



CITY OF LONG BEACH

DEPARTMENT OF PARKS, RECREATION & MARINE



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March 5, 2013

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach

California

RECOMMENDATION:

Authorize the City Manager to execute a non-exclusive license agreement with Conte Productions for the continued use of approximately 40 contiguous parking spaces, southwest of the Marina Shipyard, west of Marina Drive, adjacent to the Alamitos Bay Marina, to conduct an Arts and Crafts Market for a term of one year, with four, one-year renewal options at the discretion of the City Manager or his designee. (District 3)

DISCUSSION

The South Coast Ecumenical Council has operated a Sunday Farmers' Market in the public parking lot adjacent to the Alamitos Bay Marina for the past 11 years. Since 2006, Conte Productions (Licensee), a company specializing in producing arts and crafts markets, has been successfully operating an Arts and Crafts Market adjacent to the Farmers' Market. The current license agreement to allow the Licensee to operate has expired and the Licensee has requested that a new license agreement be approved in order to continue the Arts and Crafts Market adjacent to the Farmers' Market.

If approved, the non-exclusive license agreement would include the following terms:

- Premises: Approximately 40 contiguous parking spaces, southwest of the Marina shipyard, west of Marina Drive, adjacent to the Alamitos Bay Marina. During the marina rebuild, it may be necessary to temporarily relocate Licensee's operation to another location within the marina in order to accommodate construction.
- Use: Licensee shall use the premises on Sundays for the sale of arts and crafts items, as approved by the Director of Parks, Recreation and Marine.
- Hours of Operation: Licensee shall not be permitted to begin setting up the Arts and Crafts Market prior to 8:00 a.m., and shall vacate the premises by 4:00 p.m. The hours of operation may be changed, subject to approval by the Director of Parks, Recreation and Marine.

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- Maintenance: Licensee shall be responsible for cleaning the premises and removing trash generated by the operation of the Arts and Crafts Market.
- Restrooms: Licensee shall be responsible for supplying portable restroom facilities, if required by the Director of Parks, Recreation and Marine.
- Term: One year, with four, one-year renewal options at the discretion of the City Manager or his designee. Either party may terminate the license agreement at any time with a 30-day written notice.
- Fee: Licensee shall continue to pay the original fee of one-half of one percent of gross revenue, payable quarterly. Should the City of Long Beach (City) incur any costs associated with the Licensee's use of the premises, the Licensee shall be responsible to reimburse the City's expenses in full.
- Insurance: Licensee shall maintain insurance coverage as defined by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Gary J. Anderson, and Budget Management Officer Victoria Bell on February 8, 2013.

TIMING CONSIDERATIONS

City Council action is requested on March 5, 2013, in order to enable the execution of the license agreement in a timely manner.

FISCAL IMPACT

Conte Productions shall continue to pay one-half of one percent of gross revenue, which is projected to be approximately \$400 annually. Revenue resulting from the operation will be deposited in the Marina Fund (TF 403) in the Department of Parks, Recreation and Marine (PR). There is no impact to jobs associated with the recommended action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,


GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

GC:MS:RL:lh

APPROVED:


PATRICK H. WEST
CITY MANAGER