



Legislation Text

File #: 21-1093, Version: 1

Recommendation to authorize City Manager, or designee, to execute a new License Agreement with Southern California Edison (SCE), for the City’s continued use of SCE-owned right-of-way between Atlantic and Myrtle Avenues, north of 68<sup>th</sup> Street, for the North Long Beach Community Garden, for a period of five years. (District 9)

Since October 1, 1996, the City of Long Beach (City) and Southern California Edison (SCE) have maintained a License Agreement that allows the City to use approximately 0.71 acres of SCE-owned right-of-way between Atlantic and Myrtle Avenues, north of 68<sup>th</sup> Street (Premises), for horticultural purposes, as illustrated on the aerial map (Attachment). The City, in turn, permits the North Long Beach Community Garden Association (Garden Association) to use the Premises for its operation of the North Long Beach Community Garden.

License Agreement No. 34346 expired on September 30, 2021. SCE granted an extension to the City while the agreement is renewed. The Parks, Recreation, and Marine Department would like to enter into a new License Agreement, which will allow for the City’s continued use of the Premises as the North Long Beach Community Garden.

According to the American Community Garden Association, community gardens provide many benefits and can act as a catalyst for sustainable neighborhood and community development, encourage self-reliance with respect to subsistence, promote the conservation of resources, and preserve open and green space, with potential reductions in the amount of heat released from paved parking lots and streets.

The proposed License Agreement contains the following major terms and conditions:

- **Term:** Five years, commencing on October 1, 2021, and continuing through September 30, 2026.
- **Fees:** As consideration for the use of the Premises, the City will pay SCE an annual License Fee, which will be due in advance of each agreement year. The License Fee represents a 3 percent increase over the prior License Agreement’s most recent License Fee and includes a 3 percent annual escalator. License Fees will be paid to SCE according to the following schedule:

<u>Year</u>	<u>License Fee</u>
1	\$2,876.44
2	\$2,962.73
3	\$3,051.62

4     \$3,143.16  
5     \$3,237.46

·     Maintenance: Under the License Agreement, the City is ultimately required to maintain the Premises to levels satisfactory to SCE. The City, in turn, assigns the responsibility for maintenance to the Garden Association via a proposed renewed permit, which will be submitted to the Parks and Recreation Commission for renewal, pursuant to Section 902 (c) of the City Charter.

·     Termination: Either party may terminate the License Agreement with 60-day advance written notice to the other party, and the ability for City to pay rent during agreement term on an annual basis.

This matter was reviewed by Deputy City Attorney Anita Lakhani on September 27, 2021 and by Revenue Management Officer Geraldine Alejo on September 29, 2021.

City Council action is requested on October 19, 2021, to enable the execution of the agreement with SCE in a timely manner.

In FY 22, the annual license fee is \$2,876. Following FY 22, the fee will increase each year by 3 percent. The license fee is funded within current resources budgeted in the General Fund Group in the Parks, Recreation and Marine Department. If needed, the Department will return to City Council with a request for appropriation as part of the annual budget process to support the license fee increases. 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.

Approve recommendation.

BRENT DENNIS  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

THOMAS B. MODICA  
CITY MANAGER