

SPECIAL AGENDA

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

Wednesday, June 19, 2002 - 9:30 a.m.  
200 North Main Street, 13<sup>th</sup> Floor, Room 1325  
Los Angeles, California 90012

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED. COMMENTS BY THE PUBLIC ON ALL OTHER MATTERS WITHIN THE SUBJECT MATTER JURISDICTION OF THE BOARD WILL BE HEARD DURING THE "PUBLIC COMMENTS" PERIOD OF THE MEETING. EACH SPEAKER WILL BE GRANTED TWO MINUTES.

1. SPECIAL:

Presentation of Resolution to Gary DeLong for his service as Chairman of the Board of Directors of the Friends of Cabrillo Marine Aquarium (FCMA) from July 1998 to June 2002.

2. GENERAL MANAGER'S REPORTS:

02-259 Memorial Plaque for Antonio Ramirez at Trinity Recreation Center

02-260 Cabrillo Beach: Approval of Amendment(s) to Permit No. 384 and Permit and Operating Agreement No. 1516 with the Board of Harbor Commissioners, to Allow for the Expansion and Improvement of the Cabrillo Marine Aquarium

02-261 Authorization to Acquire 8.96 Acres of Land at 11101 Oro Vista Avenue in Sunland for Park Development

02-262 Brand Park - Refurbishment of Memory Garden (#1824Q) - Final Acceptance

02-263 2002-03 Personnel Resolution

3. 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, 13<sup>th</sup> Floor, Room 1325 Los Angeles, California 90012.

4. CLOSED SESSION:

Pursuant to Government Code Section 54956.9(a), the Commission will meet in Closed Session to confer with legal counsel regarding Cabrillo Marine Aquarium - Master Plan Implementation (#1505D)

June 19, 2002

5. ADJOURNMENT:

Under the California State Ralph M. Brown Act, those wishing to make audio recordings of the Commission Meetings are allowed to bring tape recorders or camcorders in the Meeting.

Sign language interpreters, assistive listening devices, or any auxiliary aides and/or services may be provided upon request. To ensure availability, you are advised to make your request at least 72 hours prior to the meeting you wish to attend. For additional information, please contact the Commission Office at (213)473-5888.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 shall become final at the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session.

Information on agenda items may be obtained by calling the Commission Office at (213) 473-5888. Copies of the agenda and reports may be downloaded from the Department's website at [www.laparks.org](http://www.laparks.org).

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REPORT OF GENERAL MANAGER


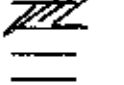
NO. 02-259


DATE June 19, 2002

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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: MEMORIAL PLAQUE FOR ANTONIO RAMIREZ AT TRINITY RECREATION CENTER

J. Combs		J. Kolb	_____
*T. Corrales		M. Tamuri	_____
J. Duggan	_____		
H. Fujita	_____		

  
 \_\_\_\_\_  
 General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

That the Board approve a memorial plaque to commemorate the tree planting in memory of Antonio Ramirez killed in gang violence at Trinity Recreation Center.

SUMMARY:

On April 19, 2002 a tree was planted at Trinity Recreation Center in memory of Antonio Ramirez, an eight year old boy killed in gang violence at the Recreation Center in April 2002.

Members of a community group, the Trinity Neighborhood Coalition, formed after Antonio's death, and the Office of Councilmember Jan Perry requested permission to commemorate the tree planting by placing a plaque in the Center's Gymnasium.

In accordance to the Department's Memorial Plaque policy (416-95), adopted on October 18, 1995, the General Manager and staff have reviewed the plaque and determined that it meets the standards of material, size, wording, and placement. The Office of Councilmember Jan Perry has agreed to pay for the plaque, its installation, and maintenance for as long as the plaque remains in place. If maintenance is not satisfactory to the Department, the plaque may be removed at the discretion of the Region Superintendent.

This report was prepared by Mike Wooden and Mark Stipanovich of the Griffith Metro Region.

