

September 16, 2021

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 Silverado Park for the production and maintenance of one mural for a term of one year, from October 1, 2021, through September 30, 2022, for mural installation, with three, three-year options to renew through September 30, 2031, for mural maintenance purposes, at the discretion of the Director. (District 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 Silverado Park to paint one mural on the southwest-facing exterior wall of the gymnasium.

Silverado Park is an 11.7-acre park located at 1545 W. 31st Street, with a community center, basketball court, gymnasium, playground, swimming pool, teen center, senior center, baseball and softball fields, volleyball, and picnic areas. Purchased in 1925, the park was redeveloped in 1960 and the gymnasium building added in 1980. The gymnasium was renovated in 2004 with a new wooden floor with funding from the 2000 state Parks Bond Act. The side wall of the gymnasium building is approximately 69 feet wide and 21 feet in height and faces an open turf area and West 31st Street (Attachment A – Premises Map).

The Arts Council held a community meeting in partnership with District 7 Councilmember Roberto Uranga's office, during which artist Mer Young was selected to design and paint the Silverado Park mural. Young is a Long Beach-based artist whose public works can be found in the East Village Arts District, the Sixth and Ninth City Council Districts, and in other cities across Los Angeles County. Her works aim to inspire, celebrate and elevate repressed indigenous, first nations and native cultures and women of color. Young's design for the Silverado Park mural features geometric shapes of plants overlaying to create a colorful and vibrant pattern (Attachment A).

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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:

- Permittee: Public Corporation for the Arts of the City of Long Beach, dba Arts Council for Long Beach, a California nonprofit corporation.
- Premises: Silverado Park, 1545 W. 31st Street. (Attachment A)
- Mural: Permittee's artist (Artist) shall paint one mural, located on the exterior of the southwest-facing wall of the gymnasium building that is approximately 69 feet wide by 21 feet tall. (Attachment A)
- Term: One year, October 1, 2021, through September 30, 2022, for mural installation.
- Renewal Options: Three (3), three-year options, through September 30, 2031, 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, Artist, and maintenance of the mural. 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 Artist, 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 Silverado Park 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.



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- Storage: Permittee and/or its Artist may store limited art supplies at Silverado Park on a space available basis, as approved in advance by the Park Supervisor. Artist shall have access to the community center during operational hours.
- Preparation/Preservation: Permittee and/or its Artist shall properly prepare the wall for mural painting as required and approved by the Department prior to mural painting. Permittee/Artist 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 Artist 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 Artist agree that the mural may be removed/painted out by the Department.
- Waiver of Permittee and Artist Rights: The Permittee and Artist 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 Artist 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 Artist 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 Artist will retain rights to the image created by the Artist.
- Insurance: Arts Council and Artist shall maintain and provide all applicable insurance and endorsements as required and approved by the City's Risk Manager.



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- 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.

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:



BRENT DENNIS
DIRECTOR

BD:SS:GK:NV:LC:jr

Attachment A: Premises Map



Attachment A - Premises Map



SILVERADO PARK
Detail: Southwest-facing Exterior
Wall of Gymnasium Building
1545 W. 31st Street