

APPROVED

SEP 19 2007

REPORT OF GENERAL MANAGER

NO. 07-216

DATE September 19, 2007

BOARD OF RECREATION  
and PARK COMMISSIONERS

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LINCOLN PARK - THE WALL-LAS MEMORIAS - RESCISSION OF PRIOR BOARD APPROVAL OF AMENDMENT NO. 3 AND AMENDMENT NO. 4, AND APPROVAL OF AMENDMENT NO. 3 (REVISED) TO CONSTRUCTION AND MAINTENANCE AGREEMENT NO. 3117, BETWEEN THE DEPARTMENT AND THE WALL-LAS MEMORIAS PROJECT, EXTENDING THE AIDS MONUMENT PROJECT COMPLETION DATE TO SEPTEMBER 30, 2007

R. Adams	_____	J. Kolb	_____
H. Fujita	_____	F. Mok	_____
S. Huntley	_____	K. Regan	_____
V. Israel	_____	*M. Shull	<u><i>M. Shull</i></u>

*[Signature]*  
General Manager

Approved \_\_\_\_\_ Disapproved \_\_\_\_\_ Withdrawn \_\_\_\_\_

RECOMMENDATION:

1. Rescind prior Board approvals of Amendment No. 3 and Amendment No. 4, which are yet to be approved by City Council or executed;
2. Approve Amendment No. 3 (Revised), substantially in the form on file in the Board Office, to the Construction and Maintenance Agreement (Contract No. 3117) between the Department and The Wall-Las Memorias Project (Agency), extending the project completion deadline from June 29, 2004, to September 30, 2007, subject to the approval of the Mayor, the City Attorney as to form, and the City Council;
3. Direct the Board Secretary to transmit Amendment No. 3 (Revised) to the Mayor in accordance with Executive Directive No. 3, and City Attorney for review as to form; and,
4. Authorize the Board President and Secretary to execute Amendment No. 3 (Revised) upon receipt of the necessary approvals.

## REPORT OF GENERAL MANAGER

PG. 2                      NO. 07-216

### SUMMARY:

The Construction and Maintenance Agreement (Contract No. 3117) between the Department of Recreation and Parks (Department) and The Wall-Las Memorias Project for the construction and maintenance of an AIDS Memorial (Project) at Lincoln Park was conditionally approved by the Board of Recreation and Park Commissioners (Board) on March 20, 2003 (Board Report No. 03-94).

The Agreement was executed on March 3, 2004, after the Agency had satisfied each of the conditions required by the Board. The Board has approved four amendments to the Agreement with the two most recent Amendments, No. 3 and No. 4, being approved on January 5, 2005 (Report No. 05-04) and December 14, 2005 (Report No. 05-315), respectively.

Amendment No. 3 authorized the construction completion date to be extended from June 29, 2004, to March 31, 2005, and Amendment No. 4 authorized another extension from March 31, 2005, to January 31, 2006. However, neither Amendment No. 3 nor Amendment No. 4 was approved by City Council due to the expiration of the specified completion dates prior to the Council taking action. Amendment No. 3 (Revised) as proposed, would rescind prior Amendments No. 3 and No. 4, and extend the project completion date from June 29, 2004, to September 30, 2007.

Due to unforeseen circumstances and delays in selecting the art work for the sixth and final art panel, the Agency was unable to complete the project by the dates previously anticipated. The project is now 99% complete, with the installation of the sixth and final art panel being the only remaining component for completion. The monument has been open to the public since the Agency hosted the monument's dedication ceremony on December 1, 2004. The proposed amendment would allow the Agency the necessary additional time to complete the project to remain in compliance with Contract No. 3117.

The Agency has obtained all the necessary approvals for the sixth art panel as required. The piece obtained approval from the Public Art Committee of the Cultural Affairs Commission on October 21, 2005, the Cultural Affairs Commission on December 2, 2005, and this Board's approval on December 14, 2005 (Report No. 05-315). The installation of the art panel will occur in September, 2007, pending the availability of certain City and State elected officials for the unveiling ceremony.

The Department has discussed the terms of the proposed amendment with the Agency, the Superintendent of the Metro Region, City Attorney, First District Council Office, and the Mayor's Office, and all have respectively agreed that the amendment is appropriate and acceptable.

In accordance with the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program was prepared and adopted by the Board for this project on November 20, 2002 (Board Report No. 02-400), and a Notice of Determination was filed with the County Clerk on November 25, 2002.

REPORT OF GENERAL MANAGER

PG. 3

NO. 07-216

FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department associated with the approval of the proposed art panel and/or Amendment No. 3 (Revised), as all related expenses are being paid by the Agency.

Prepared by Rick Tonthat, Management Analyst II, Real Estate and Asset Management Section.