

May 19, 2022

MEMBERS OF THE PARKS AND RECREATION COMMISSION

City of Long Beach  
California

RECOMMENDATION:

Authorize the Director of Parks, Recreation and Marine to issue permits to businesses offering formal picnic and event-related services for corporate and private events held at reservable park sites for a term of three years from June 1, 2022 through May 31, 2025, with one, (3) three-year option to renew at the discretion of the Director. (Citywide)

DISCUSSION

On May 19, 2016, the Parks and Recreation Commission (Commission) authorized the Director of the Department of Parks, Recreation and Marine (Department) to issue "Permits for the Operation of a Picnic Service Concession" (Permit) to allow picnic and event service companies and restaurants (Permittees) to operate and provide commercial picnic or event services at reservable sites in El Dorado Regional Park, El Dorado Park, and Recreation Park. All Permits have since expired.

The Department proposes to enter into new Permits to grant non-exclusive permission to provide and operate, at the Permittee's sole cost and expense, picnic and event concessions at reservable park sites, and if proposed by a Permittee, additional sites with Director approval. The Permittee may provide formal event planning, catering, non-alcoholic beverages, and family-oriented entertainment services. The Permittee will pay the Department a per-event fee of \$250 or ten percent (10%) of gross receipts, whichever is greater.

The Permittee or Permittee's client must obtain a separate Use of Picnic Area or Open Space Permit for each specific picnic or event through the Department's Office of Reservations. Some larger events will be permitted by the Long Beach Office of Special Events and Filming.

In order to reduce City staff workload and increase efficiency, it is proposed that the Commission approve and authorize the Director to issue standard Permits to multiple Permittees, as requested, who are registered and in good standing with the State of California; have and maintain a current Long Beach business license; and meet the City's insurance requirements.

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The proposed Permits shall contain the following terms and conditions:

- Permittee: Professional picnic service provider is defined as an event planning and catering companies. Companies that solely provide bounce houses are permitted separately and listed as such on the Department website.
- Permitted Use: Non-exclusive permission to provide customary commercial picnic or event services such as catering services and family entertainment.
- Term: From June 1, 2022 through May 31, 2025. Permits issued mid-year shall expire on the May 31 date to coincide with the future expiration date of other Permits.
- Renewal: One (3) three-year renewal at the discretion of the Director.
- Location: Department parks and facilities where a picnic permit may be issued through the Department's Reservations Office or other locations may be approved by the Director.
- Location Acknowledgement: Permittee is responsible for examining the Location to determine the extent to which any physical factors may influence or affect the Permittee's event and accepts the Location in its present condition. Permittee may not alter any Location, unless approved in writing and in advance by the Director. The Department has no obligation to improve or alter any Location, nor to provide any utilities or services to the Location.
- Department Location Reservations Fees: Both the public and Permittee may reserve a Location. To pay for the Location Fee, Permittee must contact the Department's Reservation Office. Permittee may not charge client more than the amount listed by the Department to reserve the location.
- Permit Fees:
  - An annual non-refundable fee of Two Hundred Fifty Dollars \$250 shall be paid to the Department. Once the payment is received and insurance is approved, the Permittee will receive a notice and will be added to the Department's website as an approved picnic and event service provider.
  - Permit Fee:
    - Permittee shall pay to Department, Two Hundred Fifty Dollars (\$250) per picnic or event service, or ten percent (10%) of Permittee's gross receipts, per picnic or event services, whichever is greater. Payment is due on the twentieth (20th) day of the succeeding calendar month and shall be computed based on the number of picnics or events held or the gross

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receipts from the preceding month. A gross receipt template will be provided by the Department.

- Gross Receipts: Gross Receipts shall mean the total of:
  - All sales made in, on, through, or from a designated site, whether for cash or credit, and whether payment is actually made or not, and whether sales are made by Permittee, Permittee's employees, agents, assignees, licensees, concessionaires, or others;
  - All chargers for services rendered or orders placed at a designated site whether by Permittee, Permittee's employees, agents, assignees, licensees, concessionaires, or others;
  - All sums deposited in any coin-operated machine or device provided at a designated Location by, through, or for Permittee, Permittee's employees, agents, assignees, licensees, or concessionaires, regardless of the ownership of the machine or device, or whether such sums are removed and counted by Permittee or others, and regardless of what percentage Permittee is entitled to receive from them.
  
- Missed Payment: Department shall send out a notice to Permittee to submit missed Permit Fee payment if payment is not received within 30 days of notification. If payment is not received within 60 days of service, a second notice shall be sent to Permittee. If payment is not received within 30 days of the second notice, Permittee will receive a notice of termination for nonpayment. Upon failure to submit payment within 10 days of the date of the notice of termination, Department will remove Permittee from the approved list and terminate the Permit. Previously paid fees will not be refunded should Permittee be removed from the approved list for non-payment.
  
