

M I N U T E S

BOARD OF RECREATION AND PARK COMMISSIONERS  
OF THE CITY OF LOS ANGELES

August 14, 2002

The Board of Recreation and Park Commissioners of the City of Los Angeles convened in regular session at 10:10 a.m. Present were President Mike Roos, Vice President Christopher Pak, Lisa Specht and Christopher Hammond. Absent: Commissioner Christina Sanchez-Camino. Also present were Manuel Mollinedo, General Manager and Sr. Assistant City Attorney Mark Brown.

APPROVAL OF THE MINUTES

The Minutes of the Regular and Special meetings of May 15, 2002 were approved as amended.

GENERAL MANAGER'S REPORTS

02-283

APPROVAL OF REVISED MEMORANDUM OF UNDERSTANDING  
BETWEEN THE DEPARTMENT OF RECREATION AND PARKS  
AND THE BUREAU OF STREET SERVICES TO CONSTRUCT  
ROADWAY IMPROVEMENTS AT THE HANSEN DAM AREA  
DRONFIELD ENTRANCE (#1165A)

02-284

EL SERENO NORTH PARK - OUTDOOR IMPROVEMENTS  
(#1333A) - FINAL ACCEPTANCE

Held to September 4, 2002.

02-285

LINCOLN PARK - LAKE IMPROVEMENTS (#1232C)  
W.O. E170234D - FINAL ACCEPTANCE

02-286

PAN PACIFIC PARK RECREATION CENTER - NEW  
COMMUNITY BUILDING & SITE IMPROVEMENTS (#1720B) -  
CONTRACT NO. 2949 - FINAL ACCEPTANCE

02-287

ROSE HILL RECREATION CENTER - RESTROOM  
IMPROVEMENTS AND NEW HALF-BASKETBALL COURT -  
(#2703N) - FINAL ACCEPTANCE

02-288

EAGLE ROCK RECREATION CENTER - CHILDCARE  
CENTER (#1628D) - CHANGE ORDER TO CONTRACT NO. 3049

02-289

IMPERIAL COURTS RECREATION CENTER - NEW  
COMMUNITY BUILDING (#1605D) - CHANGE  
ORDERS TO CONTRACT NO. 2836

02-290

BEE CANYON PARK - DEVELOPMENT (#1203C) - APPROVAL  
OF FINAL PLANS AND CALL FOR BIDS

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02-291

EAGLE ROCK RECREATION CENTER - SPORTSFIELD  
IMPROVEMENTS (#1338A) - APPROVAL OF FINAL PLANS  
AND CALL FOR BIDS

02-292

EL SERENO NORTH PARK - RESTROOM (#1350B)  
APPROVAL OF FINAL PLANS AND CALL FOR BIDS

02-293

SEPULVEDA RECREATION CENTER - FAMILY AND  
AQUATICS CENTER (#1632D) - APPROVAL OF  
FINAL PLANS AND CALL FOR BIDS

02-294

TRINITY RECREATION CENTER - BUILDING  
IMPROVEMENTS (#1572A) - APPROVAL OF  
FINAL PLANS AND CALL FOR BIDS

02-295

VAN NUYS - SHERMAN OAKS RECREATION CENTER  
POOL - PHASE II (#1558B) - REJECTION OF  
BIDS AND ADVERTISE FOR REBIDDING

02-296

KEN MALLOY HARBOR REGIONAL - CHANGE  
OF OPERATING HOURS

02-297

U.S. DEPARTMENT OF EDUCATION GRANT AWARD -  
"WITHOUT BORDERS PROJECT - LOS ANGELES  
EDUCATION AND ATHLETIC PROGRAM"

02-298

TOBACCO CONTROL ENFORCEMENT PROGRAM/GRANT

02-299

USE OF MUNICIPAL RECREATION PROGRAM (MRP) FUNDS

02-300 - Considered later in the meeting.