REPORT OF GENERAL MANAGER

NO. 02-260

DATE June 19, 2002

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: CABRILLO BEACH: APPROVAL OF AMENDMENT(S) TO PERMIT NO. 384 AND PERMIT AND OPERATING AGREEMENT NO. 1516 WITH THE BOARD OF HARBOR COMMISSIONERS, TO ALLOW FOR THE EXPANSION AND IMPROVEMENT OF THE CABRILLO MARINE AQUARIUM

J. Combs \_\_\_\_\_  
A. Corrales \_\_\_\_\_  
J. Duggan \_\_\_\_\_  
J. Kolb \_\_\_\_\_

H. Fujita \_\_\_\_\_  
\*M. Tamuri \_\_\_\_\_

  
\_\_\_\_\_  
Acting General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

It is recommended that the Board:

1. Authorize the Board President and Secretary to execute the first amendment to Permit and Operating Agreement No. 1516, which will delete a 39,157 square foot portion of the existing agreement premises to be incorporated into Permit No. 384;
2. Authorize the Board President and Secretary to execute the second amendment to Permit No. 384, which will add a 39,157 square foot area to the existing permit premises, increasing the permit area to a total of 137,302 square feet, to accommodate the existing Cabrillo Marine Aquarium expansion and improvement project, and to extend the permit term from its current expiration date of February 2, 2009 to February 14, 2024, to comply with Prop "K" funding site control requirements; and,
3. In accordance with Executive Directive No. 16, direct the Board Secretary to transmit the amendment documents to the Office of the Mayor for review and recommendation prior to the Board taking final action.

SUMMARY:

In 1979, the Department of Recreation and Parks (Department) executed a thirty year agreement (Permit No. 384) with the Harbor Department (Port) for the use of 2.25 acres of Port property for the construction of the Cabrillo Beach Marine Museum (Aquarium) and related improvements. In 1989, the Department executed an agreement (Permit and Operating Agreement No. 1516) with the Port for the maintenance and operation of a certain waterfront property at the Port of Los Angeles, known as Cabrillo Beach, and including a boat launch ramp, adjacent parking lot, restroom building, landscaped area(s) and related facilities. The premises areas included in Permit No. 384 and Permit

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and Operating Agreement No. 1516 are located adjacent to each other and directly related to each other with respect to the daily operations of Cabrillo Beach and its Marine Aquarium.

The Department is currently implementing the Cabrillo Marine Aquarium Master Plan Improvement Project (Approved BR 00-456) which will increase the size of the Cabrillo Marine Aquarium, adding much needed amenities and services, such as a Aqua-culture Discovery Laboratory and Library, new restrooms, new gift shop, Project Laboratory, and administrative offices. In order to accommodate the Aquarium's expansion with its added facilities, the subject areas which will house the existing Aquarium and its additional facilities must be consolidated under Permit No. 384, as this Permit relates directly to the construction and operation of the Aquarium. Whereas, Permit and Operating Agreement No. 1516 relates primarily to the maintenance and operation of areas and facilities not including the Aquarium. Therefore, the subject agreements (No. 384 and No 1516) must be amended to appropriately reflect the permit premises for each agreement, distinguishing and defining the permit areas accordingly.

The first amendment to Permit and Operating Agreement No. 1516 will delete 39,157 square feet from the agreement premises. The second amendment to Permit No. 384 will add the deleted portion of land from Agreement No. 1516 to the existing 98,145 square foot area under Permit No. 384, to create a total and new permit area (No. 384) consisting of 137,302 square feet. Additionally, the second amendment to Permit No. 384 will also extend the permit term from its current expiration date of February 2, 2009 to February 14, 2024. This term extension is necessary to ensure the acquisition of required funding by complying with the City's Proposition K/12 Grant Process which requires the Department to demonstrate site control for a minimum of twenty years.

In accordance with the California Environmental Quality Act (CEQA) and State and City CEQA Guidelines, the Department's Environmental staff previously filed a Final Mitigated Negative Declaration (MND) which was prepared for the Improvement Project Master Plan, finding that all potential significant environmental effects of the project have been properly disclosed, evaluated and mitigated.

In a letter dated May 31, 2002, the Port has approved the permit amendments, pending approval by the Board of Harbor Commissioners, and has produced the amendment documents (on file in Board Office) and has provided them to the Department for execution. As required by the Port's operating procedures, upon execution of the amendment documents by the Department's Board President and Secretary, the President of the Board of Harbor Commissioners shall execute the agreement documents accordingly and request that the Office of the City Attorney review the amendment documents as to form and legality.

