

A G E N D A

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

Wednesday, January 21, 2004 - 9:30 a.m.
George Hjelte Assembly Room
200 North Main Street, City Hall East, Room 1325
Los Angeles, California 90012

EVERY PERSON WISHING TO ADDRESS THE COMMISSION MUST COMPLETE A SPEAKER'S REQUEST FORM AT THE MEETING PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM AND SUBMIT IT TO THE COMMISSION EXECUTIVE ASSISTANT.

PURSUANT TO COMMISSION POLICY, COMMENTS BY THE PUBLIC ON AGENDA ITEMS WILL BE HEARD ONLY AT THE TIME THE RESPECTIVE ITEM IS CONSIDERED, FOR A CUMULATIVE TOTAL OF UP TO FIFTEEN (15) MINUTES FOR EACH ITEM. ALL REQUESTS TO ADDRESS THE BOARD ON PUBLIC HEARING ITEMS MUST BE SUBMITTED PRIOR TO THE BOARD'S CONSIDERATION OF THE ITEM. 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, WITH FIFTEEN (15) MINUTES TOTAL ALLOWED FOR PUBLIC PRESENTATION.

1. GENERAL MANAGER'S REPORTS:

- 04-21 Acceptance of Los Angeles Department of Water and Power Donation for Native Plant Landscape Garden at Sepulveda Basin East
- 04-22 Westchester Recreation Center - Community Building (#1539A) - Contract No. 2950 - Final Acceptance
- 04-23 Rescission of Board Action on January 7, 2004 Approving Board Report No. 04-14 and Transfer of Funds Within Recreation and Parks Fund 302 to Cover Overtime Payout
- 04-24 Amendment No. 2 to the Memorandum of Understanding Between the Department of Recreation and Parks and the Department of Public Works, Bureau of Engineering, Extending the Term for Design and Construction Management Services Relative to the Second Phase of the Americans With Disabilities Act Transition Plan
- 04-25 Downey Childcare Center (#1633D) - Contract No. 2995 - Rescission of Approval of Tender Agreement and Approval of Agreement Releasing the Surety
- 04-26 Potrero Canyon Park Development - Phase II Development (#1012B) - Request for Approval of Supplemental Agreement to Construction Contract No. 2387
- 04-27 Harbor Park - Approval of Easement Deed Between the Department of Recreation and Parks and Harbor College Granting Reciprocal Property Use Rights Within the Park and Adjacent College Campus
- 04-28 Transfer of Funds from the Unreserved and Undesignated Fund Balance for Communications Work to be Provided by the Information Technology Agency (ITA)

January 21, 2004

- 04-29 Acceptance of Stop Notices on Department Construction Contracts - Branford Recreation Center - Childcare Center (#1617D), and Chesterfield Square Park - Facility Improvements (#1120A). Releases of Stop Notices on Chesterfield Square Park - Facility Improvements (#1120A), Los Angeles Riverfront Park - Land Acquisition and Greening (#1199B), and Studio City Recreation Center - Refurbishment of Building (#1814A)
- 04-30 Various Communications
- 04 31 Eagle Rock Recreation Center - Child Care Center Project No. 1628D - Approval of Project Close Out and Termination of Contract No. 2953, W.O. E170335F

Closed Session pursuant to California Government Code §54956.9(a) to discuss with, and receive advice from legal counsel, concerning Povac Investments, Inc. v. City of Los Angeles, IASC Case Number BC277407

2. UNFINISHED BUSINESS:

- 04 02 01/07/04 Westchester Recreation Center - Community Building (#1539A) - Contract No. 2950 - Final Acceptance
REPORT WITHDRAWN
- 04-05 01/07/04 Finding That Use of Contract for Specialized Masonry Work is More Feasible and Economical for the City
- 04-08 01/07/04 Approval of Master Agreement Regarding Joint Use with LAUSD for Five (5) Potential School Sites Under Consideration for Proposition K Funding

PRESENTATION:

Bureau of Engineering - Project Update - Status Report on Current Projects

3. COMMISSION TASK FORCES:

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

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

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

January 21, 2004

4. GENERAL MANAGER'S ORAL REPORT:

Report on Department Activities and Facilities

5. FUTURE AGENDA ITEMS:

Requests by Commissioners to Schedule Specific Items on Future Agendas

6. PUBLIC COMMENTS:

Any comments which require a response or report by staff will be automatically referred to staff for a report at some subsequent meeting

7. NEXT MEETING:

The next regularly scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, February 4, 2004 at 9:30 a.m., George Hjelte Assembly Room, City Hall East, 200 North Main Street, Room 1325, Los Angeles, California 90012

8. CLOSED SESSION:

Closed Session pursuant to California Government Code §54956.9(a) to discuss with, and receive advice from legal counsel, concerning Burrito King, Inc. v. City of Los Angeles, State of California Court of Appeal, Case No. B161925

9. 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.

