



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: FEBRUARY 13, 2018

FROM: COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT WARD: 1

SUBJECT: LICENSE AGREEMENT FOR MURAL INSTALLATION AND MAINTENANCE, WITH RIVERSIDE FOOD HALL, LP FOR THE INSTALLATION AND MAINTENANCE OF A DECORATIVE MURAL AT THE FOX ENTERTAINMENT PLAZA LOCATED AT 3625 MARKET STREET, ONE YEAR TERM WITH AUTOMATIC ONE YEAR RENEWALS, IN THE ANNUAL AMOUNT OF \$1

ISSUE:

Approve a License Agreement for Mural Installation and Maintenance Riverside Food Hall, LP, for the installation and maintenance of a decorative mural at the Fox Entertainment Plaza located at 3625 Market Street, one year term with automatic one year renewals, in the annual amount of \$1.00.

RECOMMENDATIONS:

That the City Council:

1. Approve a License Agreement for Mural Installation and Maintenance Riverside Food Hall, LP, for the installation and maintenance of a decorative mural at the Fox Entertainment Plaza located at 3625 Market Street, one year term with automatic one year renewals, in the annual amount of \$1.00; and
2. Authorize the City manager, or his designee, to execute the License Agreement with Riverside Food Hall, LP, including making minor, non-substantive changes, and to sign all documents and instruments necessary to complete the transaction.

BACKGROUND:

Completed in late 2013, the Fox Entertainment Plaza (FEP) includes a 12,000 square foot restaurant space, 10,000 square feet of museum and trade show exhibit space (aka the Showcase), a 4,000 square foot black box theater (aka the Box), and a 400 space parking garage.

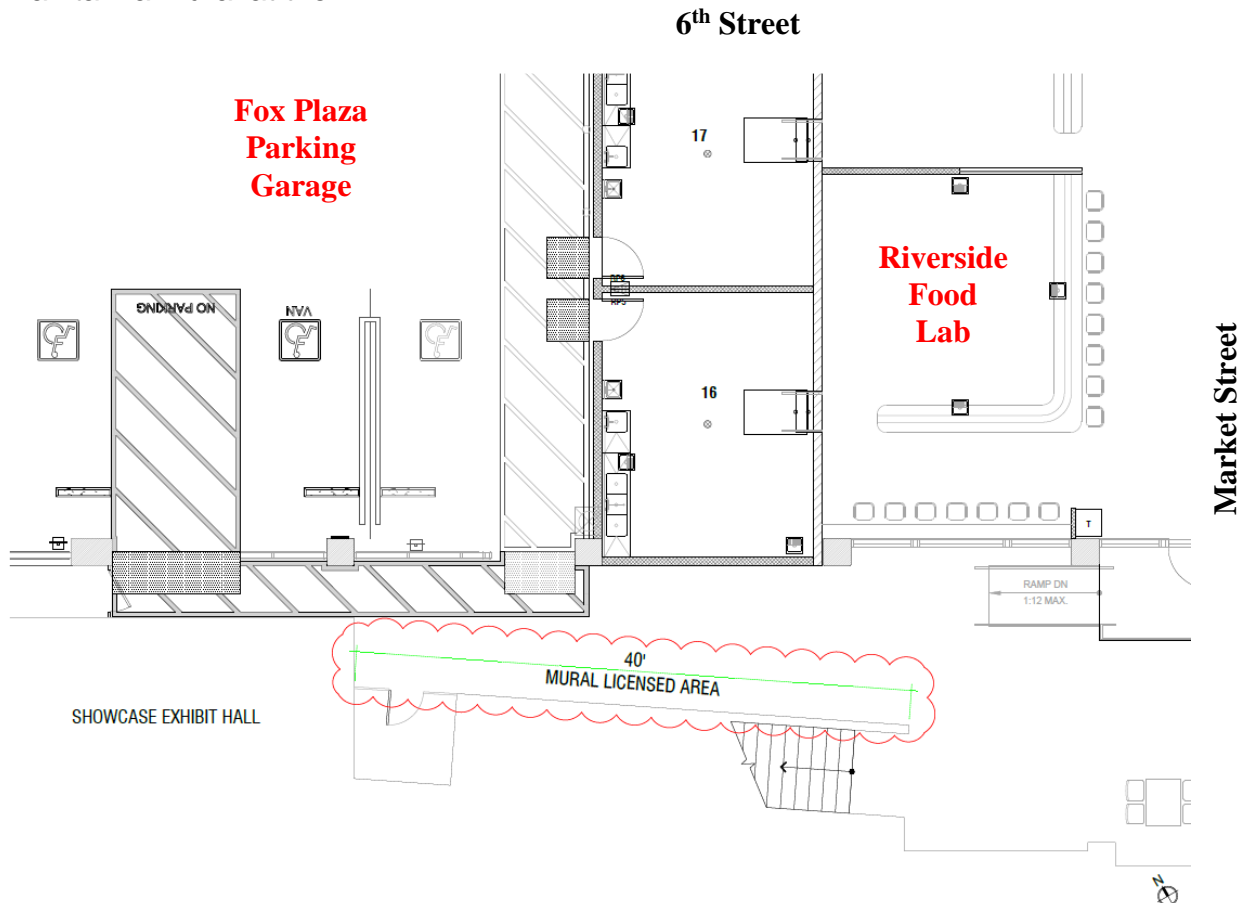
On October 4, 2016, the City Council approved a lease agreement with Riverside Food Hall, LP for the vacant FEP restaurant space to facilitate the development of a food and beverage market, dubbed the "Riverside Food Lab", with multiple restaurants, commercial vendors and related retail