The Cabrillo Beach Marine Aquarium Master Plan Improvement Project and related expansion of the facility and premises are supported by the Superintendent of the Pacific Region and Councilmember Janice Hahn from the 15<sup>th</sup> Council District.

This report was prepared by Joel Alvarez, Management Analyst II from the Departments's Real Estate and Asset Management Division.

**This item is not included in the package**

02-261

Authorization to Acquire 8.96 Acres of Land at 11101 Oro Vista  
Avenue in Sunland for Park Development

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NO. 02-262

DATE June 19, 2002

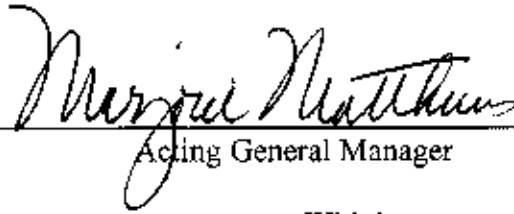
C.D. 07

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BRAND PARK - REFURBISHMENT OF MEMORY GARDEN (#1824Q)  
FINAL ACCEPTANCE

J. Duggan \_\_\_\_\_  
A. Coroalles \_\_\_\_\_  
J. Kolb \_\_\_\_\_

H. Fujita \_\_\_\_\_  
\*M. Tamuri WJ \_\_\_\_\_  
J. Combs \_\_\_\_\_

  
\_\_\_\_\_  
Acting General Manager

Approved \_\_\_\_\_

Disapproved \_\_\_\_\_

Withdrawn \_\_\_\_\_

RECOMMENDATION:

It is recommended that the Board:

1. Accept the work performed under Contract No. 2852 outlined in the body of this report;
2. Authorize the Department's Director of Finance to utilize all retention monies held under Contract No. 2852, after deductions for disputed work items and wage violation fines, to complete and correct deficient work done by S.H.E. Construction Group, Inc., in accordance with Contract General Provisions, Section 28 WORKMANSHIP AND MATERIALS (c); and,
3. Authorize the Board Secretary to furnish S.H.E. Construction Group, Inc. with a letter of completion.

SUMMARY:

On June 4, 1998, the Board authorized the award of the construction contract to S.H.E. Construction Group, Inc., for Brand Park - Refurbishment of Memory Garden (Board Report No. 253-98). The Architect's estimate for the work was \$375,000.00. On June 25, 1998, construction Contract No. 2852 in the amount of \$314,427.00 was executed. The original time period allotted for the work was 150 calendar days. The scope of the work included the following items:

- A. At garden area:
  1. Replace existing asphalt walkways with concrete paving;
  2. New park benches;
  3. Repair existing perimeter gates and fencing;
  4. New sundial;

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5. Rejuvenate Mission plaques and planting;
6. Restore two existing fountains;
7. Replace missing roof and wall tiles;
8. Repair existing entrance archway and colonnades;
9. New security lighting;
10. Restore and refurbish statue; and,
11. ADA access ramp from park to garden area.

### B. At plaza area:

1. New stamped color concrete paving at courtyard west of the old restroom building;
2. New perimeter decorative metal fencing and gates;
3. Raised concrete platform for future bandstand structure; and,
4. Raised circular podium for future gazebo structure.

There have been eighteen Change Orders issued on this project for a total amount of \$132,264.23. The total funds expended on this project are \$446,691.23.

On April 4, 2000, the pre-final inspection was conducted by Department staff and the Bureau of Contract Administration. A list of corrective items was generated, including the defective and incomplete work of new concrete paving and fountain restoration.

Defective concrete work was found at the new concrete walkways throughout the garden area and the circular concrete podium and stamped color concrete paving at the plaza area.