REPORT OF GENERAL MANAGER


NO. 04-21

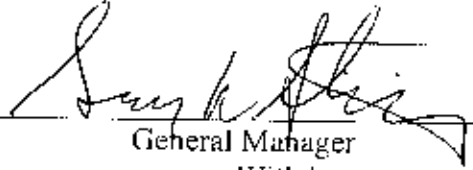
DATE January 21, 2004

C.D. 06

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ACCEPTANCE OF LOS ANGELES DEPARTMENT OF WATER AND POWER DONATION FOR NATIVE PLANT LANDSCAPE GARDEN AT SEPULVEDA BASIN EAST

H. Fujita	_____	F. Mok	_____
J. Kolb	_____	K. Regan	_____
*H. Linklater		G. Stigile	_____
M. Mariscal	_____		_____


 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board accept the \$75,000 donation and recognize the Los Angeles Department of Water and Power (LADWP) for its generous support of the Sepulveda Basin East demonstration garden. As an acknowledged leader in water conservation, LADWP recognizes the educational value that the proposed project represents in promoting the use of native plants and proper irrigation techniques to achieve significant savings in outdoor water use, while demonstrating the beauty of the native plant palette.

SUMMARY:

On February 28, 2003, the Department of Recreation and Parks (RAP), in partnership with LADWP, submitted a proposal for a \$75,000 grant sponsored by the Southern California Metropolitan Water District's (MWD) "City Makeover Program." This was a competitive grant program providing funding in the amount of \$75,000 for new California native and drought tolerant themed landscapes in prominent public locations. There were 43 applicants, with only one award available for each of the six counties within MWD's service area. Although RAP did not receive the Los Angeles County area MWD award, LADWP has elected to donate the \$75,000 amount to the Department to enable it to implement its plan for a native demonstration garden at the site. Staff recommends that the Board accept the donation from LADWP and that the proper recognition be given to the donor as represented by its General Manager David H. Wiggs, its Assistant General Manager of Water Services Gerald A. Gewe, and its Water Conservation Manager Thomas Gackstetter. The donation shall be deposited to Fund 205, Department 88, Appropriation Account Number 021S.

This report was prepared by Kathleen T. Hashiguchi, Senior Management Analyst I.

REPORT OF GENERAL MANAGER

NO. 04-22

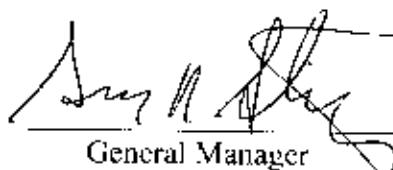
DATE January 21, 2004

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: WESTCHESTER RECREATION CENTER - COMMUNITY BUILDING (#1539A) -
CONTRACT NO. 2950 - FINAL ACCEPTANCE

R. Fujita	_____	E. Mok	_____
J. Kulb	_____	K. Repar	_____
*B. Lukelhart	<u>he for me</u>	G. Stigile	_____
M. Manscal	_____		_____



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Accept the work performed under Contract No. 2950 as outlined in the body of this report;
2. Approve waiving the liquidated damage assessment under Contract No. 2950 and extend the contract completion date to November 19, 2003;
3. Authorize the Department's Chief Accounting Employee to release all retention monies held under Contract No. 2950 to Hayward Construction Company, Inc., 35 calendar days after acceptance by the Board; and,
4. Authorize the Board Secretary to furnish Hayward Construction Company, Inc., with a letter of completion.

SUMMARY:

On April 17, 2002, the Board approved a Completion Contract in the amount of \$974,395 to Hayward Construction Company, Inc., (Board Report No. 02-155) for the construction restart of the Westchester Recreation Center Community Building (#1539A) project.

Stenco Construction, the original contractor, defaulted on Contract No. 2950 (Board Report No. 01-392, October 17, 2001). The surety provided Haywood Construction Company as the new contractor. After a long period of inactivity (October 2001 - November 2002), Hayward started construction and diligently completed construction in full cooperation with staff and inspectors. The project was constructed within budget.

REPORT OF GENERAL MANAGER

PG 2

NO. 04-22

The project consisted of a new 8,997 square-foot community building with a lobby, gymnasium for basketball and volleyball courts, bleachers, director's office, men and women's toilets, storage room, and electrical room. Outdoor improvements included adding 49 parking spaces by refurbishing the existing parking lot and constructing a new parking lot south of the tennis courts. New irrigation and landscaping was provided along Manchester Avenue and around the existing and new buildings.