(similar in scope to the Claremont and Anaheim packing houses).

The Riverside Food Lab is currently under construction with an estimated grand opening in May of 2018.

DISCUSSION:

In late November 2017, staff received a request from Riverside Food Hall, LP (RFH) to paint and maintain a mural at the FEP:



Staff agrees with RFH's request and has drafted a License Agreement, which includes the following terms:

- Term:** One (1) year. At the expiration date, the term shall automatically renew in perpetuity for consecutive additional periods of one (1) year, unless the City or RFH provides the other party with at least three (3) days prior written notice of termination. RFH shall remove the mural at the conclusion of the agreement.
- Prior Review:** Prior to the artist attaching the mural, the City shall be given a copy of the proposed mural for review and approval.
- Consideration:** RFH shall pay the City a license fee in the amount of \$1.00 annually.
- Use:** The License Area shall be used solely for the purpose of a mural,

which shall be sized as to fit the building. The mural will not be illuminated and the City has no responsibility to provide illumination.

Commercial Content: The mural shall not include any advertisement or be commercial in nature. The mural may contain limited commercial elements so long as they are not considered commercial speech with the purpose of promoting a commercial transaction.

Artist Agreement: RFH is responsible for negotiating and entering into an agreement with the artist for the mural and the City shall have no responsibility or liability associated with the artist's agreement. RFH shall be solely responsible for the acts of the artist while on the site.

Mural Ownership: All ownership interest and rights to the mural shall be the sole property of the City.

Mural Maintenance: RFH shall maintain the mural in a neat and clean condition, including cleaning and repainting the mural if deemed necessary by the City. The City may remove the mural, at RFH's expense, if RFH fails to maintain the mural in a good condition or defaults on the agreement.

FISCAL IMPACT:

The yearly license fee, in the amount of \$1.00, shall be deposited into an account 0000101-374200, General Fund-Miscellaneous Revenue.

Prepared by:	Rafael Guzman, Community & Economic Development Director
Certified as to availability of funds:	Adam Raymond, Chief Financial Officer/City Treasurer
Approved by:	Al Zelinka, FAICP, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney
Attachment:	License Agreement