



Legislation Details (With Text)

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In control: City Council Regular Meeting

On agenda: 12/4/2018 **Final action:**

Title: Resolution No. 18-0160 Approving an Updated Agreement Between the City of Manhattan Beach and the Oceanographic Teaching Station to Occupy and Operate the Roundhouse Aquarium at the End of the Manhattan Beach Pier (Public Works Director Katsouleas).
ADOPT RESOLUTION NO. 18-0160

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 18-0160, 2. Agreement - Oceanographic Teaching Station (Final), 3. Agreement - Oceanographic Teaching Station (Redline)

Date	Ver.	Action By	Action	Result
12/4/2018	1	City Council Regular Meeting		

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Stephanie Katsouleas, Public Works Director

SUBJECT:

Resolution No. 18-0160 Approving an Updated Agreement Between the City of Manhattan Beach and the Oceanographic Teaching Station to Occupy and Operate the Roundhouse Aquarium at the End of the Manhattan Beach Pier (Public Works Director Katsouleas).

ADOPT RESOLUTION NO. 18-0160

RECOMMENDATION:

Staff recommends that the City Council adopt Resolution No. 18-0160 approving an updated Agreement (Attachment) between the City of Manhattan Beach and the Oceanographic Teaching Station (OTS) to occupy and operate the Roundhouse Aquarium at the end of the Manhattan Beach pier.

FISCAL IMPLICATIONS:

The fiscal implications associated with approving this amendment include costs already budgeted and paid by the City for fire, water and electrical service in support of the Pier and Roundhouse Aquarium (approximately \$22,500 annually).

BACKGROUND:

Since 1980, OTS has occupied most of the Roundhouse, located at the end of Manhattan Beach

pier, to teach students and visitors about marine life and the environment. OTS has hosted both onsite and mobile classrooms for students throughout Los Angeles County for decades. In 2005, the City of Manhattan Beach and OTS entered into a new, updated agreement to continue occupying the Roundhouse and operating the aquarium as it had done for 25 years.

On July 19, 2016, another Agreement between the City, OTS and the Harrison Greenberg Foundation was executed to undertake a complete renovation of the aquarium, spearheaded by the generous support of the Harrison Greenberg Foundation. That renovation work, which began in earnest this past January, is now complete. It included an expansion of the Roundhouse Aquarium into the café area, installation of new modernized marine/aquarium equipment, relocation of the aquarium entryway, relocation of existing tanks and expanded teaching areas. The updated Agreement memorializes the changes that have been made and confirms the occupancy, maintenance and operations expectations of both the City and OTS moving forward.

DISCUSSION:

The updated Agreement has been reviewed by City staff and OTS, and both parties support the proposed language modifications. Some of the more notable changes and/or updates in the new Agreement include:

- The term of the Agreement is extended until August 1, 2028 to coincide with the City's operating agreement with the State;
- Items may be sold at the aquarium that support the mission of OTS (e.g., t-shirts, mugs, hats, etc.) without prior approval of the City;
- The occupied area has been expanded to include the entire Roundhouse with the exception of the public bathrooms;
- Updated references to the tanks and their placement, maintenance and repair responsibilities are included;
- City Council may waive the "no alcohol" restriction on a case-by-case basis, allowing it to be served inside the Roundhouse for special events;
- Updated language regarding ownership of trade fixtures placed inside the building is included; and
- Updated language regarding termination of the Agreement, required insurance coverages and indemnifications is included.

Overall, the proposed language modifications are minor when considering the existing and continued occupancy and responsibilities of the Roundhouse Aquarium. Please note that prior to executing the attached Agreement between the City and OTS, State Parks must also review and approve it per the terms of the operating agreement between the City and the State. Therefore, staff recommends that City Council: 1) delegate approval of any minor changes requested by the State to the OTS Agreement to the City Attorney, and 2) adopt Resolution No. 18-0160 approving the Agreement as may be amended.

PUBLIC OUTREACH/INTEREST:

No public outreach was conducted in the renegotiation of this Agreement.

ENVIRONMENTAL REVIEW

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section

15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

LEGAL REVIEW

The City Attorney has reviewed and approved the draft Agreement for conformance with City policies and procedures.

Attachments:

1. Resolution No. 18-0160
2. Agreement - Oceanographic Teaching Station (Final)
3. Agreement - Oceanographic Teaching Station (Redline)