

APPROVED
SEP 03 2008

REPORT OF GENERAL MANAGER

NO. 08-240

DATE September 8, 2008

C.D. 12

~~CONFIDENTIAL~~
~~and other subsidiaries~~

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: PEDLOW SKATE PARK PHASE II (ALSO KNOWN AS PHASE IIB) - STAFF OFFICE AND RESTROOM BUILDING (W.O. #E170457F) - AMENDMENT NO. 2 TO THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF RECREATION AND PARKS, BUREAU OF ENGINEERING, AND DEPARTMENT OF GENERAL SERVICES

R. Adams _____	J. Kolb _____
H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
V. Israel _____	M. Shull _____

RAP

[Signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Amendment No. 2 to the Amended and Restated Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), the Bureau of Engineering (BOE) of the Department of Public Works and the Department of General Services (GSD), to increase the total construction funding for the Pedlow Skate Park Phase II (also known as Phase IIB) - Staff Office and Restroom Building (W.O. #E170457F) project (Project) by \$150,000, for a total construction cost of \$1,980,500, subject to approval of the City Attorney as to form;
2. Subject to re-appropriation of Sites and Facilities funds by the City Council, authorize staff to encumber and transfer \$150,000 from the Recreation and Parks Sites and Facilities Fund No. 209, Department No. 88, Account No.C214 to the appropriate material and salary accounts in GSD;
3. Authorize the Department's Chief Accounting Employee to transfer funds to GSD on an as-needed basis, upon review and approval of the expenditure reports submitted by GSD;

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4. Direct the Board Secretary to transmit the Amendment to the City Attorney for review and approval as to form; and,
5. Authorize the General Manager to execute the proposed Amendment, upon approval by the City Attorney.

SUMMARY:

The completed Pedlow Skate Park Expansion Phase II (W.O. #E170400F) (Board Report No. 07-175) and the current construction of the staff office and restroom building Phase IIB (W.O. #E170457F) project are scopes of work that were included in the original MOU, the Amended and Restated (A&R) MOU, and the Amendment to the A&R MOU between GSD, BOE, and RAP (Board Report Nos. 04-200, 06-37, 07-293, respectively). The total construction cost included in the previous MOU and subsequent amendments was \$1,830,500.

The Pedlow Skate Park Phase IIB (W.O. #E170400F) project is currently under construction by GSD. The detailed scope of the project's work includes the construction of a 600 square-foot staff office, equipment storage, ticket sales area, and restroom facility at the skate park to replace the existing mobile-mini temporary building.

Phase IIB has a construction shortfall, which GSD has estimated to be \$150,000. The shortfall is due to three unforeseen conditions that required correction, thus increasing the project's scope of work. First, during the excavation for the building foundation, native soil was not found at the anticipated depth. The foundation excavation had to be deepened to set the building footing into native soil. The bottom of the footing was set three (3) feet deeper than anticipated, which resulted in deeper footings and increased concrete volume. The concrete floor slab was also redesigned to be a thicker structural floor slab. Second, the domestic water supply for the facility was not properly connected to its own water meter. The supply was fed from another owner's lateral line and water meter. To correct this issue, the water line needed to be re-routed to connect directly to the Department of Water and Power water meter and mainline. Third, a shade structure was proposed to be included in the project to provide adequate shade for park patrons.

Use of the Sites and Facilities fund has been identified to address the construction shortfall. This funding was approved by Council/Mayor through the Fiscal Year 2007-2008 Fourth Quarterly Construction Projects Report (CPR) in the amount of \$150,000 (Council File No. 07-2877-S3) to increase the total construction cost to \$1,980,500. Funding for the construction project is summarized on the next page:

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<u>Funding Source</u>	<u>Fund/Dept/Acct No.</u>	<u>Previous MOU and Amendments</u>	<u>Requested Funding for Proposed MOU Amendment No. 2</u>
Proposition K-7	43K/10/V248	\$ 379,000	-
Proposition K-7	43L/10/V248	\$ 253,000	-
Proposition K-7	43M/10/V248	\$ 40,000	-
Proposition 12 1/3	45W/22/V431	\$ 448,000	-
Proposition 12 RZH	46L/22/Y610	\$ 332,040	-
Proposition 40 2/3 PC	47T/22/A808	\$ 116,278	-
Proposition 40 2/3 RZH	47W/22/Y906	\$ 116,682	-
Proposition 40 2/3 RZH	205/88/C140	\$ 116,400 ⁽¹⁾	-
Proposition 40 2/3 RZH	298/88/C140	\$ 29,100 ⁽²⁾	-
Sites and Facilities	209/88/C214	-	\$ 150,000 ⁽³⁾
TOTAL		\$ 1,830,500	\$ 150,000

Note:

- (1) These funds will be cash-flowed from the Public Works Trust Fund Proposition 12/40 Cash Flow account and will be repaid upon reimbursement from the State.
- (2) These funds will be cash-flowed from the MICLA Cash Flow account and will be repaid upon reimbursement from the State.
- (3) These funds reverted as part of the fiscal year closeout process. A request has been submitted to have the funds re-appropriated to the project.

BOE recommends that the Board approve Amendment No. 2 to the A&R MOU and subject to the City Council re-appropriating the Sites and Facilities funds, upon its execution, authorize staff to encumber and transfer \$150,000 from the Recreation and Parks Sites and Facilities Fund No. 209, Department No. 88, Account No. C214 to the appropriate material and salary accounts in GSD under the authority of this Board Report.

In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed Phase II improvements will not have a significant impact on the environment. This project has been determined to be categorically exempt per City CEQA Guidelines Article III, Section 2i because the entire project had been previously evaluated for environmental significance and processed according to CEQA. A Notice of Exemption was filed with the Los Angeles City Clerk's Office on June 24, 2002, and posted by the Los Angeles County Clerk's Office on June 25, 2002, subsequent to a Notice of Determination for a Negative Declaration that was file on June 15, 1998.

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FISCAL IMPACT STATEMENT:

There is no anticipated fiscal impact to the Department's General Fund. All funds are provided by the above-listed funding sources as specifically identified and approved for use on this project. The future operation and maintenance costs as a result of the completion of this project have yet to be determined.

This Board Report was prepared by Gary Lam, Project Manager, Bureau of Engineering. Reviewed by Neil Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering; Deborah Weintraub, Chief Deputy City Engineer, Bureau of Engineering; and Michael A. Shull, Superintendent, Planning and Development, Department of Recreation and Parks.