



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

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June 17, 2014

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute a non-exclusive Commercial License Agreement with Jorge Rivera for the operation of a farmers' market at Admiral Kidd Park for a term of two years, with two, two-year renewal options at the discretion of the City Manager or his designee, as recommended by the Parks and Recreation Commission on March 13, 2014. (District 7)

DISCUSSION

Since April 2012, Mr. Jorge Rivera (Mr. Rivera), operating as the Conscious Community Coalition under the umbrella of Partners of Parks, has operated a farmers' market at Admiral Kidd Park (AK Park), located at 2125 Santa Fe Avenue. To date, Mr. Rivera has been operating pursuant to a temporary permit issued by the Office of Special Events and Filming in order to allow the Department of Parks, Recreation and Marine (PRM) to test the viability of this use at AK Park.

Along with the farmers and other vendors in the farmers' market, Mr. Rivera proposes to begin to provide running/walking fitness classes, fitness boot camps, and yoga and zumba classes free of charge to participants during the proposed farmers' market. PRM has determined that there is enough support and demand from the community to allow Mr. Rivera to continue operation of the farmers' market and start classes on a permanent basis. PRM believes the farmers' market and fitness classes will continue to positively activate the park for visitors and the surrounding community. Therefore, on March 13, 2014, the Parks and Recreation Commission (Commission) recommended that the City Council authorize the City Manager to execute a non-exclusive Commercial License Agreement (Agreement) with Mr. Rivera, as follows:

- Term: Two years, June 1, 2014 through May 31, 2016.
- Renewal Option: Two, two-year renewal options at the discretion of the City Manager or his designee.

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- Premises: Admiral Kidd Park, specifically, the northernmost portion of the parking lot in front of the community center building and some fields (Attachment).
- Permitted Use: Mr. Rivera shall use the specified area of AK Park for the provision and operation of a weekly farmers' market and free fitness classes. Should Mr. Rivera ever wish to charge a fee for any fitness classes, he would be required to go through the normal PRM and Commission approval process.
- Hours of Operation: The farmers' market shall be conducted weekly on Saturdays from 9:00 a.m. to 2:00 p.m. Two-hour periods shall be allowed before and after the farmers' market for setup and cleanup.
- Farmer/Vendor Fees: Mr. Rivera will collect seven percent of gross sales from farmer booths, and ten percent of gross sales from vendor booths, on a weekly basis.
- License Fee: Mr. Rivera shall pay the City the Commission-approved hourly staff rate for any hours that the restrooms or community center are open beyond normal business hours. Beginning August 1, 2014, and every quarter thereafter, Mr. Rivera shall pay the City a quarterly license fee of one percent of the weekly amount collected from vendors up to \$4,000. Mr. Rivera shall pay two percent of the weekly amount collected from vendors between \$4,001 and \$8,000, and three percent of the weekly amount collected from vendors from \$8,001 and above.
- Utilities: The City shall pay for all utilities utilized by the farmers' market during the permitted use, except for additional refuse deemed necessary by PRM, which shall be paid for by Mr. Rivera.
- Insurance/Program Liability: Mr. Rivera shall purchase and maintain all applicable insurance and endorsements as required by the City's Risk Manager.
- Termination Rights: Either party may terminate the Agreement, at any time, by providing a minimum of 30 days prior written notification.

This matter was reviewed by Deputy City Attorney Kendra L. Carney on May 9, 2014, and by Budget Management Officer Victoria Bell on May 15, 2014.

TIMING CONSIDERATIONS

City Council action is requested on June 17, 2014, in order to enable the execution of the proposed Commercial License Agreement.

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FISCAL IMPACT

Revenue from the proposed Commercial License Agreement will accrue to the General Fund (GP) in the Parks, Recreation and Marine Department (PR). The recommended action will result in a positive impact on jobs, although the exact number is unknown at this time.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

GC:GK:RL:ak

Attachment

APPROVED:



PATRICK H. WEST
CITY MANAGER



Attachment
Proposed
Conscious Community Coalition Farmer's Market
and Fitness Classes