02-301

JUNIOR GOLF AGE REQUIREMENTS

02-302

WSGA JUNIOR GOLF TOURNAMENT - REQUEST  
FOR FEE REDUCTION

02-303

ACCEPTANCE OF STOP NOTICE(S) AND RELEASE  
OF STOP NOTICE(S)

02-304

DONATIONS TO PACIFIC REGION

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02-305

VARIOUS COMMUNICATIONS

It was moved by Commissioner Hammond, seconded by Commissioner Sanchez-Camino that the foregoing reports, with exceptions as noted, be approved, and that the appropriate Resolutions be adopted. There being no objections, the Motion was unanimously approved.

02-287 - Out of Order.

ROSE HILL RECREATION CENTER - RESTROOM  
IMPROVEMENTS AND NEW HALF-BASKETBALL  
COURT - (#2703N) - FINAL ACCEPTANCE

Nick Sammadi, President of T & J Field Construction Co., Inc., General Contractor for the Rose Hill Recreation Center - Restroom Improvements and New Half-Basketball Court project (#2703N), indicated that although there were delays to the project due to various change orders, he was requesting that the Board waive the liquidated damages and, from this, pay any and all remaining funds due to the subcontractors for the project. The contractor further indicated that his company had gone over budget by \$44,331.27 (see attached submittal for the record).

In response to an inquiry from Commissioner Specht, Robert Fawcett, Superintendent, Planning & Construction Division, indicated that the contractor submitted a lump sum bid on the project for a fixed amount of time and the contractor is required to construct the project for the amount that was bid. Furthermore, change orders have been awarded for time increases on this project. The Superintendent stated that although the contractor is a nice person and has constructed several projects for the Department which the work quality was fine, his problem is in staffing his workforce. Staff was aware at the onset of the project that there may be a problem in completing the job in a reasonable amount of time, as the contractor had worked on other projects for the City which resulted in delays. The Superintendent further indicated that although time was authorized on several change orders, at various times staff also met with the contractor and notified him during construction of the Department's concern for the delay on the project.

In response to an inquiry from Commissioner Specht, the Superintendent, indicated that the contractor's records showed that he spent a total of \$171,771.00 on the project. The Superintendent further stated that the contractor bid a lump sum project, and the Department is not in the business of making up his profit because he bid the project too low; furthermore, staff had negotiated in very good faith over a long period of time, indicating that the Department had granted change orders and negotiated time, 122 days additional to the contract. The original contract was for 124 days, so the Department had almost doubled the contract time.

In further response to Commissioner Specht, the Superintendent indicated that the Contractor had been fully paid, except for the retention that would be paid after the job was accepted by the Board, which would total \$12,740; the total paid altogether at the end of the project would be \$127,440.00.

Commissioner Specht confirmed with the Superintendent that, should the

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Department agree with the contractor's records, the Contractor would be out \$45,000 in terms of what he says he spent on the project, and the Department is further requesting an additional \$15,400.00 in liquidated damages.

In response to an inquiry from Commission Specht at the request of the contractor, the Superintendent indicated that the Department could pay subcontractors directly from the retained funds should the contractor assign it to the outstanding stop notices, so that the \$12,740 could go to the subcontractors who are owed \$22,000.

Commissioner Pak indicated that there are no problems paying the retention that is there, however, there are assessed liquidated damages that were caused by the delay of the project.

The Sr. Assistant City Attorney stated that, if the Board imposed liquidated damages, then the Department would offset the liquidated damages against the retention, therefore, there would be no retention available.

Commissioner Specht confirmed with the Sr. Assistant City Attorney that the Board could on the otherhand waive the liquidated damages and the contractor would get the retention or the Board could arrange to pay the retention money to the subcontractors.

The Sr. Assistant City Attorney confirmed that this was correct: If the Board imposes less than the retention or no liquidated damages, the contractor would have a payment coming which he could assign to the subcontractors.

Commissioner Specht motioned to waive the liquidated damages against the contractor and have payment assigned to the subcontractors.

The Sr. Assistant City Attorney stated that the contractor could assign his right to payment to the subcontractors, however, there may not be enough money to pay 100% of what is owed the subcontractors, in which case, the contractor could assign specific amounts to specific subcontractors or assign a percentage equally to all subcontractors.

Commissioner Specht indicated that the contractor should be instructed on how to assign the funds equally to the subcontractors.

The Sr. Assistant City Attorney further indicated that should there be an equal percentage paid to the subcontractors which were identified by the contractor, there would still be no indication whether those were all the subcontractors that were owed money.