Construction work on this project is 100% complete. The Department took possession of the building on November 19, 2003. Building and Safety inspectors have signed off on all permits and allowed occupancy of the building and is currently processing the Certificate of Occupancy.

On December 3, 2003, staff sent a letter to the contractor indicating staff's decision to disapprove several change order requests. The same letter included a summary of change orders acceptable to staff. The approved summary of change orders totaled \$90,028.50 which increased the total project construction cost to \$1,064,423.50. As indicated in the letter, the contractor was advised to respond in writing within 10 days should he disagree with the approved summary of change orders. Staff did not receive any written response within the time frame given. It was therefore assumed that the contractor concurred with the summary. Nevertheless, during the week of December 15, 2003, the contractor verbally notified staff that he agreed with the summary of change orders and would not pursue payment of any disapproved change order requests.

Due to the outstanding performance by Hayward Construction Company, staff recommends authorizing the extension of the completion date to November 19, 2003, and waiving the assessment of liquidated damages to the contractor.

The project was funded with Proposition A, Quimby, and Surety reimbursement. Hayward complied with the Safe Neighborhood Parks Proposition of 1992 by dedicating \$38,884.00 in wages for youth employment. Department staff has consulted with the Office of Contract Compliance (OCC) concerning the status of labor compliance and Affirmative Action requirements on this project. There are no outstanding wage violations by Hayward Construction Company.

Prepared by Fred O. David, Project Manager.

REPORT OF GENERAL MANAGER

NO. 04-23

DATE January 21, 2004

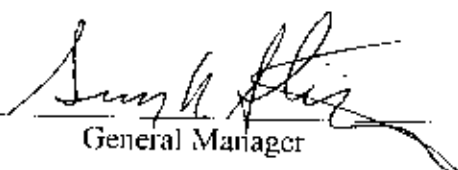
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BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RESCISSION OF BOARD ACTION ON JANUARY 7, 2004 APPROVING BOARD REPORT NO. 04-14 AND TRANSFER OF FUNDS WITHIN RECREATION AND PARKS FUND 302 TO COVER OVERTIME PAYOUT

H. Fujita
J. Kolb
B. Lakehart
M. Mariscal

F. Mok *sm*
K. Regan
G. Sugile


General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

1. That the Board rescind its prior action taken on January 7, 2004 regarding the transfer of funds within Recreation and Parks Fund 302 per Board Report No. 04-14, and
2. That the Board authorize, subject to approval by the Mayor, the transfer of \$457,000 within the Recreation and Parks Fund as follows:

From : Account 1010, Salaries, General
To : Account 1090, Salaries, Overtime

SUMMARY:

On January 7, 2004, the Board adopted Board Report No. 04-14, authorizing the transfer of \$457,000 for payment of overtime. The action taken was to be subject to the Mayor's and Council's approval. However, the transfer requires only the Mayor's approval. Per Los Angeles Administrative Code Section 5.36 (b) and Executive Directive No. FM-2 dated December 3, 2002, City Council approval is not required. Therefore, the Board is requested to rescind and re-adopt its previous action with the exception of the requirement to obtain City Council approval.

Employees' Memorandums of Understanding provide the reduction within this fiscal year, of accumulated overtime hours. The agreements include MOU 1, 3, 11, 12, 17, 20, 21 and 36. The department has sufficient salary savings in Appropriation Account 1010 to cover the funds needed for the overtime payout.

Prepared by: Rose Reyes

REPORT OF GENERAL MANAGER

NO. 04-24

DATE January 21, 2004

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: AMENDMENT NO. 2 TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF ENGINEERING, EXTENDING THE TERM FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES RELATIVE TO THE SECOND PHASE OF THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN.

H. Fujita
I. K. Ali
H. Lukehart
M. Mariscal

Lee J. Moore
F. Mek
K. Regan
G. Stigile

Lee J. Moore

General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve Amendment No. 2 to extend the term of the Memorandum of Understanding (MOU) between the Department of Recreation and Parks (RAP) and the Department of Public Works, Bureau of Engineering (BOE), for design and construction management services relative to the second phase of the Americans with Disabilities Act (ADA) Transition Plan; and,
2. Direct the Board Secretary to transmit the proposed Amendment to the Mayor in accordance with Executive Directive No. 16 and concurrently to the City Attorney for review as to form; and
3. Authorize the Department General Manager to execute this Amendment upon receipt of necessary approvals and signatures by the other parties.

SUMMARY:

On April 5, 2000, the Board approved an MOU between RAP and BOE (Board Report 00-119) to provide design and construction management services for the second phase of the Department's ADA Transition Plan. A true and correct copy of the MOU is attached hereto as Exhibit "A".