Due to factors unknown to staff, inconsistent rock salt finish and random dark spots were formed on the surface of the new finish concrete walkways at the garden area. S.H.E. Construction claimed the dark spots would disappear once the extra moisture causing them evaporated, but the dark spots remained after the concrete had completely cured and dried. Later S.H.E. Construction claimed that the dark spots were caused by excess moisture from the garden's irrigation system and nothing could be done to correct the problem. A company that specializes in "shot peen" (shooting tiny steel ball bearing at high velocity) to remove irregularities and discoloration of concrete surfaces provided a demonstration, in the presence of Department staff and S.H.E. Construction, and successfully removed the dark spots from a section of concrete walkways in the garden. S.H.E. Construction was given the opportunity to contract directly with this contractor to correct the concrete finish. However, the corrective work was not done because of S.H.E.'s reluctance to acknowledge poor workmanship during the placement of the concrete.

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The circular concrete podium in the plaza area also showed poor workmanship. The finished forms and shapes of the circular podium are irregular, warped and non-circular. The podium steps vary in depth along the circumference, and dish and cup outward due to deficient form work when concrete was poured and cured.

The new concrete plaza was not laid out square, resulting in a mis-alignment of the stamped color concrete infill. The problem is most pronounced where the grid pattern of the stamped concrete meets the grey concrete bands.

Change Order Nos. 8 and No. 9 were issued on November 3, 1998, to authorize S.H.E. Construction to provide and install skimmer, pumps, filters, etc. at both fountains, of which S.H.E. Construction billed the Department for 60% complete per Payment Request No. 4 on May 12, 1999. S.H.E. Construction also billed the Department for 100% complete on fixing surface cracks on the fountains as part of the base contract work in the same payment request.

Nevertheless, the work performed to restore the existing fountains was unsatisfactory and incomplete. Numerous letters were sent to S.H.E. Construction on July 17, 2000, October 4, 2000, March 26, 2001 and May 31, 2001, urging timely completion of all outstanding punch list items including fountain restoration work per contract documents. To date, S.H.E. Construction has failed to fulfill the contractual requirements to complete all punch list items to the satisfaction of the Department.

The project was funded with Proposition A monies. Department staff has consulted with the Office of Contract Compliance (OCC) concerning the status of labor compliance and Affirmative Action requirements on this project. An amount of \$10,228.18 is being withheld at the request of OCC as a result of wage violations.

### AUTHORITIES:

The Board's authority to utilize S.H.E. Construction's retention money is defined under General Provisions, Section 3 AUTHORITY OF (a)(2) which states:

*"The General Manager is authorized to enforce compliance with the plans and specifications; to determine the acceptability of materials and workmanship;...In the event of a dispute with the Contractor, the General Manager is authorized to reject materials or workmanship, or suspend the work until the matter or issue can be referred to the Board for resolution."*

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and Section 28 WORKMANSHIP AND MATERIALS (c) which states:

*"If the Contractor fails to replace any defective or damaged work or materials after reasonable notice, the General Manager may cause such work or materials to be replaced. The replacement expenses shall be deducted from the amount to be paid to the Contractor."*

S.H.E. Construction failed to comply with the contract requirements to complete all outstanding punch list items to the satisfaction of the Department despite letters sent to him on July 17, 2000, October 4, 2000, March 26, 2001 and May 31, 2001. On May 31, 2001, a letter was also written to the Surety with respect to S.H.E. Construction's reluctance and/or failure to provide acceptable effort to take care of all the incomplete and defective work as directed by the Department, and the Department's intention to undertake all such work.

The following corrective work items (with associated costs) are necessary due to unacceptable defective work performed by S.H.E. Construction:

1. Concrete shot peen to remove dark spots (\$16,000.00).
2. Seal concrete surfaces after shot peen (\$10,890.00).
3. Rebuild circular concrete podium and re-align concrete grey bands at plaza (\$19,000.00).
4. Sandblast color concrete plaza (\$2,500.00).
5. Repair and restore both existing fountains (\$28,720.00).

Due to limited funding available, not all of the above work items can be carried out. Staff and the Seventh Council District office agreed that the fountains are an important part of the Memory Garden and their complete restoration shall receive foremost priority among all the punch list items. A quotation of \$28,720.00 was provided by City-contracted vendor to complete the restoration work of both existing fountains. The Department's accounting staff verified that the remaining funding (Fund 43K, Account K015) in the budget and the available retention money, after deductions for disputed work items and wage violation fines, are sufficient to cover such costs.

Prepared by Paul Tseng, Project Manager.

**This item is not included in the package**

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2002-03 Personnel Resolution