# **NOTICE**

# **MEETING RELOCATION**

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

June 7, 2011

NOTICE IS HEREBY GIVEN that the meeting of the Board of Recreation and Park Commissioners scheduled to be held at 9:30 A.M. on Wednesday, June 15, 2011 at Cypress Recreation Center, 2630 Pepper Avenue, Los Angeles, CA 90065, has been relocated to Glassell Park Recreation Center, 3650 Verdugo Road, Los Angeles, CA 90065, at the same time and date.

BOARD OF RECREATION AND PARK COMMISSIONERS Executive Assistant

SPECIAL AGENDA

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

Wednesday, June 15, 2011 at 9:30 a.m.

Glassell Park Recreation Center 3650 Verdugo Road, Los Angeles, CA 90065

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

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 <u>PRIOR</u> 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. INTRODUCTIONS:

Special Introduction and Opening Remarks by Councilmember Eric Garcetti, Council District 13, or His Appointed Representative

Kevin Regan, Assistant General Manager, Operations Branch, will Introduce the Staff of Glassell Park Recreation Center

- 2. ELECTION OF VICE-PRESIDENT:
- 3. COLISEUM COMMISSION REPRESENTATIVES:

Appointment of Alternate Representative to the Coliseum Commission

4. APPROVAL OF THE MINUTES:

Approval of the Minutes of the Meetings of June 6, 2011

#### 5. GENERAL MANAGER'S REPORTS:

- 11-182 Reseda Park Pool Replacement and Bathhouse Renovation (PRJ#1618P) (W.O. #E1907292) Project - Review of Bids and Award of Contract
- 11-183 Lafayette Park Recreation Center (W.O. #E170317F); Van Nuys Sherman Oaks Park - East Valley Multipurpose Center (W.O. #E170045): Van Nuys - Sherman Oaks Recreation Center Universal Access Playground (UAP) (W.O. #E1904599) and Dearborn Park Universal Access Playground (UAP) (W.O. #E1904603) - Acceptance and Release of Stop Notices on Construction Contracts

- 11-184 Robert Burns Park Facility Enhancements (W.O. #E170259F) - Memorandum of Understanding between the Department of Recreation and Parks, the Bureau of Engineering and the Department of General Services
- 11-185 Park Property Installation of Cellular Telecommunication Equipment
- 11-186 Alhambra Avenue and Concord Avenue Community Garden Open Space - Approval of Lease Agreement with the State of California Department of Transportation (Caltrans)
- 11-187 Valley Plaza Park Pool Rehabilitation (PRJ #20536) Project - Allocation of Quimby Fees
- 11-188 Griffith Park Fern Dell Refreshment Stand Concession -Request for Proposals
- 11-189 After-School Soccer Program Agreement with the Brotherhood Crusade for the Collaborative Implementation Initially at Three Park Sites with Potential for Expansion into Additional Sites
- 11-190 Finance Establishment of Account in Fund 302 for Deposit of Fees from Community Gardens Operated Under Permits or Agreements
- 11-191 Runyon Canyon Park Early Closure During the Independence Day 2011 Weekend
- 11-192 Fiscal Year 2011-12 Personnel Resolution
- 11-193 Various Communications

#### 6. UNFINISHED BUSINESS:

- 11-132 Shade Structures Contract Piggyback on San Joaquin County Office of Education Contract Agreement with USA Shade & Fabric Structures, Inc.
- 11-134 Wilton Place Park Acceptance of Assessor Parcel Number 5081-024-902 for Park Purposes
- 11-135 Watts Cultural Crescent (Watts Crescent Park) -Acceptance of Assessor's Parcel Number 6065-033-900 for Park Purposes
- 11-172 The Greek Theatre Concession Waiver of Annual Performance Guarantee

#### June 15, 2011

#### 7. COMMISSION TASK FORCES:

- Commission Task Force on Concessions (Commissioners Stanley and Williams)
- Commission Task Force on Facility Repair and Maintenance (Commissioners Alvarez and Werner)

#### 8. GENERAL MANAGER'S ORAL REPORT:

Report on Department Activities and Facilities

#### 9. FUTURE AGENDA ITEMS:

Requests by Commissioners to Schedule Specific Items on Future Agendas

#### 10. 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.

#### 11. NEXT MEETING:

The next scheduled meeting of the Board of Recreation and Park Commissioners will be held on Wednesday, July 13, 2011 at 9:30 a.m., at EXPO Center, Community Hall Room, 3980 S. Bill Robertson Lane (Formerly Menlo Avenue), Los Angeles, CA 90037.

#### 12. 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)202-2640.

Finalization of Commission Actions: In accordance with City Charter, actions that are subject to Section 245 are not final until the expiration of the next five meeting days of the Los Angeles City Council during which the Council has convened in regular session and if Council asserts jurisdiction during this five meeting day period the Council has 21 calendar days thereafter in which to act on the matter.

June 15, 2011

Commission Meetings can be heard live over the telephone through the Council Phone system. To listen to a meeting, please call one of the following numbers: from Downtown Los Angeles (213) 621-CITY (2489) from West Los Angeles (310) 471-CITY (2489) from San Pedro (310) 547-CITY (2489) from Van Nuys (818) 904-9450

For information, please go to the City's website: http://ita.lacity.org/Residents/CouncilPhone/index.htm

Information on agenda items may be obtained by calling the Commission Office at (213) 202-2640. Copies of the agenda and reports may be downloaded from the Department's website at www.laparks.org.

REPORT OF GENERAL MANAGER			NO	11-182	
DATE	June 15,	2011		C.D.	3

# BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: RESEDA PARK – POOL REPLACEMENT AND BATHHOUSE RENOVATION (PRJ#1618P) (W.O. #E1907292) PROJECT – REVIEW OF BIDS AND AWARD OF CONTRACT

R. Adams H. Fujita	 K. Regan *M. Shull	144 por	
V. Israel	 N. Williams		2 (1) 1
			General Manager
Approved	 	Disapproved _	Withdrawn
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## **RECOMMENDATIONS:**

That the Board:

- 1. Find the bid of HMI Construction Service (HMI) for the Reseda Park Pool Replacement and Bathhouse Renovation (PRJ#1618P) (W.O. #E1907292) Project, to be non-responsive for its failure to submit the Pool Contractor's Minimum Qualifications - - Experience With Public Swimming Pools Construction form (pages GR-S3 and GR-S4), which are required to be submitted with the bid;
- 2. Find Morillo Construction, Inc. (Morillo), with a base bid of \$2,467,000, to be the lowest responsive and responsible bidder for the Reseda Park Pool Replacement and Bathhouse Renovation (PRJ#1618P) (W.O. #E1907292) Project;
- 3. Award the contract for the Reseda Park Pool Replacement and Bathhouse Renovation (PRJ#1618P) (W.O. #E1907292) Project to Morillo, for a total award amount of \$2,467,000, all according to plans and specifications, with no deductive alternates;
- 4. Authorize the Department's Chief Accounting Employee to encumber funds in the amount of \$2,467,000 from the following fund and account numbers under the award authority of this Board Report; and,

PG. 2 NO. <u>11–182</u>

FUNDING	FUND/DEPT./	ENCUMBRANCE
<u>SOURCE</u>	ACCT. NO.	<u>AMOUNT</u>
CRA-RAP COOPERATIVE PRJ FUND	205/88/FMM0	\$2,282,116
RESEDA POOL REPLACEMENT		
(Municipal Recreation Program)	302/89/845M	\$ 18 <u>4,884</u>
Total:		\$2,467,000

5. Authorize the Board President and Secretary to execute the contract subject to approval by the City Attorney as to form.

# SUMMARY:

On February 18, 2011, the Board approved the final plans and called for bids for the Reseda Park – Pool Replacement and Bathhouse Renovation (PRJ#1618P) (W.O. #E1907292) Project, located at 18411 Victory Boulevard, Reseda, California 91335 (Board Report No.11-050). Plans for this project were prepared by Lehrer Architects, under the direction of the Department of Public Works Bureau of Engineering (BOE), Architectural Division.

The proposed scope for this project involves site preparation and construction of a new 75-feet x 120-feet swimming pool with a new pump house, a decorative pool deck, perimeter fencing, shade structures, shade towers, stadium light poles, a pool and bathhouse heating system, parking lots, landscaping, planting, and irrigation.

The City Engineer's estimate was \$2,900,000. Five deductive alternates were identified, with the work associated with each Deductive Alternate described as follows:

Deductive alternative No. 1:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award of deletion of all work associated with the installation of stadium light poles and their wiring to the pool area.

Deductive alternative No. 2:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award of deletion of all work associated with the construction of the colored concrete insert in the site and pool deck paving.

Deductive alternative No. 3:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award of deletion of all work associated with the construction of shade structures on east and west sides of the pool.