REPORT OF GENERAL MANAGER

PG. 2 NO. 04-24

Due to adjustments in the construction budgets and schedules, the design of the ADA improvements has taken longer than anticipated. The BOE has been working on the design and construction administration of ADA improvements for the last forty-seven months.

On February 5, 2003, the Board approved Amendment No.1 to extend the term of said MOU (Board Report 03-42). A true and correct copy of the Amendment is attached hereto as Exhibit "B." The purpose of this amendment was to extend the MOU between RAP and BOE until February 9, 2004.

The services of BOE will be needed through February 9, 2008. Presently, GSD is constructing five of the twenty-four ADA Phase 2 projects and BOE is providing construction administration for these five projects. BOE is also completing the design for the remaining nineteen projects. The services of BOE are required beyond the original February 9, 2004 date. This second amendment will extend the MOU between RAP and BOE by four (4) years until February 9, 2008.

Report prepared by Ada Fernandez-De La Rosa, Project Manager.

REPORT OF GENERAL MANAGER

NO. 04-25

DATE January 21, 2004

C.D. 01

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: DOWNEY CHILDCARE CENTER (#1633D) - CONTRACT NO. 2995
RECISSION OF APPROVAL OF TENDER AGREEMENT AND APPROVAL
OF AGREEMENT RELEASING THE SURETY

H. Fujita	_____	J. Meza	_____
J. Kolb	_____	K. Regan	_____
*B. Lukehart	<u>RL</u>	G. Stigile	_____
M. Marscul	_____		



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Rescind approval of the Tender Agreement approved by the Board on January 9, 2002 (Board Report No. 02-18);
2. Approve execution of the attached Release Agreement (Agreement) with the surety, Fidelity & Guaranty Insurance Company (Surety), in substantially the form attached hereto;
3. Direct the Board Secretary to forward this report and the proposed Agreement forthwith to the Mayor in accordance with Executive Directive 16 and concurrently to the City Attorney for review as to form;
4. Authorize the Board President and Secretary to execute the Agreement upon receipt of the necessary approvals; and
5. Upon receipt of surety's payment of \$432,731.36, authorize the Department's Chief Accounting Employee to deposit these funds in an account designated specifically for use for the design and construction of the subject project as part of the Prop K Program.

SUMMARY:

Downey Childcare Center is a 5,000 s.f. childcare center designed by The Luckman Partnership, Inc. The project was bid on May 25, 1999, and Contract No. 2898 was awarded to Gamma Constructor's, Inc. (Gamma) with a contract amount of \$1,000,000.00. Gamma began construction in July 1999. However, the contractor never completed any work beyond the excavation for the footings of the building (approximately 5% of the contract work). The

REPORT OF GENERAL MANAGER

PG. 2

NO. 04-25

construction contract was terminated by the Board on October 4, 2000 (Board Report No. 00-358). On January 9, 2002, the Board approved a Tender Agreement between the Department and surety (Board Report No. 02-18) to complete the project.

The tender agreement provided for a contractor hired by the surety to complete the contract work. Lengthy negotiations with Gamma's surety proceeded over the terms and conditions for completion of the contract work. Over the course of the negotiations, it became evident that the plans would require redesign to meet current Building and Safety codes. The surety's contractor would have required an additional renegotiated fee to cover the costs of the changes to the plans and specifications. The Department reviewed the plans and specifications with the Bureau of Engineering (BOE) who is the program lead for Prop K which is the primary funding source for the project. It was determined that a redesign of the entire project would be the most cost effective avenue to pursue and would be in the City's best interest to complete the project with a new design.

In order to treat the surety and their contractor fairly, it was determined that the Tender Agreement would be replaced with the attached Agreement which provides for the reimbursement to the project of \$432,731.36. Originally, there was approximately \$1.5 million allocated to the project in Prop A, Prop K, and CDBG funds. Of those funds, \$433,053.00 was expended for design, permits, construction costs, and related salaries as documented by an expense report prepared by BOE. The negotiated settlement of \$432,731.36 almost exactly covers the costs of the project to date. BOE has completed a budget for the project. There are sufficient funds to complete the project with a new design utilizing the funds supplied by the surety.

Staff recommends that the Board rescind the earlier approval of the Tender Agreement and approve the execution of the subject Agreement with the surety. The subject Agreement will allow the surety to pay the City \$432,731.36. The Department will use these funds to reimburse the expenses to date for this project and the remaining funds will be used by the Bureau of Engineering to complete the design and construction process for this Prop K project.

Report prepared by William Tseng, Contract Administrator.

