

January 20, 2022

## MEMBERS OF THE PARKS AND RECREATION COMMISSION

City of Long Beach  
California

### RECOMMENDATION:

Authorize the Director of Parks, Recreation and Marine to execute a Right-of-Entry Permit, and any other necessary documents, with the Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach, a California nonprofit corporation, to enter Los Cerritos Park and Wrigley Heights Dog Park, for the production of two murals for a term of one year, from March 1, 2022, through February 28, 2023, with three (3), three-year options to renew through February 29, 2032, for mural maintenance purposes, at the discretion of the Director. (Districts 5, 7)

### DISCUSSION

The Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach (Arts Council) is requesting access to Los Cerritos Park and Wrigley Heights Dog Park to install and maintain two new permanent murals (Attachments A and B).

The Arts Council held a series of community meetings in partnership with District 7 Councilmember Roberto Uranga's office, during which several concepts and artists were identified. The District Office commissioned seven murals at seven locations within the district. From the seven commissioned murals, five are being proposed at various parks. On September 16, 2021, the Parks and Recreation Commission approved the first proposed mural by Mer Young at Silverado Park. Murals two and three are being proposed at Los Cerritos Park, an 8.0-acre park located at 3750 Del Mar Ave and at the Wrigley Heights Dog Park, located at 3401 Golden Ave. At Los Cerritos Park, artist LaJon Miller was selected to design a mural in memory of Omar Awaida and his parents who tragically lost their lives in 2019 (Attachment A). The mural is in Council District 5 as of December 18, 2021, due to redistricting. The second artist, James Brooks, an illustrator by training, proposed mural (Attachment B) is a colorful representation of several characters that merge into one vibrant piece that will be located on the wall located at the Wrigley Heights Dog Park. Both artists are part of the Arts Council artist registry. The purpose of the registry is to showcase and connect local artists with the community.

Commission approval is requested to authorize the Director of Parks, Recreation and Marine to issue a Right-of-Entry Permit (Permit) to the Arts Council (Permittee). The proposed terms for the agreement with the Arts Council include the following:

# MEMBERS OF THE PARKS AND RECREATION COMMISSION

January 20, 2022

Page 2

- Permittee: Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach, a California nonprofit corporation.
- Premises:
  - Los Cerritos Park, located at 3750 Del Mar Ave, exposed exterior wall of the bathroom structure (Attachment A) and
  - Wrigley Heights Dog Park, located at 3401 Golden Ave, wall (Attachment B).
- Term: One year, March 1, 2022, through February 28, 2023.
- Renewals: Three (3), three-year options to renew, through February 29, 2032, for mural maintenance at the discretion of the Director.
- Termination: Either party may terminate the Permit with 30 days' written notice.
- Funding: Permittee will provide funding for mural supplies, Artists, and mural maintenance. The Department shall not provide any funding, supplies or staff support, other than overall Park supervision, unless approved in advance and in writing by the PRM Director. Should the Permittee obtain funding through donations and/or sponsorships, the City reserves the right to approve any recognition of funders on the mural in advance and in writing.
- Safety: The Arts Council, its Artists, and its agents must receive pre-approval for the placement of any Arts Council, company or personal equipment (e.g. ladders, scaffold, paint sprayer, etc.) at both locations and must place a protective barrier around the area of the mural and under artist's equipment and paint to protect the concrete walkway and adjacent areas from paint overspray. The Arts Council, its Artist, and its agents may not provide personal ladders, scaffolds, or other equipment unless it has been inspected by Department or City Safety Officer and meets Cal/OSHA safety specifications.
- Utilities: The Department shall provide all utilities used by the Artist during the painting and during Permittee's maintenance of the mural.
- Storage: Permittee and/or its Artists may store limited art supplies at a park based on availability of space and approved by in advance by the Park Supervisor.



## MEMBERS OF THE PARKS AND RECREATION COMMISSION

January 20, 2022

Page 3

- Preparation/Preservation: Permittee and/or its Artists shall properly prepare the wall for mural painting as required and approved by the Department prior to mural painting. Permittee/Artists may be required to provide a special graffiti coating to the finished mural to protect the mural from graffiti, as approved in advance by the Director.
- Ongoing Maintenance and Rights: As the sponsoring, hiring and funding entity, Permittee affirms that it will cover or cause to be covered all ongoing costs for maintenance of the mural, either directly and/or through the City's Percent for Public Art Program mural restoration fund. Notification of blight/graffiti or environmental damage by any cause must be repaired or cause to be repaired by Permittee or its Artists within 72 hours of damage report or provide written notice to the Department as to when repairs will be fully completed. If the mural is not repaired or maintained to the satisfaction of the Department Director, both Permittee and Permittee's Artists agree that the mural may be removed/painted out by the Department.
- Waiver of Permittee and Artist Rights: The Permittee and Artists shall sign a waiver that they waive any and all claims or rights, under any circumstances, against the City of Long Beach. The Permittee and Artists understand and agree that the mural may be subject to destruction, distortion, mutilation or other acts and that the City of Long Beach shall have discretion to remove the mural at any time.
- Filming/Publicity: The City of Long Beach shall be entitled to photograph and film the Artists painting the mural for use in publications, educational materials, and/or promotion in the form of print media, as well as the Internet, film, and all other forms of electronic or other media, including third-party works. The Artists will retain rights to the image created by the Artist.
- Insurance: Arts Council and Artists shall maintain and provide all applicable insurance and endorsements as required and approved by the City's Risk Manager.
- Laws and Other Permits: Arts Council shall apply, pay for, and follow all applicable local, regional, state and federal laws, codes, regulations, requirements, and health orders.



MEMBERS OF THE PARKS AND RECREATION COMMISSION

January 20, 2022

Page 4

FISCAL IMPACT

There is no fiscal impact to the Department as a result of this action.

SUGGESTED ACTION:

Approve recommendation.

Respectfully Submitted,



GLADYS KAISER  
MANAGER  
COMMUNITY RECREATION SERVICES



NANCY VILLASEÑOR  
MANAGER  
PARK PLANNING & PARTNERSHIPS

APPROVED:



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BRENT DENNIS  
DIRECTOR

BD:SS:GK:NV:AC:LC

Attachment A: Los Cerritos Park Mural

Attachment B: The Wrigley Heights Dog Park Mural