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### Deductive alternative No. 4:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award of deletion of all work associated with the construction of five shade towers on the south side of the pool.

Deductive alternative No. 5:

Lump sum price to be subtracted from the Base Bid at the discretion of the Board at the time of award of deletion of all work associated with the construction of colored concrete paving at all parking areas and driveways.

On April 12, 2011, the Board received a total of eight bids as follows:

		Ded.	Ded.	Ded.	Ded.	Ded.
Bidders	Base Bid	<u>Alt. I</u>	<u>Alt. 2</u>	<u>Alt. 3</u>	<u>Alt. 4</u>	<u>Alt.5</u>
HMI Construction Service	\$2,387,000	\$51,000	\$4,000	\$34,200	\$102,750	\$9,700
Morillo Construction, Inc.	\$2,467,000	\$49,000	\$21,000	\$57,000	\$104,000	\$127,000
K-Son Construction, Inc.	\$2,770,000	\$50,000	\$2,000	\$40,000	\$80,000	\$3,000
Bravo Concrete Construction Services, Inc.	\$2,820,748	\$65,000	\$10,200	\$158,120	\$195,755	\$14,040
Cavecche Engineering & Construction Co., Inc.	\$2,828,335	\$48,000	\$20,770	\$38,770	\$143,720	\$22,511
Los Angeles Engineering, Inc.	\$2,834,000	\$40,000	\$5,600	\$15,525	\$51,000	\$8,500
CWS Systems, Inc.	\$2,859,000	\$49,000	\$3,500	\$81,000	\$75,000	\$4,500
Acon Development, Inc.	\$3,222,965	\$59,000	\$2,600	\$40,000	\$50,000	\$2,950

The bid documents stated that the determination of the lowest bidder would be based on the Base Bid amount without consideration of any of the Deductive Alternatives. This project is also subject to the Minority Business Enterprise, Women Business Enterprise, and Other Business Enterprise (MBE/WBE/OBE) Subcontractor Outreach Program. In order to comply with Good Faith Effort Outreach (GFE) requirements of the Subcontractor Outreach Program, bidders must submit GFE documentation sufficient to achieve a minimum of 75 out of 100 GFE evaluation points as outlined in the Board's Outreach Program. Morillo, the apparent second lowest bidder, satisfied 90 out of the 100-point requirements outline by the Board's Outreach Program, which requires a score of at least 75 points out of 100 to achieve a "good faith effort". The outreach document package is on file in the Board Office, and a synopsis of the said package is attached.

The Instructions to Bidders required that the prime contractor shall perform, with its own organization, contract work amounting to at least 20% of the base bid price. Based on information provided in the Morillo bid on Schedule "A", the sum total of the work being done by the listed subcontractors amounts to 65% of the base bid. Thus, Morillo, the prime will perform 27% of the

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base bid amount, which exceeds the prime contractor self-performance amount requirement of 20% as specified in the bid documents.

The Supplementary General Requirements in the bid package expressly states that the POOL CONTRACTOR'S MINIMUM QUALIFICATIONS - - EXPERIENCE WITH PUBLIC SWIMMING POOLS CONSTRUCTION "MUST BE SUBMITTED WITH THE BID" and that "FAILURE TO MEET THE MINIMUM QUALIFICATIONS OF THE POOL CONTRACTOR OR FAILURE TO SUBMIT THIS FORM WITH THE BID WILL RESULT IN THE BID BEING NON-RESPONSIVE." HMI, the apparent low bidder, did not submit the required Pool Contractor's Minimum Qualifications form (pages GR-S3 and GR-S4) with its bid. This requirement cannot be waived. Consequently, HMI's bid is therefore non-responsive.

Based on the above information, Morillo is the lowest responsible and responsive bidder. The City Attorney and staff have reviewed the bid submitted by Morillo, and found it to be in order; therefore, staff recommends that the Board find Morillo, to be the lowest responsive and responsible bidder. There is sufficient funding to award the entire project without exercising any of the Deductive Alternates.

Staff reviewed the responsiveness and work performance of Morillo on past Department projects and found them to be satisfactory. The Department of Public Works, Office of Contract Compliance indicated that there have been no labor compliance violations and that all other legal requirements have been complied with by the bidder.

In accordance with the requirements of the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) that included the development elements of the project was reviewed and adopted by the Board on November 15, 2010. The MND was filed with the Los Angeles City Clerk on November 16, 2010 and the Los Angeles County Clerk on November 18, 2010.

# FISCAL IMPACT STATEMENT:

The project will be funded by a combination of the aforementioned funding sources. There is no immediate fiscal impact to the Department's General Fund. However, operations and maintenance costs will be evaluated and included in future Department budget requests.

This report was prepared by Alex Ngo, Project Manager, BOE, Architectural Division. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, BOE, Department of Public Works, Deborah Weintraub, Chief Deputy City Engineer, BOE, Department of Public Works and Michael Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

# **GOOD FAITH EFFORT CHECKLIST**

# Bidder: Morillo Construction

Bid Date: April 12, 2011

# PROJECT: <u>Reseda Park Pool Replacement and Bathhouse Renovation (E1907292)</u>

Indicator	Required Documentation	Description of Submitted or Missing Documentation	P	oints
1	The bidder's or proposer's efforts to obtain participation by MBEs, WBEs and other business enterprises could reasonably be expected by the Board of Recreation and Park Commissioners (the "Board") to produce a level of participation by interested sub-contractors, including 15% MBE and 2% WBE.		0	0
2 Pre-Bid Meeting	a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 847-0703, or by mail to the Bureau of Engineering, Project Award and Control Division, 1149 S. Broadway, 1 <sup>st</sup> Floor, Los Angeles, Ca. 90015.	Submitted job walk attendance sheet and not pre-bid mtg attendance sheet	10	0
3 Work Areas	Proof of this must be demonstrated in either Indicator 4 or 5.		13	13
4 Ad	A copy of the advertisement or a proof of publication statement or other verification which confirms the date the advertisement was published. The advertisement must be specific to the project, not generic, and may not be a planholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.		9	9
5 Letters to Potential Subs	A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelope or certified mail receipts. Letters must contain areas of work to be subcontracted. City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
6 Follow-up to Letters	A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.		10	10
7 Plans	Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.		5	5
Letters	A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.		10	10
Negotiate in Good	a) Copies of all MBE/WBE/OBE bids or quotes received: and b) Summary sheet organized by work area. listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.		26	26
10 Bonds	Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.		7	7
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Bonds	lines of credit and insurance. TOT	AL POINTS ACHIEVED	•	

RESPONSIVE

REPORT OF GENERAL MANAGERNO. 11-183

DATE June 15, 2011

C.D. <u>2, 10, 12</u>

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: LAFAYETTE PARK – RECREATION CENTER (W.O. #E170317F); VAN NUYS SHERMAN OAKS PARK – EAST VALLEY MULTIPURPOSE CENTER (W.O. #E170045); VAN NUYS – SHERMAN OAKS RECREATION CENTER UNIVERSAL ACCESS PLAYGROUND (UAP) (W.O. #E1904599) AND DEARBORN PARK UNIVERSAL ACCESS PLAYGROUND (UAP) (W.O. #E1904603) – ACCEPTANCE AND RELEASE OF STOP NOTICES ON CONSTRUCTION CONTRACTS

R. Adams	 K. Regan			
H. Fujita	 *M. Shull 🔄	If for		
V. Israel	 N. Williams	· · ·		
			Genera	al Manager
Approved _	 	Disapproved _		Withdrawn

# **<u>RECOMMENDATIONS</u>**:

That the Board:

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

PG. 2 NO. <u>11-183</u>

# SUMMARY:

# STOP NOTICES:

The Department is in receipt of legal notices to withhold construction funds, pursuant to California Civil Code Sections 3103 and 3181, on the following contract:

Contract 3237CD 10Lafayette Park – Recreation Center(W.O. #E170317F)Project Status: 98% CompleteProject Impact: none	General Contractor: Claimant: Amount:	Western Alta Construction, Inc. Gypsum Enterprises, Inc. \$66,472.78
Contract 3272CD 2Van Nuys Sherman Oaks Park – East ValleyMultipurpose Center (W.O. #E1700475)Project Status: 75% CompleteProject Impact: none	General Contractor: Claimant: Amount:	Ford E.C., Inc. Church and Larsen, Inc. \$107,053.00
Contract 3313CD 2, 12Van Nuys – Sherman Oaks Recreation CenterUAP (W.O. #E1904599) and Dearborn Park UAP(W.O. #E1904603)Project Status: 99% CompleteProject Impact: none	General Contractor: Claimant: Amount: Claimant: Amount:	Pima Corporation dba Advanced Construction National Ready Mixed Concrete Co. \$2,161.53 National Ready Mixed Concrete Co. \$3,819.90

PG. 3 NO. <u>11-183</u>

# **RELEASE OF STOP NOTICES:**

The Department is in receipt of Release of Stop Notices filed by the claimants below, which releases the Board from any and all liability for withholding funds from the general contractors or the sureties:

<u>Contract 3237</u> CD 10		
Lafayette Park – Recreation Center	General	Western Alta Construction,
(W.O. #E170317F)	Contractor:	Inc.
Project Status: 99% Complete	Claimant:	Neff Rental Inc. <sup>(1)</sup>
Project Impact: none	Amount:	\$557.58
Contract 3313 CD 2, 12		
Van Nuys – Sherman Oaks Recreation Center	General	Pima Corporation dba
UAP (W.O. #E1904599) and Dearborn Park UAP	Contractor:	Advanced Construction
(W.O. #E1904603)		
Project Status: 99% Complete	Claimant:	National Ready Mixed
		Concrete Co.
Project Impact: none	Amount:	\$2,161.53
•	Claimant:	National Ready Mixed
		Concrete Co.
	Amount:	\$3,819.90

<sup>(1)</sup> The Board of Recreation and Parks Commissioners accepted the Stop Notice for Neff Rental Inc., on September 1, 2010 (Board Report No. 10-232).

