a positive impact on jobs. The proposed project would include the creation of several temporary landscaping jobs, as yet to be identified.

Approve recommendation.

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GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER