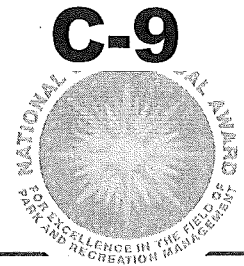


# CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



2760 N. Studebaker Road, Long Beach, CA 90815-1697  
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www.LBParks.org

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January 17, 2017

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Authorize the City Manager, or designee, to execute the Third Amendment to License Agreement No. 32338 with Lee Ostendorf, an individual, to continue to operate a certified farmers' market in the northwest parking lot adjacent to Marine Stadium for a term of one year. (District 3)

## DISCUSSION

On May 18, 2010, the City Council approved License Agreement No. 32338 with Lee Ostendorf (Licensee), an individual, to conduct a certified farmers' market (Market) in the northwest parking lot adjacent to Marine Stadium each Wednesday, from 3:00 p.m. to 7:00 p.m., through December 31, 2014. On January 1, 2015, the Second Amendment to License Agreement No. 32338 extended the term through December 31, 2016. City Council action is required to extend the term of the License Agreement through December 31, 2017.

The Market continues to be popular with the community and the Licensee has complied with all the terms of the License Agreement. Therefore, the City of Long Beach (City), Department of Parks, Recreation and Marine, would like to extend the term of License Agreement No. 32338 for one year to allow the Licensee to continue to operate the Market.

The proposed Third Amendment to License Agreement No. 32338 will contain the following major provisions and amendments:

- Term: One year, January 1, 2017 through December 31, 2017.
- Options to Renew: None.
- Premises: Use of up to 100 City-owned parking spaces in the northwest parking lot adjacent to Marine Stadium, or at an alternative location determined by the Director of Parks, Recreation and Marine (Director).

*"We create community and enhance the quality of life through people, places, programs and partnerships"*

HONORABLE MAYOR AND CITY COUNCIL

January 17, 2017

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- Permitted Use: Licensee shall use the premises to operate a Market on Wednesdays, between the hours of 3:00 p.m. and 7:00 p.m., for the sale of fresh fruit and vegetables, eggs, cut flowers, decorative plants, seafood, honey, prepared food, and other items, as approved by the Director. Licensee shall be allowed to set up the Market no earlier than 1:00 p.m. and must vacate the premises by 9:00 p.m.
- License Fee: Licensee shall pay a license fee of 1 percent of gross market revenue on a quarterly basis. Should the City incur any costs associated with the Licensee's use of the premises, the Licensee shall be required to reimburse the City in full.
- Maintenance: Licensee shall be responsible to keep the premises in a clean, sanitary, and safe condition that is satisfactory to the Director, during and after each Market. Licensee shall provide sufficient trash bins and coordinate and pay for weekly trash bin disposal.
- Insurance: Licensee shall provide evidence of insurance as required and approved by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Linda T. Vu and by Budget Operations Administrator Grace Yoon on December 27, 2016.

TIMING CONSIDERATIONS

City Council action is requested on January 17, 2017, to execute the Third Amendment to License Agreement No. 32338, to allow for the continued operation of the Market on a weekly basis.

FISCAL IMPACT

Estimated annual revenue in the approximate amount of \$4,000 will accrue to the Tidelands Operations Fund (TF 401) in the Parks, Recreation and Marine Department (PR). There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

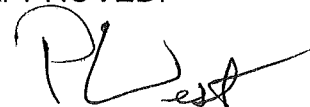
Respectfully submitted,



MARIE KNIGHT  
DIRECTOR OF PARKS, RECREATION AND MARINE

MK:SS:EH:KB:RL:lh

APPROVED:



PATRICK H. WEST  
CITY MANAGER