



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

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

(562) 570-3100 • FAX (562) 570-3109

www.lbarks.org

June 12, 2007

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Authorize the City Manager to execute an operation and maintenance agreement by and between the City of Long Beach and the Aquarium of the Pacific for the education feature entitled "Our Watershed Story." (District 2)

DISCUSSION

On February 6, 2007, the City Council authorized the City Manager to execute a right of entry permit with the Aquarium of the Pacific (Aquarium) to enable the Aquarium access across City-owned property adjacent to Pierpoint Landing for the installation of an educational exhibit known as "Our Watershed Story" (Exhibit). A copy of the Council Letter is attached (Attachment A).

The Exhibit is part of the Aquarium's master plan for the Watershed Exhibit Expansion Project. It complements the theme depicted on the existing watershed education feature known as the "Wave Fountain," which illustrates the natural process of the watershed and the birth of the Los Angeles and San Gabriel Rivers flowing from the San Gabriel Mountains to the Pacific Ocean.

To ensure continuous maintenance of the Exhibit and the integrity of the Rainbow Harbor area and Pierpoint Landing, it is necessary to enter into an agreement to assign all maintenance responsibilities associated with the Exhibit to the Aquarium.

The following are major provisions for the proposed agreement:

Term: 20 years - the expected life of the Exhibit. The term shall end concurrent with the removal of the Exhibit.

Restoration: Upon termination of the agreement, the City, in its sole discretion, shall be entitled to require the paving over or landscaping of the affected area with a surface compatible with the surrounding hardscape, at the sole cost of the Aquarium.

HONORABLE MAYOR AND CITY COUNCIL

June 12, 2007

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Operation, Maintenance and Repair: The Aquarium shall be responsible for all costs of operation, maintenance, and repair of the Exhibit.

This matter was reviewed by Principal Deputy City Attorney Charles Parkin on May 24, 2007, and Budget and Performance Management Bureau Manager David Wodynski on May 29, 2007.

TIMING CONSIDERATIONS

City Council action is requested on June 12, 2007, to allow the execution of the agreement to establish maintenance responsibilities for the Exhibit.

FISCAL IMPACT

The Aquarium shall be responsible for all costs related to this Exhibit. There is no fiscal impact associated with the requested action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

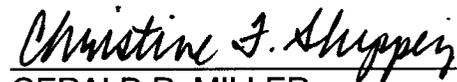

for P.T.H.

PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:GP:ERH:erh

Attachment

APPROVED:


for GERALD R. MILLER
CITY MANAGER



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE

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www.lbparks.org

February 6, 2007

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

RECOMMENDATION:

- 1) Authorize the City Manager to execute a right of entry permit for a term of two months to enable the Aquarium of the Pacific access across City-owned property adjacent to Pierpoint Landing for the construction of an educational exhibit; and,
- 2) Authorize the City Manager to execute a three-party public interest agreement between the City of Long Beach, the Aquarium of the Pacific, and the California State Coastal Conservancy with respect to the grant funding received for the construction of the educational exhibit. (District 2)

DISCUSSION

As part of the Aquarium of the Pacific's (Aquarium) ongoing educational mission to increase both public interest in marine life and aquarium attendance, the Aquarium proposes to construct an educational exhibit (Exhibit) entitled "Our Watershed Story" in the public plaza at Pierpoint Landing. The Exhibit has been designed to increase the public's knowledge of local watersheds, including the importance of wetlands, water conservation, and the history of ecological changes in the area. The Exhibit presentation includes signboards and graphic displays depicting the San Pedro Bay Watersheds.

This Exhibit is part of the Aquarium's Watershed Exhibit Expansion Project master plan. It expands on the theme depicted on the existing watershed education feature known as the "Wave Fountain," which illustrates the natural process of the watershed and the birth of the Los Angeles and San Gabriel Rivers flowing from the San Gabriel Mountains to the Pacific Ocean.

Construction of the Exhibit requires access across City-owned property adjacent to Pierpoint Landing (Attachment A). The Aquarium anticipates the construction project to begin April 14, 2007. Construction will not interfere with public access or recreational use of the surrounding area. When completed, the Exhibit area will retain unobstructed public access and will not interfere with adjacent recreational opportunities.

The proposed term and conditions of the right of entry permit are as follows:

- Authorized Use: Access across City-owned property adjacent to Pierpoint Landing for the sole purpose of constructing an educational exhibit entitled "Our Watershed Story."
- Term: April 9, 2007, through June 10, 2007.
- Fee: No fees will be charged for access granted since the completed project provides a public benefit which will enhance the public's knowledge of the history of local watersheds.
- Insurance: The permit will require the Aquarium to indemnify the City and provide insurance as required by the City's Risk Manager.

The Aquarium received grant funding for the Exhibit from both the Rivers and Mountains Conservancy (RMC) and the California State Coastal Conservancy (Conservancy). RMC funds support the planning and design phase and Conservancy funds support the construction phase. State law requires the grantees to commit to protecting public interest whenever funding is received for the enhancement of coastal resources. Therefore, the Aquarium, the City of Long Beach, and the Conservancy must enter into a three-party public interest agreement designed for this purpose.

The proposed term and conditions of the agreement are as follows:

- Term: Twenty years, the expected life of the Exhibit.
- Maintenance and Operation: The Aquarium shall have sole responsibility for the maintenance and operation of the Exhibit.
- Insurance: The Aquarium and the City shall indemnify and save harmless the Conservancy.

The proposed project was reviewed and approved by the Planning and Development Bureau of the Department of Parks, Recreation and Marine (PRM), and is consistent with PRM's master plan. The proposal was also reviewed and approved by PRM's Maintenance Operations Bureau, Marine Bureau, and the Special Events and Filming Bureau. On August 8, 2006, the California Coastal Commission issued a "Waiver of Coastal Development Permit Requirements" to enable the Aquarium to develop this project.

This item was reviewed by Principal Deputy City Attorney Charles Parkin on January 11, 2007, and Budget Management Officer David Wodynski on January 23, 2007.

TIMING CONSIDERATIONS

City Council action is requested on February 6, 2007, to authorize the execution of the right of entry permit and the public interest agreement.

FISCAL IMPACT

Grant funding for this project will be provided by the RMC and the Conservancy. The Aquarium is responsible for meeting all grant requirements as issued by each agency. There is no fiscal impact associated with the recommended actions.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PHIL T. HESTER
DIRECTOR OF PARKS, RECREATION AND MARINE

PTH:GP:ERH:erh
Attachment

APPROVED:



GERALD R. MILLER
CITY MANAGER

Access to Project Site

ATTACHMENT A