REPORT OF GENERAL MANAGER

NO. 04-26

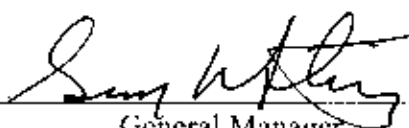
DATE January 21, 2004

C.D. 11

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: POTRERO CANYON PARK DEVELOPMENT PHASE II DEVELOPMENT (#1012B) REQUEST FOR APPROVAL OF SUPPLEMENTAL AGREEMENT TO CONSTRUCTION CONTRACT NO. 2387

H. Fujita		J. Mok	_____
J. Kolb		K. Regan	_____
*B. Lukelart	BSC	G. Stigile	_____
M. Mariscal	_____		



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve Supplemental Agreement No.3, substantially in the form attached, to increase the contract amount of Contract No. 2387 with Potrero Canyon Constructors [Calex Engineering Company/West Coast Transfer Services, Inc. a joint venture] (Contractor), by \$372,452.49 for the work described in the body of this report, approve the change order for work as described in the body of the report, and approve increasing the term of Contract No. 2387 with Contractor by six years through December 30, 2005;
2. Direct the Board Secretary to transmit Supplemental Agreement No. 3 to the Mayor and City Council for approval, in accordance with Executive Directive 16, and concurrently to the City Attorney for review as to form; and
3. Upon receipt of necessary approvals, authorize the President and Secretary of the Board to execute the agreement.

SUMMARY:

The construction Contract No. 2387, was originally awarded in February 1991, for the construction of Potrero Canyon Park Development, Phase II, located at 15145 Pacific Coast Highway, Los Angeles, CA. The contract was subsequently executed in April 1991, for the design and construction of the project.

REPORT OF GENERAL MANAGER

PG 2

NO. 04-26

Over the course of the construction of Phase II, there have been many change orders required to buttress three of the historic landslides which became active during the course of construction causing emergency conditions requiring immediate action on the part of the Department in order to prevent damage to private as well as public property. There were two supplemental agreements previously issued on the contract due to the same type of work. The supplemental agreements extended the time and amount of the contract; one in 1994 and one in 1998.

The construction of Phase II was originally anticipated to be completed in 1995, four years from the start date in 1991. The contractor has been diligently pursuing the contract and extra work in the canyon. It was imperative work continue due to ongoing geotechnical issues in the canyon walls. Change order estimates were solicited from the contractor while additional permits were obtained to cover the extra work involved in the buttress stabilization of the slides. The following items were requested by change order and completed by the contractor while clean fill was available for the purpose of the work during the dry seasons of the year:

- Recompaction of future restaurant pad;
- Additional depth of proposed keyway for the engineered buttress fills;
- Removal of additional 2 slide failures (excavate and stockpile of the material while awaiting permits) and costs associated with double hauling of the stockpiled material to complete the buttresses;
- Additional catch basins and pipe connections required by Building and Safety permits as part of the Guidelines;
- Removal and replacement of drainage system;
- Equipment;
- Labor;
- Materials;
- Installation of hydroseeding to prevent erosion during rainy seasons;
- Tennis court modification and curb wall installation;
- Additional access road and curb at existing park entry;
- Installation of 24" CMP from Friends Street to new catch basin at canyon entry;
- Area drain installation at slide 6;
- Installation of two new catch basins, two energy dissipators, 56 l.f. of 36" RCP drain line, and installing 250 l.f. curb; and
- Install new sprinklers to water new trees at ballfield slopes

Funding has been unencumbered from the design portion of Phase III, Park Development, to pay for this work. There are sufficient funds available to complete the change orders in Fund 209, Account

R202. The second supplemental agreement to Contract No. 2387 expired December 30, 1999; and

REPORT OF GENERAL MANAGER

PG 3

NO. 04-26

therefore, we are requesting the contract to be reinstated for a total period of six additional years through December 30, 2005.

Staff has reviewed the invoices and finds they only include the extra requested work and are fair to the Department. Therefore, staff recommends that the Board approve the additional time of six years and the additional funding (\$372,452.49) to the contract to allow for the continuation of the project and the additional work. Approval of this change order and supplemental agreement will allow for completion of Phase II by December 30, 2005.

Prepared by Jane Adrian, Project Manager.

REPORT OF GENERAL MANAGER

NO. 04-27

DATE January 21, 2004

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: HARBOR PARK – APPROVAL OF EASEMENT DEED BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND HARBOR COLLEGE GRANTING RECIPROCAL PROPERTY USE RIGHTS WITHIN THE PARK AND ADJACENT COLLEGE CAMPUS

H. Fajsa _____	J. Mox _____
J. Kolb _____	K. Regan _____
*D. Lukehart <i>K. Lukehart</i>	G. Sugile _____
M. Mariscal _____	



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve the proposed grant of easement substantially in the form on file in the Board Office between the City and the Los Angeles Community College District granting reciprocal property use rights within Harbor Park and the adjacent Harbor College campus;
2. Adopt the draft resolution substantially in the form on file in the Board Office authorizing approval of the proposed easement deed;
3. Direct the Board Secretary to transmit the proposed easement deed to the Mayor and City Attorney for review and approval, and subsequently request that the City Attorney prepare the ordinance and forward the documents to the City Council for adoption of the ordinance; and,
4. Authorize the Board President and Secretary to execute the easement documents as approved by the City Attorney upon adoption of the ordinance by Council.

