

**CITY OF LONG BEACH**

OFFICE OF THE CITY MANAGER

333 WEST OCEAN BOULEVARD

LONG BEACH, CALIFORNIA 90802

(562) 570-6711
FAX (562) 570-6583
TDD (562) 570-6706JAMES C. HANKLA
CITY MANAGER

January 20, 1998

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

SUBJECT: Agreement with the Long Beach Aquarium of the Pacific for the Construction, Operation, Maintenance and Liability of a Water Education Feature on the Aquarium Plaza (District 2)

It is recommended that the City Council request the City Attorney to prepare and authorize the City Manager to execute an agreement with the Long Beach Aquarium of the Pacific whereby the City will assume responsibility for construction, operation, maintenance and liability of a water education feature on a portion of the Aquarium leasehold.

BACKGROUND

On June 24, 1997, the City Council authorized an agreement with Fong & Associates in cooperation with the Olin Partnership in the amount of \$106,000 to design and prepare construction documents for a major water feature in the Queensway Bay Project. The water feature is to be located at a natural focal point where the Aquarium Plaza and the Lower Esplanade of Rainbow Harbor meet. It will be 80 feet in diameter, and will stylistically depict the meeting of the ocean and the land. It will include terraced tidepools and crashing ocean waves. It will recycle up to 8,000 gallons of water per minute. The educational features will point out that all of our water originates in the Pacific Ocean, describe the natural water cycle, and explain the California water story.

The proposed fountain and water education feature are to be located on a portion of the Aquarium leasehold adjacent to the main entry plaza outside the construction boundary of Turner/Kajima. Although the feature is to be constructed by the City as part of the Rainbow Harbor project, and was awarded to Valley Crest as a \$1,450,000 alternate in their contract, the Aquarium requires an agreement with the City to relieve the Aquarium of responsibility for construction, operation, maintenance and liability for this structure on their leasehold. As part of this agreement, the Aquarium will provide to the City the \$271,000 which is included in the Aquarium construction budget for paving this portion of the Aquarium Plaza.

HONORABLE MAYOR AND CITY COUNCIL

January 20, 1998

Page 2

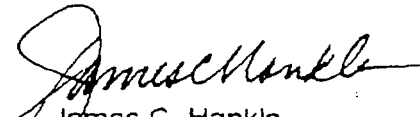
Because the area in which the water education feature is located is an integral part of the upper and lower esplanades of Rainbow Harbor, it will be maintained as part of the overall project maintenance. The City Manager has initiated discussion with Queensway Bay developer OliverMcMillan which might lead to the developer assuming responsibility for maintenance of these public spaces. Whether or not this will be the case, will be resolved through the current negotiation process with the developer.

This matter has been reviewed by Principal Deputy City Attorney Heather A. Mahood.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Request the City Attorney to prepare and authorize the City Manager to execute an agreement with the Long Beach Aquarium of the Pacific whereby the City will assume responsibility for construction, operation, maintenance and liability of a water education feature on a portion of the Aquarium leasehold.

Respectfully submitted,



James C. Hankla
City Manager

jh:dm