### FISCAL IMPACT STATEMENT:

There is no fiscal impact to the Department's General Fund, as funds have previously been appropriated for various projects.

This report was prepared by LaTonya D. Dean, Commission Executive Assistant.

 REPORT OF GENERAL MANAGER
 NO. 11-184

 DATE
 June 15, 2011
 C.D. 4

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ROBERT BURNS PARK – FACILITY ENHANCEMENTS (W.O. #E170259F) – MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS, THE BUREAU OF ENGINEERING AND THE DEPARTMENT OF GENERAL SERVICES

R. Adams	K. Regan		
H. Fujita	*M. Shull	Ourp	
V. Israel	N. Williams	<i>V</i>	$\mathbf{Y}_{\mathbf{r}}$
			Aneral Manager
Approved		Disapproved	Withdrawn

### **<u>RECOMMENDATIONS</u>**:

That the Board:

- 1. Approve a Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), the Department of Public Works, Bureau of Engineering (BOE), and the Department of General Services, Construction Forces (GSD) to provide construction services for the Robert Burns Park Facility Enhancements (W.O. #E170259F) Project, subject to the approval of the City Attorney as to form;
- 2. Authorize the Department's Chief Accounting employee, subject to Mayor and City Council approval, to request the City Administrative Officer (CAO) to include in the CAO report to the City Council that a transfer of the following appropriation, in the amount of \$175,000, be approved for the construction of the Robert Burns Park Facility Enhancements (W.O. #E170259F) project:

# PG. 2 NO. <u>11–184</u>

From:

FUNDING SOURCE	FUND/DEPT/ACCT NO.	APPROPRIATION AMOUNT
Proposition K – Year 13	43K/10/F240	\$175,000

To:

GSD Account G140 and from there to the appropriate GSD accounts in Fund 100, Department 40, as follows:

1014 – Construction Salaries	\$ 25,000
1101 – Hiring Hall Salaries	\$ 35,000
1121 – Hiring Hall Fringe Benefits	\$ 14,000
3180 - Construction Materials and Supplies	<u>\$ 101,000</u>
Total:	\$ 175,000

and transfer cash to GSD on an as-needed basis, upon review and approval of expenditure reports submitted by GSD and approval of these reports by the BOE Project Manager;

- 3. Direct the Board Secretary to transmit forthwith the MOU to the City Attorney for expedited review and approval as to form; and,
- 4. Authorize the General Manager to execute the MOU prior to June 30, 2011, subsequent to the approval of the City Attorney as to form.

# SUMMARY:

Robert Burns Park is located at 4900 Beverly Boulevard, Los Angeles, California 90004 within Council District 4. Robert Burns Park is a pocket park, and is highly utilized by the community. Amongst the features found here are a children's play area, a picnic area and benches along the walking paths.

The Proposition K specified scope is as follows: "Facility Enhancements." The proposed project's scope of work will enhance the park by replacing the existing deteriorated pergola-like shade structure over the picnic area with a new shade structure with a solid roof. Included in the project scope are the demolition and removal of the old pergola debris. The walking paths will be replaced or repaired as the remaining funds permit.

Due to the reprogramming of Proposition K funds to the project for the current fiscal year, the construction contract must be awarded by June 30, 2011. There is insufficient time remaining to proceed through the normal bid and award process. In addition, this is the type of work that

# PG. 3 NO. <u>11–184</u>

GSD has successfully completed for RAP in the past. In order to meet the construction award schedule without permanently losing the Proposition K funding for this project, it is recommended that GSD be selected to construct the project, in accordance with Section 22.535(a) (5) of the Los Angeles Administrative Code.

The BOE total construction cost estimate for the project is \$160,000. A construction contingency, in the amount of \$15,000 is also being recommended for appropriation to GSD. Use of the contingency will require advance written approval by the BOE Project Manager or their designated representative. Upon approval of the Board and the City Council, a total of \$175,000 from Proposition K funds will be requested for appropriation to GSD.

Upon execution of the MOU and the approval of the fund appropriation and transfer to GSD accounts, GSD will begin work upon the issuance of a Notice-to-Proceed (NTP) for the project. Completion of construction is estimated to take two hundred seventy (270) calendar days for the project.

In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed project has been determined to be categorically exempt pursuant to Article III, Section 1, Class 4(3), Class 11(3) of the City CEQA Guidelines.

Council District 4 and the Metro Region staff support the recommendations as set forth in this report.

### FISCAL IMPACT\_STATEMENT:

There is no immediate fiscal impact to the Department's General Fund. However, the assessment of future operations and maintenance costs will be included in future Department budget requests.

This Report was prepared by Jaime Contreras, Project Manager, Recreational and Cultural Facilities Program, Bureau of Engineering, the Department of Public Works. Reviewed by Neil L. Drucker, Program Manager, Recreational and Cultural Facilities Program; Bureau of Engineering, the Department of Public Works; Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering, Department of Public Works; and Michael A. Shull, Superintendent, Planning, Construction and Maintenance Division, Department of Recreation and Parks.

REPORT OF	GENERAL MANAGER	NO. <u>11-1</u>	85
DATE Jur	ne 15, 2011	C.D	<u> </u>
BOARD OF	RECREATION AND PARK COMMISSIONERS		
SUBJECT:	PARK PROPERTY – INSTALLATION TELECOMMUNICATION EQUIPMENT	OF CE	ELLULAR
R. Adams H. Fujita V. Israel	K. Regan *M. Shull N. Williams		
, isiaci	- A Ser	eral Manager	n f
Approved	Disapproved	Withdrawn	

### **RECOMMENDATIONS:**

That the Board:

- 1. Approve the attached "Procedures and Guidelines" (Exhibit A) regulating the conditions for the installation of telecommunications equipment on Department of Recreation and Parks (Department) property;
- 2. Approve a proposed Master Lease Agreement and Site Lease Agreement, substantially in the form on file in the Board Office, subject to the approval of the Mayor and the City Council and the City Attorney as to form;
- 3. Direct the Board Secretary to forward the policies, guidelines, Master Lease Agreement and Site Lease Agreement to the Mayor and the City Attorney for approval as to form; and,
- 4. Authorize the Department's Chief Accounting Employee to establish a fund and account number for the receipt of the funds from application fees for Site Lease Agreements and the rents subsequently collected from any such Agreements approved by the Board.

# PG. 2 NO. <u>11-185</u>

#### SUMMARY:

The Board of Recreation and Parks Commissioners (Board) has long recognized the need for policies and guidelines to consistently direct the installation of cellular telecommunication equipment on park property. As evidenced by the 2007 fire in Griffith Park, a lack of cellular facilities can disrupt rescue and fire-fighting efforts, becoming a public safety issue. Hikers and general park users within larger City parks may be unable to communicate in the case of an emergency. Despite attempts to develop citywide regulations regarding these installations, (Mayoral Executive Directive No. 2001-38, issued on May 10, 2001) at least two Departments, the Department of Public Works, Bureau of Engineering (BOE) and the Department of Water and Power (DWP), have developed policies on the granting of permits in various right-of-ways.

Like BOE and DWP, the Department receives many requests for telecommunication placements. In spite of the previous call for a coordinated, uniform City policy that would protect the interests of all City entities, it may be prudent for the Board to approve procedures and guidelines for telecommunication placements as well as a Master Lease Agreement and Site Lease Agreement tailored to meet the Department's needs.