- Book and Records: Permittee shall keep complete books of account and other pertinent records reflecting all transactions conducted in connection with Permittee's picnic and event services. Books of account and records shall not be consolidated with other activities conducted by Permittee but will separately reflect only those transactions conducted pursuant to this permit.
  
- El Dorado Regional Park Gate Entry Fees: All Permittee vehicles entering the Regional Park must pay the vehicle entry fees as posted at the Regional Park gate. Regional Park annual passes are available for purchase.
  
- Furnishings/Equipment: Permittees shall be responsible to provide all labor, items, furnishings, equipment, food, etc., necessary to provide contracted Services. Equipment includes, but is not limited to, tables and chairs, bounce houses, generators, and any required portable toilets, etc.

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- Prohibited Services/Equipment: Carnival rides, mechanical rides, climbing walls, laser tag or gun related activities, inflatable Zorb/Hamster/Bumper/Bubble/Orbz balls, and gambling are prohibited. In addition, dunk tanks, water balloons, waterslides, and games requiring the use of Department-provided water are prohibited. Inflatable rock walls are approved only if provided directly by the Permittee or through a Department-permitted moon bounce vendor.
- Advanced Approval Required: The following items and services may be allowed but will require advance written approval by the Director or designee:
  - Canopies and Tenting: Canopies and tenting greater than 700 square feet, including four 10 ft. by 10 ft. canopies lashed together, must be permitted by the Long Beach Fire Department.
  - Risers/Staging: Risers and staging over six inches in height and all staging must be approved by the Long Beach Development Services Department.
  - Movie Screens: Movie screens must be approved in advance and in writing by the Director. Movies must be family friendly entertainment and approved in advance and in writing by the Director.
  - Animal-Related Services: Pony rides, petting zoos, and animal-led hayrides, etc., may be allowed under certain conditions and with a separate permit obtained in advance from Long Beach Animal Care Services.
  - Food and Game Trucks: Secured food and game trucks must park in a legal vehicle parking area, approved by the Department. If operating in El Dorado Regional Park, food and game trucks providers must pay a \$35 bus gate entry fee to enter the Regional Park.
  - Alcohol: Alcoholic beverages and products are not permitted, unless separately permitted through the City's Office of Special Events and Filming, approved in advance and in writing by the Director, and as approved by the Parks and Recreation Commission.
- Utilities: The Department shall not, nor is obligated to, provide any utilities, such as water and electricity, etc., to Permittee or their Service, unless approved in advance and in writing by the Director.
- Location Damage or Alteration: With the exception of ordinary wear and tear, Permittee shall be liable for any and all loss, injury or damage to the Location when providing Services, by or on account of any act or omission by Permittee, Permittee's officers, partners, employees, agents, invitees, or parties. To limit liability and preserve park turf and irrigation lines, Permittee shall not drive on Location turf to provide services or deliver equipment, unless approved in advance by the Director.
- Other Permits: Permittees shall obtain and maintain all state and local permits and licenses, etc. that may be required, including City of Long Beach Business

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Licenses, Health Department, Fire Department and Animal Care Services permits, and follow all state, county and City of Long Beach health orders.

- Other Permittees: City reserves the right to issue other permits for different purposes and additional permits for similar concessions at any designated Location. Permittee shall cooperate fully with other permittees.
- Amplified Music/Sound: Amplified music and sound is only allowed at specific Locations, unless approved in advance and in writing by the Director.
- Cleanliness: At the conclusion of the Permitted Service, Permittee shall be responsible for removal of all trash created by its Service.
- Portable Toilets and Handwashing Stations: To limit overuse and crowding in Location restrooms, Permittee may be required to provide chemical or portable toilets and handwashing stations at Location based on size of attendance and as may be required by the City's Environmental Health Bureau and the Office of Special Events.
- Nuisance: Permittee shall not operate in Locations in any manner that will create a nuisance or unreasonable annoyance to the public. Permittee shall not allow the general public to enter the Location to enjoy the Location.
- Social Media: The Department and Permittee will not use the other party's name, marks or logos in any advertising, promotional material, press release, publication, public announcements, or through other media, whether written or oral, without the prior written consent of the other party.
- Termination: Either party may terminate the Permit for any reason with thirty (30) days advance written notice to the other party.
- Insurance: Permittees and their agents shall provide and maintain all applicable insurance and endorsements as required and approved in advance by the City's Risk Manager.

### FISCAL IMPACT:

It is expected that the recommended action will result in a minimum total annual revenue of approximately \$3,000 per year from the collection of the non-refundable fee. All revenue will accrue to the General Fund Group in the Department of Parks, Recreation and Marine.

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SUGGESTED ACTION:

Approve Recommendation

Respectfully submitted,



NANCY VILLASEÑOR  
MANAGER  
PARK PLANNING & PARTNERSHIPS



GLADYS KAISER  
MANAGER  
COMMUNITY RECREATION SERVICES

APPROVED:



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BRENT DENNIS  
DIRECTOR

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