

May 23, 2023

**C-11**

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

**RECOMMENDATION:**

Authorize the City Manager, or designee, to execute a Right-of-Entry Permit, and any related documents, with the Naples Island Garden Club, a nonprofit organization, and/or its agents, to provide landscape improvements and maintenance at La Bella Fontana di Napoli Park, for a term of four years, with two three-year renewal options, at the discretion of the City Manager. (District 3)

**DISCUSSION**

La Bella Fontana di Napoli Park (La Bella Park), located in the Naples area of Long Beach, was created in 1933, adjacent to the site of the former Naples Hotel. In 1971, a Neapolitan-style three-tiered fountain was added to La Bella Park. In 2008, the City of Long Beach (City), with the assistance of the Naples Island Garden Club (Club), renovated the fountain by removing some of the lawn area and installing new tile and lighting at the park (Attachment A). As recognition for its work at La Bella Park, the Club was awarded a blue-ribbon award for Civic Beautification from the California Garden Club and the Pacific Region of the National Garden Club.

In its partnership with the City, the Club has assisted with maintaining and beautifying La Bella Park by coordinating monthly cleanups and funding improvement projects. The light maintenance and general cleanup provided by the Club is in addition to the maintenance provided by the City's landscape and grounds contractor.

The Club is requesting a Right-of-Entry Permit to plant new palm trees to replace ones that have died, trim overgrown trees, and to apply annual soil enhancement to help maintain the health of the trees. The work will be done by a licensed landscape contractor.

When improvements to City property are made, it is appropriate for the City Council to accept the gift of the improvement and execute a Right-of-Entry Permit for the actual installation of the improvements. The Club is not seeking any signage or other recognition for the donation of the various improvements.

The Right-of-Entry Permit will contain the following major provisions:

Permittee: Naples Island Garden Club, a nonprofit organization.

Premises: La Bella Fontana di Napoli Park, Ravenna Drive and Corinthian Walk.

Term: Four years, July 1, 2023, to June 30, 2027.

Renewals: Two (2), three-year options to renew, through June 30, 2033.

Improvements: Replace dead windmill palm trees, trim California peppertrees, and apply a soil enhancement annually to maintain the health of the trees. All work will be done by a licensed landscape contractor. Once various improvements are completed, they will become property of the City.

Maintenance: The Naples Island Garden Club will be allowed to assist with ongoing maintenance to the Premises in an acceptable manner, as approved in advance by the Director of the Department of Parks, Recreation, and Marine.

Other Fees, Permits, and Approvals: The Naples Island Garden Club shall be responsible to acquire all necessary permits and approvals, and pay any and all fees.

Funding: All necessary funding to complete the various improvement shall be the responsibility of the Naples Island Garden Club.

Termination: Either party may terminate the Right-of-Entry Permit with 30 days' written notice.

Fee: In recognition of the Naples Island Garden Club's efforts to beautify La Bella Park by providing plant replacement, tree trimming, and soil remediation, no fee will be charged to the Club.

Insurance: The Naples Island Garden Club, and/or its agents, shall provide proof of insurance coverage as defined and accepted to sufficiency by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Anita Lakhani on May 1, 2023 and by Budget Analysis Officer Greg Sorensen on May 8, 2023.

### TIMING CONSIDERATIONS

City Council action is requested on May 23, 2023, to proceed with project implementation expeditiously.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$250 within 12 months prior from a party, participant, or their representatives involved in this proceeding may do either of the following: (1) disclose the contribution on the record and recuse themselves from this proceeding; OR (2) return the portion of the contribution that exceeds \$250 within 30 days from the time the elected official knew or should have known about the contribution and participate in the proceeding.

All parties, participants, and their representatives must disclose on the record of this proceeding any contribution of more than \$250 made to the Mayor or any Councilmembers within 12 months prior to the date of the proceeding. The Mayor, Councilmembers, and Commissioners are prohibited from accepting, soliciting, or directing a contribution of more than \$250 from a party, participant, or their representatives during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

The purchase and installation of the various improvements will be the responsibility of the Garden Club. The ongoing irrigation and maintenance for La Bella Fontana di Napoli Park is currently budgeted in the Tidelands Operating Fund Group in the Parks, Recreation and Marine Department and is estimated at \$6,864 per year. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