In 1998, the Board approved a set of guidelines or regulations applicable to telecommunication service providers but acknowledged that further action would be needed to implement a fully-developed policy (Report No. 410-98). The approved Report raised several issues including the desirability of incorporating antennas into a building's façade or on a utility pole or water tank as opposed to a free-standing installation. The design plans of firms were to be reviewed and input obtained from the affected Council Office and nearby community. As for fees, it was recommended that both rent and staff administrative time be charged and that the agreement contain renewal options which, when exercised, would allow for rate increases.

In approving the 1998 Report, the Board directed that the guidelines be amended to take into account comments made during the meeting by both the public and the Commissioners. In response to this directive and the realization that the Department needed to clarify certain wording, the guidelines were revised in May 2001. This version was not presented to the Board because the Mayor's Executive Directive, which called for a Citywide policy, had just been issued. Staff later revised those guidelines in October 2002 and presented them to the Board in November 2002 (Board Report No. 02-401). Neither the May 2001 nor the October 2002 guidelines included specifics on a fee structure for applications or rents, nor a clear process for the approval of telecommunication installation requests.

On May 4, 2011, staff presented several options regarding lease pricing and flexibility. The Commission approved several of those options, directing staff to revise the policies, guidelines, master and site lease agreements accordingly.

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Any entity seeking to install telecommunication equipment on Department property will have to enter into a Master Lease Agreement with the Department. This revocable lease agreement clearly assigns responsibilities to both the applicant and the Department, however it does not authorize the installation of any specific equipment. A supplemental application, known as a Site Lease Agreement, would have to be made for each individual installation and would be subject to the approval of the Commission. It is intended that the procedures, guidelines and lease agreements will provide for a consistent application, review and approval process.

An applicant wishing to install telecommunications equipment on Department property will be required to pay certain application fees and rents. A site application fee of \$2,000 for each Site Lease Agreement will cover staff review, initial report to the Board of Commissioners, community outreach, site visit, and other necessary expenditures for project application review. This application fee does not guarantee approval of the Site Lease Agreement. Approved site installations will be charged rents according to the schedule of rents incorporated into the Master Lease Agreement. These rents vary based upon geographic location recognizing that certain areas of the City are more desirable for the installation of cellular equipment than others. Rents for fiscal year 2011-2012 range from \$2,200 to \$3,100 per month depending on which Area Planning Commission region the facility is located within. Rents will be due annually as detailed in the Master Lease Agreement. Rents will be subject to either a 3% increase or an increase identical to the Los Angeles area Consumer Price Index (CPI) annually, whichever is higher. In order to maintain competitiveness, should rental increases be identical to CPI that increase will be capped at 6%. Applicants will also be fiscally responsible for any and all increase in utility charges that result from the installation of telecommunications equipment.

Staff has determined that the procedures, guidelines and lease agreements are tools for guiding future telecommunication installation projects, which does not make a commitment to any specific project that may result in physical environmental impacts. Therefore, each adopted Site Lease Agreement will require an individual review under the CEQA process. The CEQA review process will be completed through the Conditional Use Permit application process.

Approved telecommunication installations will be a revenue generating use through the collection of rents as included in each approved Site Lease Agreement.

# FISCAL IMPACT STATEMENT:

Although the exact amount is unknown, the installation of cellular telecommunications equipment on park property is expected to be revenue generating for the Department, providing a minimum of \$2,200 per month per installation. In addition, the application fees for individual Site Lease Agreements is expected to be sufficient to cover staff costs for review.

# DEPARTMENT OF RECREATION AND PARKS PROCEDURES AND GUIDELINES FOR THE INSTALLATION OF CELLULAR EQUIPMENT ON PARK PROPERTY

In November 1998 the Board of Recreation and Park Commissioners (Board) adopted guidelines concerning the placement, installation, maintenance and dismantling of wireless or other telecommunication and ancillary equipment on Department of Recreation and Parks (RAP) property. The Board also approved the incorporation of certain additions to the guidelines, which have since been added to this revised version. Applicants seeking to place telecommunication equipment on RAP property are required to adhere to the ten sets of regulations listed below as well as to any requirements set forth by other affected agencies, by federal or state regulators and by other City of Los Angeles entities.

These revised guidelines do not constitute a Lease Agreement and cannot be construed in any manner as granting permission to install telecommunication equipment on RAP property. Permission for such installation will be granted by way of a fully executed Site Lease Agreement approved by both the Board of Recreation and Park Commissioners and the City Attorney as to form after all of the following conditions have been met to the satisfaction of the Department. It is understood that Lease Agreements in excess of three-years duration as defined by the Los Angeles Administrative Code Section 10.5(b) are subject to the approval of the City Council.

# PROCEDURES

- 1. Any installation of cellular equipment on RAP property will require:
  - a. A fully executed Master Lease Agreement (MLA), approved by both the Board and the City Attorney as to form and, if applicable, the City Council.
  - b. A fully executed Site Lease Agreement (SLA) for each individual installation, approved by both the Board and the City Attorney as to form, and if applicable, the City Council.

- 2. Upon application for each SLA a fee of \$2,000 will be paid by the applicant. \$1,000 will be due upon initial application and \$1,000 will be due upon conceptual approval by the Board. This fee will cover staff review, initial report to the Board, community outreach, site visit, and other necessary expenditures for project application review. This application fee does not guarantee approval of the SLA.
- 3. Upon application for a SLA, the following information will be provided by the applicant:
  - a. Photographs or photo simulations;
  - b. Architectural renderings;
  - c. Site development and construction plans;
  - d. Site mitigation measures;
  - e. Installation time frame;
  - f. Analysis of all existing infrastructure including, but not limited to, mounting of equipment and power supply/feed modifications.
- 4. Initial consultation with the Mayor's Office, the Council District, and the community including, but not limited to, the Park Advisory Board and Neighborhood Council shall take place.
- 5. The Board will do an initial review of the proposed SLA. All information contained in procedures numbers 1-4 shall be presented to the Board for consideration of the concept.
- 6. If the Board approves the concept, a final Report to the Board will be made following the community outreach process (as described in Guidelines (2) below) and the Conditional Use Permit process completed by the City of Los Angeles, City Planning Department (Planning) which includes completion of CEQA.
- 7. A "Notice-to-Proceed" must be issued by RAP's, Planning, Construction and Maintenance Division, to permit construction to begin.

# GUIDELINES

## 1. Agreement Type and Duration:

Telecommunication Lease Agreements will be both conditional and revocable. The maximum initial term of the MLA will be five years and will automatically renew for successive one-year (1) periods unless Tenant notifies Landlord of Tenant's intention not to renew at least ninety (90) days prior to commencement of a successive one-year (1) renewal period; provided, however, that this Agreement will in any event remain in effect with respect to each fully executed SLA for so long as said SLA remains in effect. Exercise of the initial term and each option will require Board approval.

The term of each SLA shall be five (5) years. The SLA will be extended for three (3) additional and successive five (5) year periods on the same terms and conditions unless Tenant notifies Landlord of Tenant's intention not to renew at least one hundred eighty (180) days prior to commencement of the succeeding Renewal Term, subject to approval by Landlord.

### 2. Community/Public Comments:

In considering the placement of telecommunication equipment, RAP must remain sensitive to the wishes of the community. RAP will notify and solicit comments from affected groups and individuals, where applicable, when there is a reasonable possibility that telecommunication equipment will be placed on RAP property. RAP may also require the applicant to initiate and conduct the notifications. Examples of affected groups and individuals are as follows:

- a. Volunteer Neighborhood Oversight Committee(s) (VNOC);
- b. Park Advisory Board (PAB);
- c. Neighborhood Councils;
- d. Park User Groups (Little League, senior citizen associations, etc.);
- e. Community groups active at the RAP facility selected for the proposed installation; and,

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f. Residents/property owners and businesses located within 500 feet of the outer rim of the proposed placement site.

The applicant, under RAP supervision, will post a RAP-approved public notice in a conspicuous location at the RAP facility intended for the proposed placement. The notice will generally describe the applicant's proposal; the notice will also include a phone number where additional information may be obtained and a RAP address to which comments and recommendations may be mailed. Written comments received by RAP will be summarized and presented to the Board for consideration.

The applicant will be responsible for arranging and conducting public meetings or hearings.

The City's Planning Department holds a variety of hearings as part of the normal approval process for a Conditional Use Permit (CUP); these hearings assist the City to remain informed of community opinion. RAP, not being a telecommunications applicant, will not be involved with any related CUP hearings except to report to the Board any issues relevant to the telecommunications request being made by the applicant. These issues shall be included in any report recommending final approval by the Board.

# 3. Costs and Expenses:

Upon obtaining all necessary approvals, the applicant will be fully responsible for all costs and expenses associated with the construction, installation, operation, upgrading, ongoing service or maintenance and, as applicable, the replacement, dismantling or removal of telecommunications equipment at the site.