Commissioner Specht stated that, basically, 50% would go to the subcontractors that the contractor had identified.

Commissioner Pak inquired whether the Department wishes to be in the position to pick and choose whom to pay.

The Sr. Assistant City Attorney stated that the discussion is for the

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retention to be released, which is apart from the stop notices. The stop notice procedure is a different procedure, in which the subcontractors need to perfect their stop notices, and the Department would not release that money until there is some arrangement for the release of those funds. In speaking of the retention funds, the Sr. Assistant City Attorney stated that, at that point, the retention funds were unrestricted, and would be due to the contractor, but for the fact that the contractor may wish to assign those funds, and the Board may wish to ask him to assign those to the subcontractor.

In clarifying his inquiry, Commissioner Pak indicated that maybe the Department does not wish to be in the position of disbursing funds and that maybe the decision should be made to just pay the contractor and allow him to pay his subcontractors.

The Sr. Assistant City Attorney agreed, indicating that it is the contractor's funds that are due to the contractor and as such he should notify the Department if he has assigned any of those funds to a specific subcontractor.

Commissioner Pak further stated that the contractor would be receiving his retention monies and the possibility of having his liquidated damages waived; and, would this set a precedent that the Board wishes to allow?

The Sr. Assistant City Attorney indicated that should the Board impose the full amount of liquidated damages it would wipe out the retention. He further indicated, that in waiving the liquidated damages, what is being suggested by Commissioner Specht is that the money should not go unrestricted back to the contractor, however, it should be paid to the subcontractors as the contractor has suggested. The Board could possibly impose that condition without being specific as to who gets paid how much. Furthermore, the Board could allow the contractor to submit to the Department an assignment of those funds, but condition the waiver of liquidated damages on the contractor doing that within a certain period of time.

Commissioner Specht confirmed that her motion was in concert with the City Attorney's summary that is to condition the waiver of liquidated damages.

In response to an inquiry from President Roos, the Superintendent indicated that Department staff had presented information to the Board, prior to the award of the Rose Hills project, and that liquidated damages had previously been waived on the Reynier Park Restroom project for the same contractor.

Commissioner Hammond was in agreement with all Commissioners, however, he was more so in regard to Commissioner Specht's motion to condition the waiver of liquidated damages.

In response to an inquiry from Commissioner Pak, the Superintendent indicated that the contractor had not submitted to the Department any paperwork showing proof of the amount of funds spent over the actual amount bid on the project, other than the correspondence and attachments

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submitted at this Board meeting (attached).

In response to an inquiry from Commission Pak, the contractor indicated that he could provide any documentation required of him, and that 17 change orders had been submitted resulting in \$12,445.00. He further indicated that he possibly made a mistake in his bidding, that he had been in the business for 26 years and this was his fifth project for the Department.

Commissioner Hammond seconded the motion presented by Commissioner Specht.

Roll Call: Commissioner Specht: Aye; Commissioner Hammond: Aye; Vice-President Pak: No; President Roos: Aye.

The Sr. Assistant City Attorney restated for the record the motion to accept the staff recommendation except for the provision relating to liquidated damages which would be waived on condition that the contractor assign his retention funds to pay the outstanding amounts due to the subcontractors.

02-300 - Out of Order.  
USDA FOREST SERVICE - CAMP RADFORD  
ENVIRONMENTAL ASSESSMENT

The Sr. Assistant City Attorney revised the report as follows:

1. Authorize the General Manager to execute the attached collection agreement from the USDA Forest Service in the amount of \$9,929.63 for completion of the required environmental assessment documentation associated with improvements to Camp Radford and any subsequent amendments thereto, conditioned upon removing two of the payment provisions that are inconsistent with the agreement, subject to approval as to form and legality by the City Attorney;
2. Approve a 25% additional contingency to allow for the Department, if necessary, to contribute approximately \$2,500.00 in additional funds; and should there be any requirement in excess of said amount, staff shall return to the commission to request approval for additional funding.

It was moved by Commissioner Specht, seconded by Commissioner Pak, that Report No. 02-300 be approved as amended. There being no objections, the Motion was unanimously approved.

