



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: General Services
Department No.: 063
For Agenda Of: May 7, 2013
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: 4/5

TO: Board of Supervisors
FROM: General Services Matthew P. Pontes, Director (805) 560-1011
Contact Info: Ronn Carlentine (805) 568-3078
Real Property Manager
SUBJECT: Happy Trails Pony Ride Concession Agreement at Waller County Park in Santa Maria; Fourth District; Folio No. 003284

County Counsel Concurrence

As to form: Yes

Other Concurrence:

As to form: Yes

Community Services Department

Auditor-Controller Concurrence

As to form: Yes

Recommended Actions:

That the Board of Supervisors:

- a) Execute an original and duplicate original Concession Agreement between the County of Santa Barbara and Jeff and Andrea Leonard, husband and wife, as individuals doing business as Happy Trails Pony Rides at Waller County Park in Santa Maria; for a period of five years commencing upon execution of the agreement and expiring April 30, 2018, for a 5% commission on gross sales (Fourth District); and
- b) Determine that the proposed action by the Board is exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301; approve and direct staff to file and post the attached Notice of Exemption on that basis.

Summary Text:

The Board's action will allow the Happy Trails Pony Rides concession to continue its operation for an additional five (5) years at Waller County Park in Santa Maria. The Concession Agreement is for the purpose of providing the public pony rides for weekends and holidays, and with optional expanded hours of operation to enhance business.

Background:

On April 5, 1994, the Board of Supervisors approved a Concession Agreement with Mr. Gordon Harris, granting him the right to operate, maintain, and manage a children's pony ride concession on a portion of Waller County Park in Santa Maria for the benefit of the general public. This agreement was for a period of five years, with an option to renew the agreement for one (1) additional (5) five-year period, where option was exercised on December 15, 1998.

Mr. Harris requested assignment of the concession to Ms. Vivian Jeannie Reynoso, doing business as Giddy-up Go Pony Rides. Ms. Reynoso assumed responsibility for the pony ride concession at Waller Park upon approval by the Board of Supervisors on September 5, 2000.

In July 2002, County Parks received a letter from Ms. Reynoso stating that she could no longer operate the pony ride concession and requested that it be assigned to Donna Nelson-Cockrell and Jeff Leonard, doing business as Happy Trails Pony Rides. On December 10, 2002, the Board of Supervisors approved the Assignment of Concession Agreement, Assumption of Performance, Consent to Assignment, and Second Amendment to Concession Agreement, which assigned the concession to Donna Nelson-Cockrell and Jeff Leonard. However, that partnership ended on May 15, 2006, when Ms. Cockrell and Mr. Leonard filed a Dissolution of Partnership. Mr. Leonard immediately filed a fictitious business application to keep the "Happy Trails" business name and assumed sole responsibility for the agreement with the County. Mrs. Leonard joined him in the business and is now a partner in the concession operation. The concession agreement with the Leonards expired on September 20, 2007 and continued operating with a second (5) five year term, which most recently expired on September 30, 2012.

The pony ride concession at Waller County Park has been in operation since 1969 and the Community Services Department, Parks Division, wishes to continue its successful partnership with Jeff and Andrea Leonard. They have been cooperative operators in the ten years they have run the concession and would like the opportunity to continue their business partnership with the County.

This type of concession is in a very small niche market with limited vendors and limited growth. It is recommended that this concession be awarded without going through RFP or bid process. With staff's knowledge of the limited capacity and potential within the local business community for operating this type of concession on public property, it was not anticipated that there would have been any respondents to an RFP or bid process for this concession.

The current concession agreement with Jeff and Andrea Leonard to operate a pony ride concession at Waller County Park in Santa Maria expired on September 30, 2012. The proposed Concession Agreement provides that the Community Services Department will receive 5% commission from the pony ride concession. The agreement will continue the operation of the pony ride concession for another (5) five years, with an additional (5) five-year renewal option at the County's discretion. The agreement also allows Mr. and Mrs. Leonard to expand their hours of operation in order to maximize their earning potential.

The Concessionaire will continue to operate the pony ride service with no expansion of use beyond that existing at the time. Therefore, this project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15301 – Class 1, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Fiscal and Facilities Impacts:

Budgeted: Yes

The Community Services Department will receive a 5% commission on gross sales from the concession, which totals approximately \$1,000.00 annually. This revenue goes towards offsetting Park's operational costs of Waller County Park.

Special Instructions:

After Board action, distribute as follows:

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| 1. Original executed Concession Agreement | Clerk of the Board |
| 2. Duplicate original executed Concession Agreement & Minute Order | Gen Svcs/ Real Estate Svcs – Attn: Ashlee Hensley |
| 3. Copy of executed Concession Agreement & Minute Order | Community Svcs/Parks Div. – Attn: Herman Parker |
| 4. Copy of executed Concession Agreement & Minute Order | Auditor-Controller, Financial Reporting Div.
Attn: Betsy Schaffer |

Attachments:

1. Concession Agreement
2. Notice of Exemption (CEQA)

Authored by: AH - Office of Real Estate Services