# 4. Design Requirements:

Design elements will be obtained from the applicant and distributed to the Council Office, PAB, and other interested groups. Comments from these groups will be presented to the Board and other interested City entities before any SLA is approved. The applicant will take all appropriate measures to minimize the size of the proposed telecommunication installation and to screen or disguise the presence of the equipment at the RAP site. These measures include but are not limited to the following element designs: planting natural, vegetative screening; using artificial structures aimed at disguising or lessening the visual impact of the installation; and attaching or visually blending the telecommunication equipment to existing structures. Each application must first analyze the feasibility of existing infrastructure for mounting of equipment. A good example of existing infrastructure which may be utilized in this way is sportsfield lighting. The applicant must include an analysis of the feasibility of utilizing these existing infrastructures prior to requesting installation of freestanding telecommunication equipment.

The applicant will, when first presenting a proposal, incorporate the telecommunication industry's best design practices that will minimize the size and amount of equipment to be installed and minimize the visual impact of the installation.

The general appearance or plan of the proposed installation will be reviewed by the Planning, Construction and Maintenance Division of RAP. The plans will then be presented to the Board prior to the issuance of any approval.

### 5. General Requirements:

Permission to grant the applicant's request is contingent upon whether the proposed telecommunication use is compatible with any specific trust or dedication upon which the site was acquired. Permission is also contingent upon RAP finding that the installation will not in any material respect or degree be detrimental to the purposes for which the property was acquired or is now devoted. RAP shall also consider comments received from the public. All telecommunication equipment installed under a RAP-approved Lease Agreement will be upgraded as technology advances; installed equipment and structures will be removed in a timely fashion at the applicant's sole cost when no longer needed at the licensed site or when the SLA is terminated.

# 6. Health and Safety Concerns:

All telecommunication installations approved by RAP will conform to federal, state and local requirements concerning construction codes and safety requirements concerning electromagnetic energy.

# 7. Other Requirements:

Any Lease Agreement will be limited in its ability to be assigned and contain the standard indemnification and insurance requirements established by the City Administrative Office and the City Risk Manager.

# 8. Location of Telecommunication Site:

Applicants will not be permitted to develop cellular sites at or near highly visible locations on RAP's property, namely, at or near play or sitting areas, walkways, community gardens, etc. In addition, the public's ability to fully use the park facilities must not be materially affected by the proposed placement site.

Where two or more telecommunication service providers desire to locate equipment at or close to the same site, the applicant must agree to the co-location of antennas and other equipment if such is technologically feasible. The applicant also agrees to cooperate fully with the City's Information Technology Agency in assisting them to determine if co-location is feasible.

Every applicant's initial design must take into account the potential co-location of up to three (3) additional carriers.

### 9. Fees and Rent:

An application fee of two thousand dollars (\$2,000) is due for each individual Site Lease Agreement.

Rental fees are due annually and will range from twenty-two hundred (\$2,200) to thirtyone hundred (\$3,100) dollars per month for fiscal year 2011-2012 depending on geographical location within the City. There will be an annual increase of either three percent (3%) or an increase identical to the Consumer Price Index for the Los Angeles area (CPI), whichever is higher, on July 1<sup>st</sup> of each subsequent year. Should the rent increase be identical to the CPI that increase shall be capped at 6%.

Lessee will be responsible for payment for the electricity it consumes in its operation at the rate charged by the servicing utility company. If a separate electrical meter cannot be installed at a particular site, Lessee shall pay RAP the additional sum of \$1,800, annually in advance, based on estimated annual consumption. Should Lessee want to audit their actual use, Lessee may sub-meter at their expense and submit an actual usage report for comparison against the estimated use.

### 10. **Permits**:

All telecommunication applicants will be solely responsible for obtaining any governmentally imposed licenses, permits or approvals and will pay all associated fees. The General Manager of RAP will have the authority after Board approval in concept, to issue a temporary permit or authorization if such is needed by the applicant in order to obtain governmentally imposed licenses, permits or approvals or to allow the applicant to perform preconstruction studies and related activities.

REPORT OF GENERAL MANAGER				NO. <u>11–186</u>		
DATE	June 15,	2011		C D	14	

C.D. <u>14</u>

BOARD OF RECREATION AND PARK COMMISSIONERS

ALHAMBRA AVENUE AND CONCORD AVENUE - COMMUNITY SUBJECT: GARDEN/OPEN SPACE – APPROVAL OF LEASE AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)

R Adams	 K. Regan			
H. Fujita	 *M Shull	Omp		
V. Israel	 N. Williams			
			Genera	<b>Jan</b> Il Manager
Approved	 	Disapproved		Withdrawn

#### **RECOMMENDATIONS:**

That the Board:

DATE

- 1. Approve a proposed twenty five-year Lease Agreement, substantially in the form on file in the Board Office, between the State of California Department of Transportation (Caltrans) and the City of Los Angeles (City) for the leasing of Caltrans property, located at the corner of Concord Avenue, Lowell Avenue, and Alhambra Road in El Sereno, to be developed and maintained as a community garden and/or open space, subject to the approval of the Mayor, and the City Attorney as to form;
- 2. Direct the Board Secretary to transmit the proposed Agreement to the Mayor in accordance with Executive Directive No. 3 and concurrently to the City Attorney for review and approval as to form;
- 3. Authorize the Board President and Secretary to execute the proposed Agreement upon receipt of the necessary approvals; and,
- 4. Authorize staff to draft and issue (if necessary) a temporary Right of Entry Permit to the designated/authorized non-profit until the proposed operation/maintenance/partnership agreements are executed.

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# SUMMARY:

The City of Los Angeles' Department of Recreation and Parks (RAP), Caltrans, Council Office Fourteen and the El Sereno Community have been in discussions over the possibility of leasing a property from Caltrans located at 5520 Concord Avenue, Los Angeles, California 90032 and more commonly described as the real property at the corner of Concord Avenue, Lowell Avenue and Alhambra Road. The proposed plan is to lease the vacant site and develop the site into a community garden or open space area that can be enjoyed by the surrounding community. All parties involved in the discussions of the vacant site agree that the site's use would better serve the community if it was developed into an open space area that could add to the recreational enjoyment of the community.

The area in question is a low income area that lacks open space area that kids and adults can enjoy. The leasing of the site would add much needed open space and help meet the request of both the community and council office for additional recreational open space in the area. Caltrans also agrees that the site would better serve the States' interest and community's interest if the site was maintained as an open space area that can be enjoyed by the community's children.

Also, it is hoped that this continued cooperation between RAP and Caltrans will lead to the development and use of this and other potential sites as additional open space sites for recreational uses in the area. If this is accomplished, this will help address the shortage of open space available for use by the community and at the same time prevent the vacant sites from becoming blighted, and crime ridden areas within the community of El Sereno. The addition of this site and others as open space would help meet both the Mayor's goal and RAP's goal of providing more recreational open space in areas of low income, and in areas that lack park space.

As the Partnership Program evolves and grows, the plan is for a non-profit to maintain the lease site through a partnership agreement at no cost to RAP or to Caltrans. In the meantime a Right of Entry Permit would be issued to the non-profit that would allow for the maintenance of the site. The Los Angeles Conservation Corps (LACC) has been proposed as a possible entity that could maintain the site for RAP based on its expertise in managing these types of sites. LACC has and does maintain other Caltrans sites for RAP, and its experience and efficiency has proven to be a successful relationship and partnership for RAP; and a benefit to the communities that are served by this arrangement.

The current operator of the El Sereno Community Garden is LACC. LACC develops and trains a local community person to manage and maintain the garden. This lead person organizes a gardening council that governs the site. Technical and general education about gardening, horticulture and related subject matters are provided at the site by LACC to the community. LACC is also very successful in providing opportunities and training for the youth of the community. LACC oversees and enforces all rules and regulations governing the use of the site and has worked effectively with other government agencies such as the United States Department of Agriculture in ensuring the

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garden is in compliance. The LACC assumes liability and responsibility for maintaining and operating the community garden at its own expense. Funding provided by LACC, facilitates the development and maintenance of the community garden site. This project has proven to be a great example of inter-agency cooperation, and has demonstrated the potential for similar successful partnerships between government agencies and non-profits. LACC is also capable of maintaining the area as open space recreational area as it does with a portion of the El Sereno Community Garden. It should be noted that it has been suggested that the property could be developed as a dog park. At this time, no decision has been made other than to keep the property as open space.

The proposed lease between the RAP and Caltrans is for a term of twenty-five (25) years. RAP will be required to pay an annual fee of one hundred dollars (\$100) for the use the Caltrans Property. The proposed Lease will also allow for the development of an open space recreation facility/park which the surrounding community has been requesting for several years. Caltrans approves and supports the proposed project development and agrees with the City's efforts to enhance the quality of life for the surrounding community. Caltrans has indicated its willingness and support for this project by offering a lease for twenty-five (25) years, with the City of Los Angeles for the operation and maintenance of open space or a community garden at the same site. The term of this agreement will also make it possible for the site to be eligible for additional grant funding to develop the site.