REPORT OF GENERAL MANAGER

PG 2

NO. 04-27 _

SUMMARY:

On September 17, 2003, the Board preliminarily approved shared use of property rights between the Department of Recreation and Parks (Department) and Harbor College for portions of property within the park and adjacent college campus and authorized staff to proceed with negotiating the shared property use rights agreement [Board Report #03-294].

An agreement has been negotiated via a grant of easement specifying the park and campus properties to be used jointly by the Department and Harbor College, as well as the terms for shared use. The proposed easement deed will permit Harbor College to construct a section of its planned campus perimeter road across an approximately 1,797 square foot portion of park property along the park/campus boundary line. In return, the easement deed will allow the Department to use a portion of the campus perimeter road and designated campus parking spaces for park maintenance access.

This agreement would enable Harbor College to utilize the park property easement to construct a more gradual turn along the campus perimeter road and thus maximize space for other campus construction improvements. In exchange for this use of park property, the Department would utilize the campus property easement to gain access to an area of the park that is currently inaccessible to maintenance vehicles. The campus perimeter road would provide this access conveniently from the park's maintenance yard on L Street.

Staff has determined that the subject project will consist of the conveyance of a minor miscellaneous easement for a street and, therefore, is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 5(4) of the City CEQA Guidelines.

Staffs from Operations East and the Fifteenth Council District have been consulted and concur with this report's recommendations.

Report prepared by Drew Tolliffe, Management Analyst II, Real Estate and Asset Management.

REPORT OF GENERAL MANAGER

NO. 04-28

DATE January 21, 2004

CD _____

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: TRANSFER OF FUNDS FROM THE UNRESERVED AND UNDESIGNATED FUND BALANCE FOR COMMUNICATIONS WORK TO BE PROVIDED BY THE INFORMATION TECHNOLOGY AGENCY (ITA)

H. Fujita _____	*T. Mok <u>am</u>
J. Kolb _____	K. Repan _____
B. Lukhart _____	G. Stipile _____
M. Mansal _____	



General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the transfer of \$40,000 from the Unreserved and Undesignated Fund Balance (UUFB), in Fund 302 to Appropriation Account V132, ITA, within Fund 302, subject to approval of the Mayor, in accordance with the Mayor's Executive Directive No. FM-2.
2. Request Mayoral and Council approval for the appropriation of \$40,000 into ITA's account, by authorizing staff to request the City Administrative Officer to include the appropriation in the Monthly Financial Status Report to the City Council.
3. Upon approval by the Mayor and the Council, authorize the transfer of cash from Fund 302, Department 88, Account V132 to Fund 100, Department 32, ITA, after receipt of an approved communication service request.

SUMMARY:

The City's ITA provides telephone, data, and other communications services to all City Departments, either directly or through contracts they administer. Departments having control of their own funds are required to pay for changes, enhancements, or new installations needed.

REPORT OF GENERAL MANAGER

PAGE 2 NO. 04-28

Recreation and Parks has numerous pending Communication Service Requests. A status report of these work orders will be forwarded to the City Administrative Officer.

The Department will utilize funds in its UUFB to cover this transfer.

Prepared by Dale Wong Nguyen, Administrative Resource Division.

REPORT OF GENERAL MANAGER

NO. 04-29

DATE January 21, 2004

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ACCEPTANCE OF STOP NOTICES ON DEPARTMENT CONSTRUCTION CONTRACTS - BRANFORD RECREATION CENTER-CHILDCARE CENTER (#1617D), AND CHESTERFIELD SQUARE PARK - FACILITY IMPROVEMENTS (#1120A). RELEASES OF STOP NOTICES ON CHESTERFIELD SQUARE PARK - FACILITY IMPROVEMENTS (#1120A), LOS ANGELES RIVERFRONT PARK - LAND ACQUISITION AND GREENING (#1199B), AND STUDIO CITY RECREATION CENTER - REFURBISHMENT OF BUILDING (#1814A)

H. Fujita
J. Kolb
B. Lukchan
M. Mariscal
F. Mok
K. Regan
G. Stiglic

cc form


General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Direct staff to withhold the amount claimed in the following Stop Notices, plus an additional sum equal to 25% thereof to defray any costs of litigation in the event of court action, if said funds are available, and to notify contractors, sureties and other interested parties that the amounts of said claims plus 25% will be withheld; and,
2. Accept the following requests for Releases of Stop Notices.

