

**City of Culver City, California
Agenda Item Report**

Meeting Date: 09/24/12		Item Number: C-3	
CITY COUNCIL AGENDA ITEM: Approval of a License Agreement with Willy Bietak Productions for the Use of Parcel B for an Ice Skating Rink at 9300 Culver Boulevard (Parcel B).			
Contact Person/Dept.: Joe Susca / CDD Todd Tipton / CDD		Phone Number: (310) 253-5763 (310) 253-5783	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (09/20/12); (E-Mail) Willy Bietak Productions, Inc. (09/14/12); (Facsimile) The Delancey Street Foundation (09/14/12); (E-Mail) The Downtown Business Association (09/14/12); (E-Mail) The Culver City Chamber of Commerce (09/14/12)			
Department Approval: Sol Blumenfeld: (09/19/12)		City Attorney Approval: Carol Schwab (by H. Baker) (09/19/12)	
Chief Financial Officer Approval: Jeff Muir (09/19/12)		City Manager Approval: John M. Nachbar (09/19/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council approve a License Agreement with Willy Bietak Productions Inc. (Bietak) for the use of 9300 Culver Boulevard (Parcel B) as an ice skating rink during the 2012 holiday season. <u>BACKGROUND:</u> Since 1995, Bietak has operated approximately 150 temporary, outdoor ice skating rinks in the region. On June 13, 2012, Bietak submitted a proposal to the City requesting a license agreement for use of Parcel B to operate a 250-person ice skating rink between Thanksgiving and New Year's Day. The City Council expressed interest in the proposal and directed staff to address specific lease rates and other terms for leasing the property. Recently, Bietak made a presentation to the Downtown Business Association Board (Board), focusing on the increased business activity that could be generated if Bietak's temporary ice skating rink is approved. The Board voted to support the proposal. The City Council is being asked to approve a License Agreement, which includes a profit sharing provision in the form of additional rent. Though staff has been authorized by the City Council to rent the City's properties for up to 90 days at			

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specified rental rates, profit sharing is not a standard provision of a License Agreement and, therefore, requires City Council approval.

DISCUSSION:

The License includes the following provisions:

- Operating hours from Noon to 10:00 p.m. Monday through Thursday; Noon to 11:30 p.m. Fridays and 10:30 a.m. to 11:30 p.m. on weekends.
- Bietak will be responsible for all costs associated with operating the ice skating rink including staffing, installing and removing the rink, signage, pitching tents (for the skate shop, box office, and lockers), portable restrooms, City permit fees and the establishment and use of utilities.
- Bietak agrees to maintain insurance and to name the City as additional insured and to indemnify and hold the City harmless from any claims of liability associated with their operation.
- The City will provide up to 10 parking spaces in the Ince Parking Structure for Bietak employees.
- Bietak agrees to pay the City's standard rate of \$500 per week to rent Parcel B and to remit 10% of the net proceeds generated by the ice skating rink's operation (profit sharing).
- Bietak agrees to accommodate Delancey Street Foundation by providing a portion of the site for a Christmas tree sale lot.

The rink will play music at low volume during operating hours. Bietak indicates that they have a history of operating adjacent to businesses (including hotels) without disturbing them.

Bietak is seeking sponsorships and will be responsible for promoting the ice skating rink and the City as a holiday destination.

Additional Use on Parcel B

If the License Agreement with Bietak is approved, an additional license agreement with the Delancey Street Foundation to operate a Holiday Tree sales lot next to the ice skating rink will also be executed for the residual portion of the site. The agreement with Delancey Street includes standard license agreement provisions and, therefore, will be processed administratively.

Bietak and the Delancey Street Foundation have agreed to shared use of Parcel B. The two may jointly use signage, establish disabled access parking and portable restrooms, erect temporary fencing, install lighting, share refuse collection services, establish utilities, and hire security personnel. With the exception of disabled access parking, ice skating rink visitors will park in the City's parking structures and customers of the Holiday Tree sale operator will park on Parcel B.

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FISCAL ANALYSIS:

Bietak anticipates approximately 600 visitors per day and will charge adults approximately \$12 to skate on weekdays and \$15 on weekends. The charge for children will be approximately \$8 on weekdays and \$10 on weekends. Locker rental rates are \$3.00 each and skate rentals are \$5 a pair.

Staff contacted other Southern California locations in which Bietak operated an ice skating rink and they report favorable experiences and some general increase in overall business activity, which will likely generate an increase in downtown sales and business taxes.

The License will generate \$4,500 in Parcel B rental income and approximately \$3,286 in additional revenue by receiving 10% of the ice skating rink's net proceeds.

Bietak has selected the Culver City Education Foundation as the charity Bietak will provide two skating sessions at no cost to them that they may turn into fundraising events for the charity.

ATTACHMENTS:

None.

MOTIONS:

That the City Council:

1. Approve a license agreement with Willy Bietak Productions Inc. to operate an ice skating rink at Parcel B; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.