The community project site, which will be open to the public, will continue to enhance the quality of life, beautify the surrounding community, and instill a strong sense of pride in the community and its youth through the development of the site into a park recreation, and/or open space. The Office of Council District Fourteen, Caltrans, and RAP strongly support this project, and wish to continue these successful partnerships that are providing much needed green open space in a low income neighborhood. It is the intent of RAP and the Council Office of District 14 that the vacant site in El Sereno will be developed and maintained as a community garden or open space recreation area by a non-profit at no expense or liability to RAP or the City of Los Angeles. The leasing of this site offers RAP another option for increasing park space for an annual lease cost of \$100 to RAP.

Staff has determined that the project will consist of the issuance of a lease agreement to allow minor alterations to land, water and vegetation in the development of the community garden or open space. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 4 (3, 7) of the City CEQA Guidelines.

As stated above, this Project has very strong support from the Councilmember for the Fourteenth District, the Community of El Sereno, as well as support from Caltrans and RAP staff.

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# FISCAL IMPACT STATEMENT:

All costs and any liabilities associated with this Lease will be incurred by the approved non-profit. The annual lease cost of \$100 will be paid from Planning, Construction and Maintenance Leasing Account, Fund 302 Department 88 Account 6030.

This report was prepared by John Barraza, Management Analyst II of Real Estate and Asset Management Division.

REPORT	OF GENERAL MANAGER	NO1	11-187	
DATE	June 15, 2011	C.D.	2	

# BOARD OF RECREATION AND PARK COMMISSIONERS

# SUBJECT: VALLEY PLAZA PARK – POOL REHABILITATION (PRJ#20536) PROJECT – ALLOCATION OF QUIMBY FEES

R. Adams H. Fujita V. Israel	*N	C. Regan 4. Shull 4. Williams	19 for		
				AugGen	<b>Geolom</b> eral Manager
Approved		[	Disapproved _		Withdrawn

# **<u>RECOMMENDATIONS</u>**:

That the Board:

- 1. Authorize the Department's Chief Accounting Employee to transfer \$30,000 in Quimby Fees from the Quimby Fees Account No. 460K-00 to the Valley Plaza Park Account No. 460K-VA; and,
- 2. Approve the allocation of \$30,000 in Quimby Fees, from Valley Plaza Park Account No. 460K-VA for the Valley Plaza Park Pool Rehabilitation (PRJ#20536) Project, as described in the Summary of this Report.

# SUMMARY:

Valley Plaza Park is located at 12240 Archwood Street in the North Hollywood area of the City. This 77.64 acre park provides multi-purpose fields, basketball and tennis courts, children's play areas, a recreation center, and a swimming pool for the use of the local community. Due to the facilities, features, programs, and services it provides, Valley Plaza Park meets the standard for a Neighborhood Park, as defined in the City's Public Recreation Plan.

On April 6, 2011, in Board Report No. 11-102, the Board of Recreation and Park Commissioners (Board) approved the allocation of \$240,000 in Quimby Fees for the improvements to the pool facility, including to the pool recirculation systems and equipment at Valley Plaza Park. Department of Recreation and Parks (RAP) staff has determined that supplemental funding will be necessary for the completion of the Valley Plaza Park – Pool Rehabilitation (PRJ#20536) Project.

PG. 2 NO. <u>11-187</u>

Upon approval of this report, the Quimby Fees listed below can be transferred to Valley Plaza Park Account No. 460K-VA for the Valley Plaza Park - Pool Rehabilitation (PRJ#20536) Project:

• \$30,000 in Quimby Fees from the Quimby Fees Account No. 460K-00

The total Quimby Fees allocation for the Valley Plaza Park - Pool Rehabilitation (PRJ#20536) Project, including previously allocated Quimby fees, is \$270,000. These Fees were collected within two miles of Valley Plaza Park, which is the standard distance for the allocation of the Quimby Fees for community recreational facilities.

Staff has determined that the subject project is a continuation of an existing project approved by the Board on April 6, 2011 (Board Report No. 11-102) which is exempt from CEQA [Class 1(4)]. The new work funded by the current Board action will not result in any environmental impacts, and therefore, is covered by the existing CEQA exemption. No additional CEQA documentation is required.

# FISCAL IMPACT STATEMENT:

The approval of this allocation of Quimby Fees should not have any fiscal impact on the Department, as the costs of this project is anticipated to be funded by Quimby Fees or funding sources other than the Department's General Fund.

This report was prepared by Darryl Ford, Management Analyst II, Planning, Construction and Maintenance Division.

 REPORT OF GENERAL MANAGER
 NO. 11-188

 DATE
 June 15, 2011

 C.D. \_\_\_\_4

BOARD OF RECREATION AND PARK COMMISSIONERS

# SUBJECT: GRIFFITH PARK – FERN DELL REFRESHMENT STAND CONCESSION – REQUEST FOR PROPOSALS

R. Adams H. Fujita V. Israel	K. Regan M. Schull *N. Williams NDW	Bey Cedant
Approved	Disapproved_	Withdrawn

### RECOMMENDATIONS:

That the Board:

- 1. Approve the Fern Dell Refreshment Stand Concession Request for Proposals (RFP) for a five-year Concession Agreement, with two (2) five-year renewal options exercisable at the sole discretion of the General Manager, substantially in the form on file in the Board Office, subject to review and approval of the City Attorney as to form;
- 2. Direct the Board Secretary to transmit the RFP to the City Attorney for review and approval as to form; and,
- 3. Direct staff, subsequent to City Attorney review and approval as to form, to advertise the RFP and conduct the RFP process for the Concession.

# SUMMARY:

The Fern Dell Refreshment Stand Concession (Concession) is a snack stand located at 2333 Fern Dell Place, Los Angeles, CA 90068. The Concession provides food and non-alcoholic beverages to patrons of Griffith Park and the surrounding community.

The Concession has been operated on a month-to-month basis by Rowena Partners, LLC under an interim Concession Agreement since March 12, 2004. In 2010, the concession generated \$517,147.67 in gross receipts and paid \$41,236.81 in revenue-sharing fees to the Department.

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Staff has developed and is now ready to release, at the direction of the Board, an RFP for this concession. With this RFP, the Department will seek a qualified, experienced, and financially sound operator who will meet or exceed the Department's expectations in all operational and financial areas, and optimize service to the public and profitability to the business.

# Proposal and Contractual Provisions

- 1. Proposal Deposit: A \$2,000 proposal deposit will be required with the submission of each proposal.
- 2. Term: Five years, with two (2) five-year renewal options exercisable at the sole discretion of the General Manager.
- 3. Revenue Sharing Terms: The monthly revenue-sharing terms will be a proposal item and based on a percentage of food and beverage sales. The minimum annual guarantee will be based on the submitted Pro Forma Financial document.
- 4. Concession Improvements: The operator will be required to complete any optional improvements as proposed within 12 months of contract execution.
- 5. Utilities: The operator will be required to submit to the Department a monthly utility fee of Three Hundred Dollars (\$300.00) during the term of the agreement to cover utilities (electricity, water and gas) for this location until separate meters are installed.
- 6. Contractual and Financial Terms: The City will enter into an Agreement whereby the City has no financial responsibility or liability for the operation and the City will share in profits in the form of a percentage of gross revenue.
- 7. Faithful Performance Deposit: A Faithful Performance Deposit will be required to be maintained for the duration of the Agreement in the amount of Three Thousand Dollars (\$3,000).

# **Evaluation Process**

Proposals will be evaluated in two Levels. Level I will be a check and review by staff for required compliance and submittal documents; Level II will be a comprehensive evaluation of the proposals by a panel of City and/or non-City employees. Proposers must successfully pass Level I to proceed to Level II.

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# RFP Evaluation Criteria Areas

For the purposes of evaluation, the responsive proposals to Level I will be evaluated on the criteria below (Level II):

- 1) Ability to Finance (10 points)
- 2) Background and Experience (25 points)
- 3) Proposed Business Plan for this Concession (20 points)
- 4) Proposed Revenue-Sharing Fee and Payment to City (25 points)
- 5) On-Going Refurbishment, Improvements, and Maintenance (10 points)
- 6) Concession Improvements (10 points)

The RFP documents will be advertised in periodicals, made available on the Department's website, and posted on the Los Angeles Business Assistance Virtual Network (BAVN). A letter inviting bids will also be mailed to over two hundred organizations and individuals from a mailing list maintained by the Concessions Unit. The anticipated time of completion for the RFP process is approximately eight to twelve months.

A conference will be held approximately one month after the release of the RFP in order to provide potential proposers with a review of the submittal documents, compliance documents, and requirements for the Good Faith Effort Subcontractor Outreach as mandated by Executive Directive No. 2001-26, Riordan Series and the Board's policy (Board Report No. 177-89).

