

June 3, 2025

Honorable Mayor and City Council
City of Long Beach
California

RECOMMENDATION:

Recommendation to authorize the City Manager, or designee, to execute all documents necessary for a Third Amendment to License Agreement No. 32052 with Los Cerritos Wetlands Authority, a California Joint Powers Authority, to extend the term through June 30, 2030, with an option to extend for an additional five years, at the discretion of the City Manager, to allow for continued access over and through City-owned property located at 2nd Street and Shopkeeper Road (Subject Property) to conduct occasional bird counts and other non-invasive environmental studies. (District 3)

DISCUSSION

On January 4, 2011, the City Council authorized License Agreement No. 32052 (License Agreement) with Los Cerritos Wetlands Authority (LCWA), for the use of a portion of City-owned access road within a 33.77-acre property, located at 2nd Street and Shopkeeper Road, commonly referred to as Marketplace Marsh (Subject Property), for a period of five years. The LCWA, of which the City of Long Beach (City) is a member, owns an approximately 40-acre property to the east of the Subject Property, but has no direct access to their property from any public right-of-way. Thus, the use of the Subject Property is essential for LCWA staff and authorized contractors. In addition to using the property for access, LCWA also occasionally uses it to conduct environmental studies in consultation with City staff. The License Agreement would be without charge as an accommodation to LCWA, so that LCWA can access its adjacent property.

On June 23, 2015, the City Council authorized a five-year extension of the License Agreement through June 20, 2020. Subsequently, on August 18, 2020, the City Council authorized a Second Amendment to the License Agreement providing another five-year extension of the License Agreement through June 30, 2025. As the term of the License Agreement is ending, LCWA has requested a five-year extension with the option for one additional five-year extension, at the discretion of the City Manager, to allow for its continued use of the Subject Property. A Third Amendment to the License Agreement has been negotiated containing the following terms and conditions:

Licensor: City of Long Beach, a municipal corporation.

Licensee: Los Cerritos Wetlands Authority, a California joint powers authority.

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| <u>Amended Term:</u> | Five (5) years, from July 1, 2025, through June 30, 2030. |
| <u>Renewal Option:</u> | The Term of the License Agreement may be extended one additional five-year period, at the discretion of the City Manager. |
| <u>Termination:</u> | License Agreement may be terminated by either party, at any time, for any reason, with thirty (30) days advance written notice. |

This matter was reviewed by Deputy City Attorney Adam Jacobs on May 8, 2025, and by Budget Management Officer Nader Kaamoush on May 13, 2025.

TIMING CONSIDERATIONS

City Council action is requested on June 3, 2025, to facilitate execution of the Third Amendment to the License Agreement and avoid any disruptions to LCWA's continued use of the Subject Property.

LEVINE ACT

This item is subject to the Levine Act. The Mayor, Councilmembers, and Commissioners who have received a contribution of more than \$500 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 \$500 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 \$500 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 \$500 from a party, participant, or their representatives, during a proceeding and for 12 months following the date a final decision is rendered.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation. License Agreement No. 32052 is provided as an accommodation, without charge to the licensee. This action will only extend the terms of License Agreement through June 30, 2030. 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.

Honorable Mayor and City Council
June 3, 2025
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SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