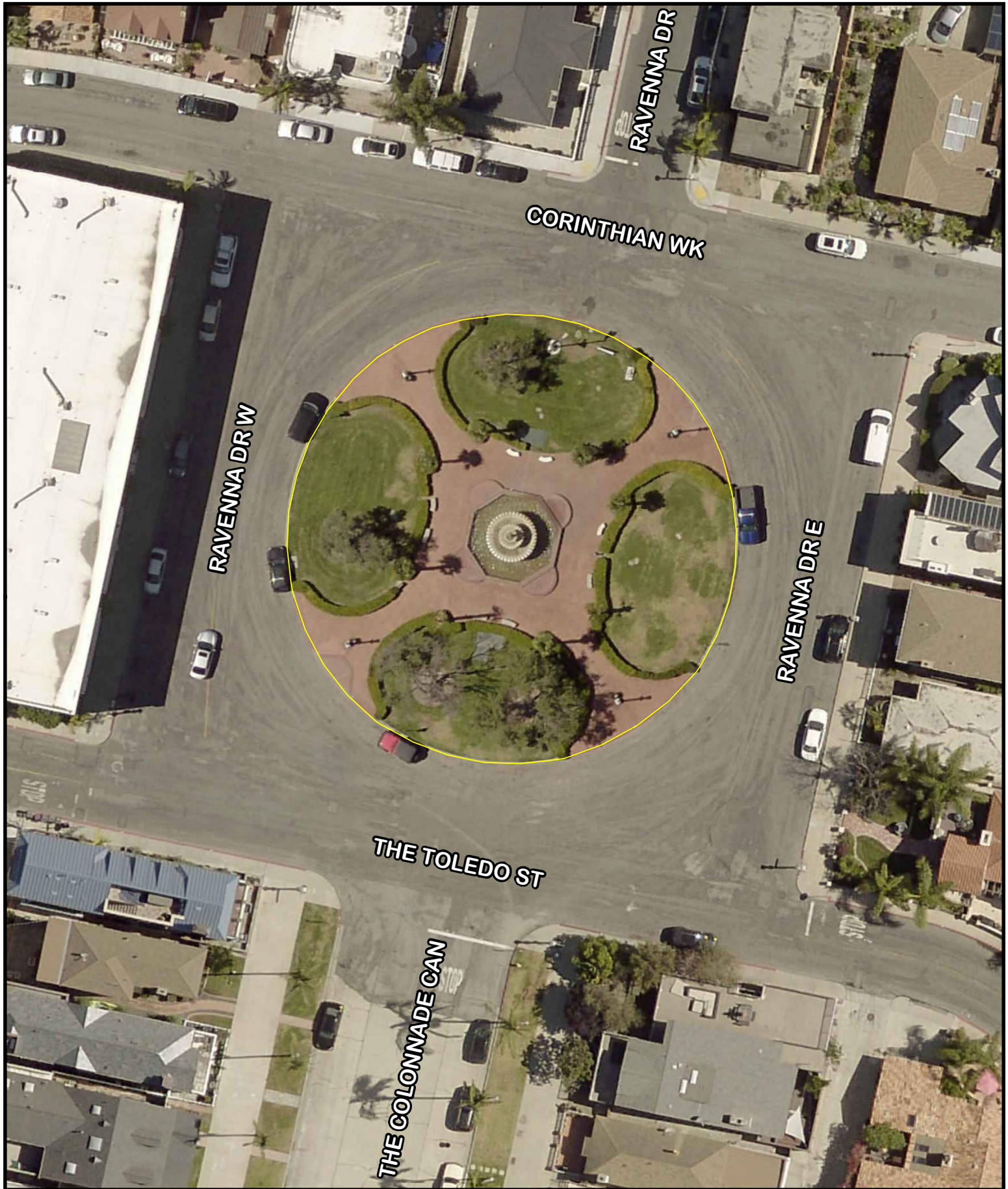


BRENT DENNIS  
DIRECTOR  
PARKS, RECREATION AND MARINE

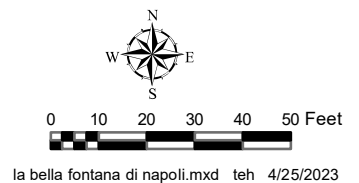
APPROVED:



THOMAS B. MODICA  
CITY MANAGER



# Attachment A – Site Map La Bella Fontana di Napoli





## **LEVINE ACT DISCLOSURE STATEMENT**

California Government Code Section 84308, commonly referred to as the "Levine Act," prohibits any Long Beach City Councilmember, the Mayor, and Commissioner ("City Officer") from participating in any action related to a proceeding if they receive any political contributions totaling more than \$250 within the previous twelve months, while a proceeding is pending, and for 12 months following the date a final decision in a proceeding concerning a license, permit, entitlement, franchise or, contract (collectively "license, permit, or contract") has been made, from the person or company awarded the said license or contract. The Levine Act also requires a City Officer that has received such a contribution to disclose the contribution on the record of the proceeding.

City Officers are listed at the following sites:

- The Mayor and Councilmembers - <https://www.longbeach.gov/officials/>
- Harbor Commissioners - <https://polb.com/commission>
- Water Commissioners - <https://lbwater.org/about-us/current-water-commissioners/>
- Planning Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Parks and Recreation Commissioners - <https://www.longbeach.gov/mayor/action/commissions/>
- Board of Examiners, Appeals, and Condemnation - <https://www.longbeach.gov/mayor/action/commissions/>
- Cultural Heritage Commission - <https://www.longbeach.gov/mayor/action/commissions/>
- Long Beach Community Investment Company - <https://www.longbeach.gov/lbds/hn/lbcic/>

**Proposers are responsible for accessing these links to review the names prior to answering the following questions.**

1. Have you or your company, or any agent on behalf of you or your company, made any political contributions of more than \$250 to any City Officer in the 12 months preceding the date of the submission of your proposals or the anticipated date of any City Council, Board, or Commission action related to this license, permit, or contract?

☐ YES

☒ NO

If yes, please identify the City Officer(s):

2. Do you or your company, or any agency on behalf of you or your company, anticipate or plan to make any political contribution of more than \$250 to any City Officer in the 12 months following any City Council, Board, or Commission action related to this license, permit, or contract?

☐ YES

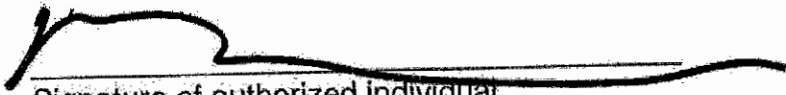
☒ NO

If yes, please identify the City Officer(s):

Answering yes to either of the two questions above does not preclude the City of Long Beach from awarding a license, permit, or contract to your firm or any taking any subsequent action related to the said license, permit, or contract. It does, however, preclude the identified City Officers from participating in any actions related to this license, permit, or contract.

04/24/2023

Date

  
Signature of authorized individual

Deborah Smith

Type or write name of authorized individual

Naples Island Garden Club

Type or write name of company