### FISCAL IMPACT STATEMENT:

Releasing the Request for Proposal has no impact on the Department's General Fund.

Report prepared by Désirée Guzzetta, Management Analyst II, Concessions Unit, Finance Division

# This item not included in the package

11-189 After-School Soccer Program - Agreement with the Brotherhood Crusade for the Collaborative Implementation Initially at Three Park Sites with Potential for Expansion into Additional Sites

REPORT OF GENERAL MANAGER	NO. <u>11-190</u>
DATE June 15, 2011	C. D. <u>All</u>
BOARD OF RECREATION AND PARK COMMISSIONERS	

SUBJECT: FINANCE-ESTABLISHMENT OF ACCOUNT IN FUND 302 FOR DEPOSIT OF FEES FROM COMMUNITY GARDENS OPERATED UNDER PERMITS OR AGREEMENTS.

R. Adams H. Fujita *V. Israel	K. Regan M. Shull N. Williams	7 y Cland
Approved	Disapproved_	Withdrawn

# **<u>RECOMMENDATION</u>**:

That the Board authorize the Department's Chief Accounting Employee to establish an account and subaccounts in Department 89 Fund 302 for deposit of annual fees and utility reimbursements received from organizations which operate Community Gardens independently pursuant to permits or agreements with the Department and in conformance with the Schedule of Rates and Fees.

#### SUMMARY:

On May 4, 2011, the Board adopted a new "Community Operated Open Spaces" Policy and guidelines for Department-operated gardens, which set revised fees for gardens and provided specific actions for each community garden on park property (Board Report No. 11-121). In relation to community-operated Community Gardens, the Rate and Fee schedule re-aligned the collection of community garden fees to the start of the Department's fiscal year, July 1<sup>st</sup>, with fees to be then paid semi-annually going forward. Three fee ranges were established based on the number of plots in the Community Garden. In the five Community Gardens where separate utility billing direct to the organization is not yet in place, reimbursement for utilities must also be made to the Department.

The first collection of fees will occur on July 1, 2011. Since the collection of fees and reimbursements from community-operated Community Gardens will be an on-going, long term process, establishing a separate account will allow transparency and ease of tracking payments made by organizations authorized to operate Community Gardens.

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# FISCAL IMPACT STATEMENT:

Establishing an account for receipt of Community Garden-related payments has no direct impact on the Department's General Fund.

This report was prepared by Joel Alvarez, Senior Management Analyst, Partnership Division.

REPORT OF GENERAL MANAGER	NO. <u>11–191</u>
DATE June 15, 2011	C.D. 4

# BOARD OF RECREATION AND PARK COMMISSIONERS

# SUBJECT: RUNYON CANYON PARK – EARLY CLOSURE DURING THE 2011 INDEPENDENCE DAY WEEKEND



# **<u>RECOMMENDATION</u>**:

That the Board approve a temporary modification of the operating hours of Runyon Canyon Park to close at 5:00 p.m. on July 1, 2, 3, and 4, 2011.

#### SUMMARY:

Independence Day weekend brings a number of fireworks displays to the skies over Los Angeles to celebrate America's independence. The City's parks, such as Runyon Canyon, are popular fireworks viewing areas where many people gather to view the fireworks displays. However, there is also the potential that people who gather to view legal fireworks displays can bring with them and discharge illegal fireworks.

Illegal fireworks pose a potential fire risk to the various hillsides and brush areas throughout the City, including Runyon Canyon. Due to the risk that these fireworks pose to the hillsides, it is imperative to ensure that the public is safe from any potential fire danger. The Office of Public Safety (OPS) has recommended that Runyon Canyon be closed early during the Independence Day weekend (July 1, 2, 3, and 4). Runyon Canyon's current hours of operation are from dawn until dusk, but during the July 4 weekend, OPS recommends that the park close at 5:00 p.m. Park Rangers, OPS, and the Los Angeles Police Department are planning to have units available to perform this early closure and to perform extra patrols until all fire danger from possible fireworks has subsided.

Council District 4, Region Operations Staff and Maintenance Staff concur with the OPS recommendation to temporarily modify the hours of operation at Runyon Canyon Park to close at 5:00 p.m. during the 2011 Independence Day weekend.

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# FISCAL IMPACT STATEMENT:

This temporary change in hours of operation for Runyon Canyon Park may result in some accumulated overtime for Park Rangers, but will have no other fiscal impact on the Department's General Fund.

This report was prepared by Kevin Regan, Assistant General Manager, Operations Branch.

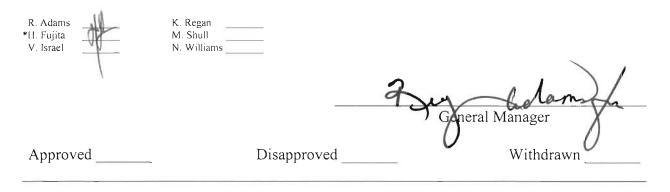
NO. 11-192

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# BOARD OF RECREATION AND PARK COMMISSIONERS

# SUBJECT: FISCAL YEAR 2011-12 PERSONNEL RESOLUTION



# RECOMMENDATIONS:

That the Board:

- 1. Adopt the Fiscal Year 2011-12 Personnel Resolution as on file in the Board Office, effective July 1, 2011; and,
- 2. Authorize substitute positions for Fiscal Year 2011-12 as listed in the Fiscal Year 2011-12 Personnel Resolution.

# SUMMARY:

The Board of Recreation and Park Commissioners establishes the Department's employment authority on an annual basis through the Personnel Resolution.

The Fiscal Year (FY) 2011-12 Personnel Resolution authorizes 1,524 regular positions (including 55 positions whose salaries will be reimbursed by the Harbor Department), five (5) Commissioner positions, 42 substitute positions, 142 positions to be funded by the golf operations fund, 141 positions being funded by other special funding sources, and 32 in-lieu positions. It also authorizes 32 positions subject to renewal on an annual basis (One-time Positions). Finally, it authorizes 30 classifications (some at multiple pay grades or salary rates) that may be used to employ as-needed employees, and 23 classifications (some at multiple pay grades or salary rates) that may be used to retain hiring hall craft employees.

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A comparison between positions that were authorized at the beginning of FY 2010-11 and those positions that will be authorized for FY 2011-12 is as follows:

	<u>FY 2010-11</u>	<u>FY 2011-12</u>	Difference
Regular	1,550	1,524	-26
Commissioner	5	5	no change
One-time	28	32	+4
Substitute	35	42	+7
In-lieu	37	32	-5
Other Special Funded	119	141	+22
Golf Funded	142	142	no change

#### **REGULAR POSITIONS**

The Department experienced a loss of 26 regular positions. The detail on the deletion of these regular positions is as follows:

#### DELETE

<u>No.</u>	Code	Classification	MOU
2	3141	Gardener Caretaker	04
10	2469	Recreation Coordinator	11
5	2434	<b>Recreation Facility Director</b>	11
1	3143	Senior Gardener	04
5	2446-1	Senior Recreation Director I	11
3	2446-2	Senior Recreation Director II	11

#### **REGULAR POSITIONS – REIMBURSED BY HARBOR DEPARTMENT**

The detail on the 55 positions that continue to be reimbursed by the Harbor Department, which are included in the 1,524 regular positions, is as follows:

<u>No.</u>	Code	<u>Classification</u>	Location
1	1513-2	Accountant II	Cabrillo Aquarium
1	2419	Aquatic Director	Pacific Aquatics
4	2400-1	Aquarist I	Cabrillo Aquarium
1	2400-2	Aquarist II	Cabrillo Aquarium
3	2493-1	Aquarium Educator I	Cabrillo Aquarium
2	2493-2	Aquarium Educator II	Cabrillo Aquarium
1	2423-1	Aquatic Facility Manager I	Cabrillo Beach

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# <u>REGULAR POSITIONS – REIMBURSED BY HARBOR DEPARTMENT (continued)</u>