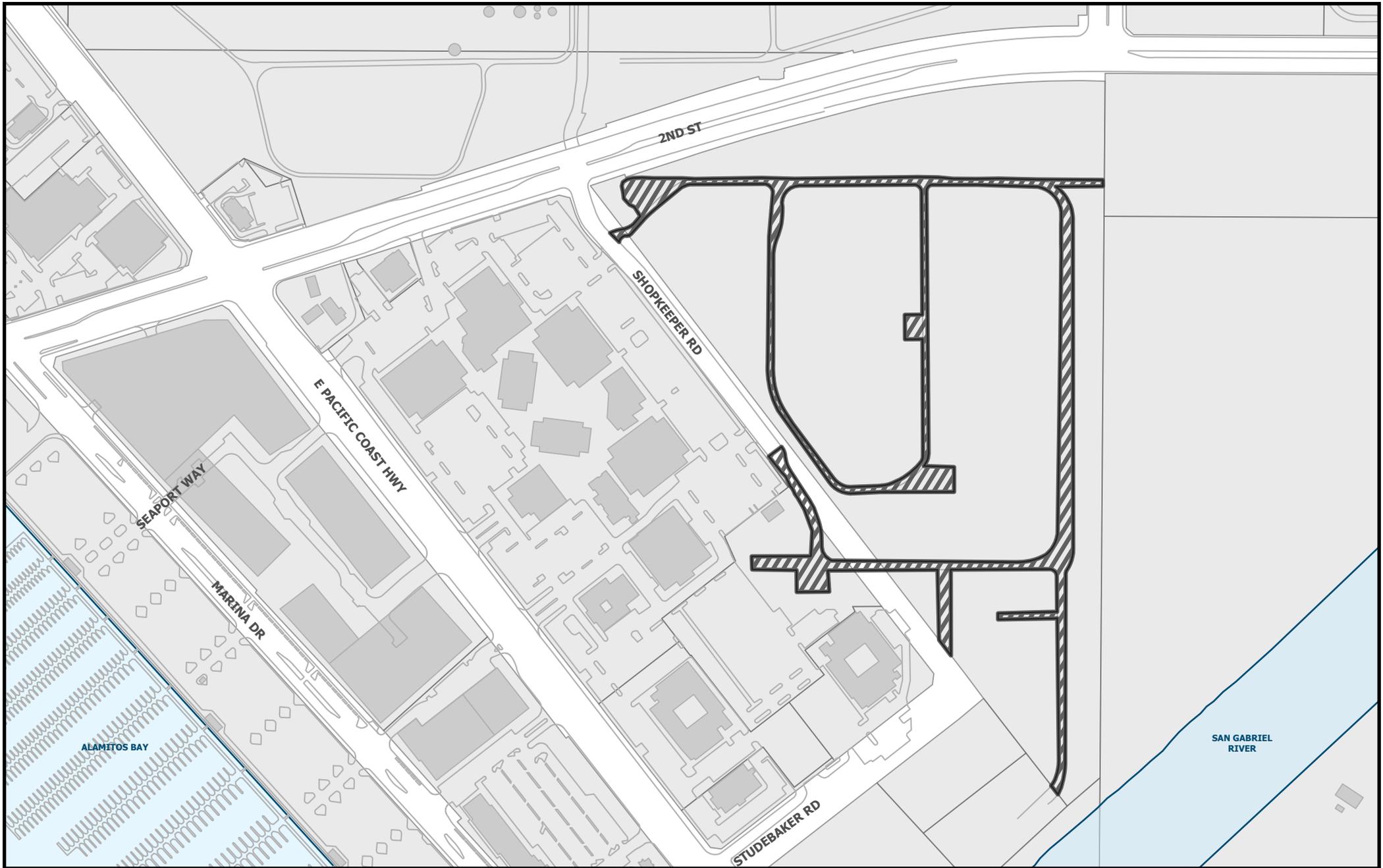
Bo Martinez
Director
Economic Development

APPROVED:



THOMAS B. MODICA
CITY MANAGER

ATTACHMENT



Attachment: Subject Property

APN: 7237-020-903

Council District: 3



Disclaimer
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T:\EconomicDevelopment\Real Estate Division Maps



2. Has any Agent on behalf of you or your organization made any political contributions to any City Officer in the twelve (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):

| Officer Name | Payee Name | Payment Date | Payment Amount |
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3. Do you or your organization anticipate or plan to make any political contribution of more than \$500 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):

| Officer Name | Payee Name | Payment Date | Payment Amount |
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LEVINE ACT DISCLOSURE STATEMENT

DEFINITIONS

| Term | Definition | Law |
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| Covered "proceedings" | A proceeding to grant, deny, revoke, restrict, or modify a license, permit or other entitlement for use, that does not solely involve purely ministerial decisions and is: (1) Applied for by the party; (2) Formally or informally requested by the party; or (3) A contract between the agency and the party or a franchisee granted by the agency to the party, other than a contract that is competitively bid , a labor contract , or a personal employment contract . | FPPC Reg 18438.2(a) |
| Party | Any person who files an application for, or is the subject of, a proceeding involving a license, permit, or other entitlement for use. | Gov. Code 84308(a)(1) |
| Participant | Any person who is not a party but who actively supports or opposes a particular decision in a proceeding involving a license, permit, or other entitlement for use and who has a financial interest in the decision. A person actively supports or opposes a particular decision in a proceeding if that person lobbies in person the officers or employees of the agency, testifies in person before the agency, or otherwise acts to influence officers of the agency. | Gov. Code 84308(a)(2) FPPC Reg 18438.4 |
| Agent | A person who represents a party or participant for compensation and appears before or otherwise communicates with the governmental agency for the purpose of influencing the pending proceeding. See FPPC Reg 18438.3 for exceptions for certain consultants. | FPPC Reg 18438.3 |
| Competitively Bid | A contract required by law to be awarded to the lowest or highest responsible bidder with a responsive bid, or, if the successful bidder refuses or fails to execute the contract, to the next lowest bidder with a responsive bid. | SB 1243 |
| Labor Contract | A contract or agreement reached through collective bargaining or with a representative group regarding the salary, benefits, or terms and conditions under an employment or retirement policy for employees or retirees, including a project labor agreement entered under Public Contract Code Section 2500. | FPPC Reg 18438.2(a)(3)(B) |
| Personal Employment Contract | A contract for employment, including the terms and conditions of employment, between the agency and an agency employee. A contract with an independent contractor is NOT a personal employment contract. | FPPC Reg 18438.2(a)(3)(C)-(D) |