SUMMARY:

STOP NOTICES

The Department is in receipt of legal notices to withhold construction funds, pursuant to California Civil Code Section 3103 and 3181, on the contracts indicated below:

REPORT OF GENERAL MANAGER

PG. 2 NO. 04-29

Contract 3004 C.D. 6

Branford Recreation Center - Childcare Center (#1617D). Construction of a new childcare center. Contract was awarded to Datum Group, Inc. on June 13, 2001.

Claimant:	Pacific Door & Frame
Amount:	\$18,000.00

Project Status: 99% Complete
Completion Date: April, 2004
Project Impact: None

Contract 3086 C.D. 8

Chesterfield Square Park - Facility Improvements (#1120A) W.O.E170294. Contract was awarded to Terra-Cal Construction, Inc. on May 28, 2003.

Claimant:	Cemex Inc.
Amount:	\$11,303.43

Project Status: Complete
Completion Date: Final acceptance scheduled for February, 2004
Project Impact: None

RELEASES OF STOP NOTICES

The Department is in receipt of Releases of Stop Notices, previously filed by the claimants listed below, which release the Board from any and all liability from withholding any money from the general contractors or the sureties.

Contract 3086 C.D. 8

Chesterfield Square Park - Facility Improvements (#1120A) W.O.E170294. Contract was awarded to Terra-Cal Construction, Inc. on May 28, 2003.

Claimant:	Cemex Inc.
Amount:	\$11,303.43

Project Status: Complete
Completion Date: Final acceptance scheduled for February, 2004
Project Impact: None

REPORT OF GENERAL MANAGER

PG. 3 NO. 04-29

Contract 3057 C.D. 5

Los Angeles Riverfront Park - Land Acquisition and Greening (#1199B). Contract was awarded to Metro Builders & Engineers Group, Ltd. on June 14, 2002

Claimant: Dan Copp
Crushing
Corporation
Amount: \$19,891.06

Project Status: 95% Complete
Completion Date: March, 2004
Project Impact: None

Contract 2919 C.D. 2

Studio City Recreation Center - Refurbishment of Building (#1814A). Contract was awarded to Damon General Contractors on December 8, 1999.

Claimant: West Coast Door,
Inc.
Amount: \$3,600.00

Project Status: Complete
Completion Date: Final Acceptance scheduled for
February, 2004
Project Impact: None

Prepared by Petrona Johnson

REPORT OF GENERAL MANAGER

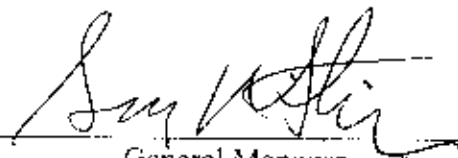
NO. 04-30

DATE January 21, 2004

C.D. Various

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: VARIOUS COMMUNICATIONS



General Manager

Approved _____ Disapproved _____ Withdrawn _____

The following communications have been received by the Board and recommended action thereon is presented.

From:

Recommendation:

1) City Clerk, relative to the audit of the Asset Management Division and a financial and compliance audit of the Department of General Services.

Note and file.

2) City Clerk, relative to enforcing the sunrise to sunset policy at Carey Ranch Park and related matters.

Note and file.

3) City Clerk, relative to implementation of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women.

Note and file.

4) Julie Butcher, General Manager, Local 347 Service Employees International Union, to the General Manager, relative to proposal to contract out masonry work.

Note and file.

Prepared by Paul Liles

REPORT OF GENERAL MANAGER

NO. 04-31

DATE January 21, 2004

C.D. 14

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: EAGLE ROCK RECREATION CENTER – CHILD CARE CENTER PROJECT
NO. 1628D APPROVAL OF PROJECT CLOSE OUT AND TERMINATION
OF CONTRACT NO. 2953, W.O. E170335 F

E. Fujita	F. Mok
J. Kulh	K. Regan
*B. Lukehart	G. Stigile
M. Mansel	

BSC



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

It is recommended that the Board:

1. Approve the termination of Construction Contract No. 2953 with Povac Investment Inc., as allowed under Section 6-5 of the "Standard Specifications for Public Works Construction" 2000 Edition, **TERMINATION OF CONTRACT**, for convenience;
2. Authorize the Board Secretary to request the release of \$57,730.06, plus interest accrued since January 8, 2004, being held in the escrow account established by the City and Povac pursuant to Public Contracts Code Section 22300 for project retention to Kamine Ungerer LLP trust account to satisfy the IRS lien outstanding against Povac Investment Inc.;
3. Authorize the release of all stop notices against construction Contract No. 2953 and direct staff to issue a check payable to the U. S District Court for \$53,582.22 the amount held by the Department pursuant to the stop notices for the project on file in the Board Office;
4. Authorize the Department to issue a check in the amount of \$50,620.42 payable to the U.S. District Court for the contract balance of \$16,590.29 billed but not yet released, \$9,244.00 in executed but not issued change orders, and \$24,786.13 for project close-out change order; and
5. Recommend that the City Council appropriate the sum of \$155,967.30 that is necessary to provide a net global settlement amount of \$452,900.