No.	Code	Classification	Location
1	2423-2	Aquatic Facility Manager II	Cabrillo Beach
1	1191-1	Archivist I	Maritime Museum
1	3333-1	Building Repairer I	Cabrillo Aquarium
5	1358	Clerk Typist	Cabrillo Aquarium (2),
			Maritime Museum, and
			Pacific Aquatics (2)
8	3141	Gardener Caretaker	Cabrillo Bath House,
			John Gibson Park,
			Marina (2),
			Point Fermin District,
			Point Fermin Lighthouse,
			Point Fermin Park, and
			Wilder Park
1	1670-1	Graphics Designer I	Cabrillo Aquarium
1	2398	Historic Site Curator	Point Fermin Lighthouse
1	3523	Light Equipment Operator	Point Fermin District
1	9184-2	Management Analyst II	Cabrillo Aquarium
1	2404	Marine Aquarium Administrator	Cabrillo Aquarium
3	2425-2	Marine Aquarium Curator II	Cabrillo Aquarium
1	2402	Marine Aquarium Exhibits Director	-
1	2403	Marine Aquarium Program Director	-
1	2407	Maritime Museum Curator	Maritime Museum
1	2406	Maritime Museum Director	Maritime Museum
1	3145	Park Maintenance Supervisor	Point Fermin District
3	2412-2	Park Services Attendant II	Maritime Museum (2),
			and Cabrillo Aquarium
1	1793-1	Photographer I	Cabrillo Aquarium
1	1542	Project Assistant	Cabrillo Aquarium
1	1116	Secretary	Cabrillo Aquarium
3	1368	Senior Clerk Typist	Cabrillo Aquarium,
			Pacific Aquatics, and
2	21.42		Maritime Museum
3	3143	Senior Gardener	Cabrillo Museum,
			Marina, and
1	2446.2		Point Fermin District
1	2446-2	Senior Recreation Director II	Cabrillo Bath House

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# **ONE-TIME POSITIONS**

A total of 28 positions subject to renewal on an annual basis were authorized for FY 2010-11. Of the 28 positions authorized for FY 2010-11, 22 positions will be renewed for FY 2011-12 as follows:

<u>No.</u>	Code	<u>Classification</u>	Program/Service
1	1968	Chief Park Ranger	Park Ranger Supplemental Deployment
1	7941	City Planning Associate	Quimby Program
1	7246-2	Civil Engineering Associate II	Planning and Construction
1	7310-1	Environmental Specialist I	Planning and Construction
6	3141	Gardener Caretaker	(4) Facility and Landscape Services
			(2) MacArthur Park Maintenance
1	9184-2	Management Analyst II	Grants Accounting and Administration
7	1966	Park Ranger	Park Ranger Supplemental Deployment
2	2469	Recreation Coordinator	MacArthur Park Recreation
1	2434	Recreation Facility Director	Facility and Landscape Services
1	1523-1	Senior Accountant I	Grants Accounting and Administration

The following six (6) positions that were authorized subject to renewal on an annual basis will not be renewed for FY 2011-12:

<u>No.</u>	Code	<u>Classification</u>	Program/Service
4	3141	Gardener Caretaker	Landscape Mtce of 73 Parking Lots
2	3143	Senior Gardener	Landscape Mtce of 73 Parking Lots

In addition to the 22 positions whose authority is being renewed, ten (10) additional positions subject to renewal on an annual basis will be authorized for FY 2011-12 as follows:

<u>No.</u>	Code	<u>Classification</u>	Program/Service
6	3141	Gardener Caretaker	New and Expanded Facilities
1	3523	Light Equipment Operator	New and Expanded Facilities
2	2469	Recreation Coordinator	New and Expanded Facilities
1	2446-1	Senior Recreation Director I	New and Expanded Facilities

#### SPECIAL FUNDED POSITIONS

The salary cost of an additional 22 positions will be offset by special funding, 17 of the positions will be offset by revenues generated from fee-based recreation programming at ten (10) recreation centers and five (5) positions will be offset by Pershing Square Parking Garage Revenues. The detail on these 22 positions is as follows:

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ADD

<u>No.</u> 2	<u>Code</u> 3141	<u>Classification</u> Gardener Caretaker	<u>Location/Funding</u> Pershing Square - Parking Garage
8	2469	Recreation Coordinator	<ul> <li>(1) Pershing Square - Parking Garage</li> <li>(7) Cheviot Hills, Encino, Mar Vista,</li> <li>Palms, Pan Pacific, Woodland Hills,</li> <li>and Van Nuys/Sherman Oaks - MRP</li> </ul>
5	2434	Recreation Facility Director	Bogdanovich, Encino, Palms, Studio City, and Van Nuys/Sherman Oaks - MRP
1	3143	Senior Gardener	Pershing Square - Parking Garage
1	2446-1	Senior Recreation Director I	Pershing Square - Parking Garage
5	2446-2	Senior Recreation Director II	Cheviot Hills, Mar Vista, Pan Pacific, Peck Park, and Woodland Hills - MRP

The detail on the 142 positions that continue to be funded by the golf operations fund is as follows:

# **GOLF FUNDED POSITIONS**

<u>No.</u>	Code	Classification
1	1513-2	Accountant II
1	1358	Clerk Typist
1	1549-2	Financial Analyst II
40	3141	Gardener Caretaker
1	2458	Golf Manager
1	2457	Golf Operations Supervisor
23	2453	Golf Starter
8	2479-1	Golf Starter Supervisor I
2	2479-2	Golf Starter Supervisor II
7	3913	Irrigation Specialist
5	3523	Light Equipment Operator
2	9184-2	Management Analyst II
9	3145	Park Maintenance Supervisor
1	3147-2	Principal Grounds Maintenance Supervisor II
1	1116	Secretary

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# GOLF FUNDED POSITIONS (continued)

<u>No.</u>	Code	Classification
35	3143	Senior Gardener
2	3146	Senior Park Maintenance Supervisor
1	2446-1	Senior Recreation Director I
1	1596-2	Systems Analyst II

This report has been reviewed by staff of the City Administrative Officer.

# FISCAL IMPACT STATEMENT:

Approval of this Board Report will not have a fiscal impact on the Department's General Fund inasmuch as the staffing authority contained in the FY 2011-12 Personnel Resolution is limited by the amount of money available on the records of the City Controller for the payment of salaries and wages in the Department.

Prepared by Harold T. Fujita, Director of Human Resources.

NO. 11–193

C.D. Various

DATE June 15, 2011

BOARD OF RECREATION AND PARK COMMISSIONERS

# SUBJECT: VARIOUS COMMUNICATIONS

Approved

neral Manage Disapproved Withdrawn

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

# From:

1) Councilmember LaBonge, relative to the proposed renovation of existing exhibit space at the Autry Museum of Western Heritage in Griffith Park.

2) City Clerk, relative to a proposed donation agreement with the Los Angeles Neighborhood Initiative, for three parks.

3) Chief Legislative Analyst, forwarding the Legislative Report for the weeks ending May 6, and May 13, 2011.

4) Six communicants, relative to the Roadmap to Housing program.

5) Marco Barrantes. La Loma Development Company, Inc., relative to its bid on the Eagle Rock Monument – Irrigation and New Landscape (W.O. #E170352) project.

# Recommendation:

Note and file. The matter was acted on at the May 20, 2011 Board Meeting. (Report No. 11-129)

Refer to staff for further processing.

Note and file.

Refer to General Manager.

Refer to General Manager.

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6) Michael Bernback, President, Ready Golf, to the General Manager, relative to the Encino/Balboa Golf Professional Concession.

7) Lawrence E. Mason, relative to the state of the Department's golf courses.

8) General Jeff, relative to Skid Row and the Emmy Awards.

9) The Concerned Neighbors of Stoner Park, two communications to Neil Drucker, Environmental Affairs Officer III, Bureau of Engineering, relative to Stoner Skate Park, with responses.

10) Gerry Hans, President, Friends of Griffith Park, relative to a proposed lease of a portion of Griffith Park to the City of Glendale. Refer to General Manager.

Refer to General Manager.

Note and file.

Refer to General Manager.

Refer to General Manager.

This report was prepared by Paul Liles, Clerk Typist, Commission Office.

#### 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:

ORIGINALLY	PLACED	
PLACED ON	ON MATTERS	DEEMED
BOARD AGENDA	PENDING	WITHDRAWN

02/18/11 11-029 Baldwin Hills Recreation Center - Conceptual Approval for Naming of the Outdoor Basketball Courts and the Installation of Appropriate Signage

#### BIDS TO BE RECEIVED:

- 06/21/11 Southeast Valley Roller and Skateboard Rink Phase I (Skateboard Rink/Skate Park) (W.O. #E170125F)
- 07/19/11 Culver Slauson Recreation Center Phase II (Youth Community Center) (W.O. #E1907289)

#### PROPOSALS TO BE RECEIVED:

- 06/21/11 Parkland Tree Trimming and Removal Services at Various City Parks and Facilities
- 06/28//11 Westchester Tennis Professional Concession RFP
- 07/05/11 Griffith Riverside and Vermont Canyon Tennis Professional Concession RFP
- 07/19/11 Poinsettia Tennis Professional Concession RFP
- 07/19/11 Greek Theatre Consultant RFP
- TBD Film Production Instruction (CLASS Parks)
- ON HOLD Hansen Dam Golf Course Professional Concession
- ON HOLD Hansen Dam Golf Course Restaurant Concession
- ON HOLD Woodley Lakes Golf Course Restaurant Concession
- ON HOLD Woodley Lakes Golf Course Professional Concession