#### UNFINISHED BUSINESS

02-167  
CANCELLATION OF DAMON GENERAL CONTRACTORS -  
STUDIO CITY RECREATION CENTER - BUILDING  
IMPROVEMENTS (#1814A) - CONTRACT NO. 2919

Item held to September 4, 2002.

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Commissioner Hammond introduced Mr. Shelby Jordan, Board Member, EPICC Recreation Center, who played football with the Oakland Raiders. Commissioner Hammond further indicated that Mr. Jordan is the developer for a non-profit organization which builds affordable housing for low income families, and he has most recently done some work for L.A. County.

Mr. Jordan expressed his appreciation for the assistance that the City has given his organization in the tree planting along Vermont Avenue.

NEW BUSINESS

MEMORANDUM

GIRLS PLAY L.A. PROGRAM - RECIPIENT OF  
2002 PRODUCTIVITY IMPROVEMENT AWARD

Commissioner Specht presented Recreation and Parks staff with a plaque and resolution for the Girls Play L.A. Program.

MEMORANDUM

NFL FOOTBALL GRANT APPLICATION

Mr. Duggan summarized the background of this matter as outlined within the staff report.

COMMISSION TASK FORCES

Commission Task Force on Park Safety (Commissioners Hammond and Sanchez-Camino)

Nothing to report.

Commission Task Force on Concession RFPs (Vice President Pak and Commissioner Sanchez-Camino)

Nothing to report.

Commission Task Force on Capital Projects (Vice President Pak and Commissioner Hammond)

Nothing to report.

GENERAL MANAGER'S ORAL REPORT

The General Manager reported on the following:

- Echo Park update
- Mosquito population control
- Dedication of Grape Street Pocket Park
- Dedication of Gilbert Lindsay Skate Park
- MacArthur Park - Park Advisory Board meeting

FUTURE AGENDA ITEMS

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Request from Commission Hammond to have staff report on park safety follow-up.

PUBLIC COMMENTS

Susan B. Nelson, Central Sierra Club, expressed her appreciation of the Department's response on South Park, that there would be no school in the park, and further expressed her concern for the maintenance of South Park.

CLOSED SESSION

The Commission met in Closed Session pursuant to California Government Code § 54956.9(a) to discuss with, and receive advice from, legal counsel concerning D&M Construction v. City of Los Angeles, BC255302.

The Commission met in Closed Session pursuant to Government Code section 54956.9(a), to discuss with, and receive advice from, legal counsel concerning Stop Notice action against the City in M.F. Bolster v. S.H.E. Construction.

President Roos reported that there was no reportable action taken at the Closed Session.

NEXT MEETING

The next regularly scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, July 10, 2002 at 9:30 a.m., City Hall East, 200 North Main Street, Room 1325, Los Angeles, California 90012.

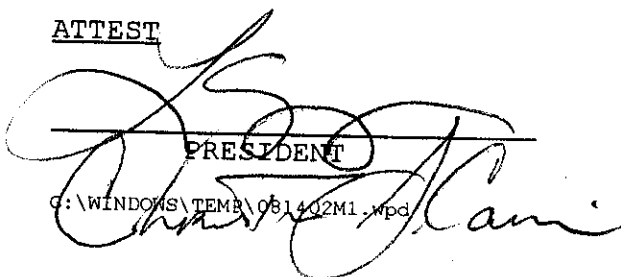
ADJOURNMENT

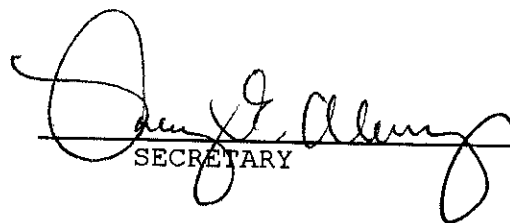
Commissioner Roos adjourned the meeting in memory of John Argue, who was a member of the EPICC Board and a leading figure in the community.

Commissioner Hammond requested that prayer go out to Cleve Williams, Recreation and Parks Golf Manager, who was hospitalized for a heart attack.

There being no further business to come before the Board, the regularly scheduled Meeting adjourned at 11:20 a.m.

ATTEST

  
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PRESIDENT  
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SECRETARY