REPORT OF GENERAL MANAGER

PG 2

NO. 04-31

SUMMARY:

On May 17, 2000, the Board awarded a construction contract to Povac Investments, Inc., for the construction of the new child care center at Eagle Rock Recreation Center in the amount of \$1,097,500. A Notice to Proceed was issued for the work to begin on the project by June 29, 2000, and be completed by June 13, 2001. During the course of construction, there were numerous delays caused by both the contractor and the City. In May 2002, the project was transferred to the Bureau of Engineering (BOE) as part of the Prop K program. Over the next year, the Department and BOE were able to assist Povac in nearly completing the project.

On July 10, 2002, Povac filed a lawsuit in Los Angeles Superior Court on another Department project, Aliso-Pico. After careful review, it was determined by the City Attorney's Office that a "global" settlement to include both the Aliso-Pico and Eagle Rock projects would be financially beneficial to the City. On July 9, 2003, the Commission approved, in closed session, the City Attorney's recommendation to support a global settlement and on August 6, 2003, the City Council approved the global settlement designating a portion of the settlement to be drawn from the City Liability Claims Account (\$135,000.00) for the Aliso-Pico project and the amount to be paid for Eagle Rock to be determined upon project completion.

A final change order in the amount of \$24,786.13 should be issued on the construction contract as a full and final change order to cover extra work and terminate the contractor's participation in the project. The City Attorney participated in discussions regarding the amount and basis for the change order. The Program Manager for Prop K has reviewed and requested this equitable adjustment to the contract and concurs that the additional costs requested by the contractor are warranted. This change order will be issued to compensate the contractor for all adjustments for the entire project.

Due to Povac's inability to maintain their contracting license, the project remains incomplete. There is approximately \$40,000 of work remaining on the project. There are sufficient funds from Prop K allocated to this project to pay the General Services Department to complete the remaining construction.

After numerous meetings, a net settlement of \$452,900 payable to the United States Federal Court was agreed upon by all parties, subject to the review and approval by the Steering Committee and the Board. Payment of the settlement amount to the Federal District Court and to release certain IRS liens is necessary in this instance to protect the City from the numerous competing interests vying for the settlement funds. The global settlement also resolves any and all claims by Povac now or in the future on both projects.

REPORT OF GENERAL MANAGER

PG 3

NO. 04-31

Pursuant to the global settlement agreement, construction Contract No. 2953 should also be terminated for convenience under Section 6-5 of the "Standard Specifications for Public Works Construction" 2000 Edition incorporated by reference in the Contract Specifications. This allows the settlement to move forward with the release of the retention in accordance with Recommendation No.2 above.

The Board must also authorize the release of all outstanding Stop Notices against the contract for delivery to the Court as a part of the interpleader action required by the settlement. The surety and the bonding company on this project have recently gone out of business and therefore do not retain any rights in the stop notice issue. The subcontractors will have the ability to plead their cases to the Court on funds owed by Povac for this project.

In accordance with the requirements for oversight of the expenditures of Prop K funds, the Steering Committee reviewed the terms of the global settlement agreement in closed session on January 8, 2003. The Steering Committee reported, in open session, that they recommend the settlement be forwarded to the Board for review and approval, and thereafter be transmitted by the Board to City Council for final review and approval.

Report Prepared by Kathleen Chan, Project Manager II.

MATTERS PENDING

Matters Pending will be carried for a maximum of six months, after which time they will be deemed withdrawn and rescheduled whenever a new staff report is received.

GENERAL MANAGER'S REPORTS:

- 03-355 11/05/03 Approval of Replacement Train Storage Shed at the Los Angeles Live Steamers in Griffith Park
- 03-295 09/17/03 Denial of Request from the Department of Aging (DOA) for Utility Waivers - DOA Services Providers Occupying Recreation and Park Facilities

BIDS TO BE RECEIVED:

- 02/17/04 Pedlow Skate Park Phase II W.O. E170400F
- 02/17/04 Request for Proposals - Operation of the Golf Cart Rental Concession at the City's 18-hole Golf Courses