

REPORT OF GENERAL MANAGER

APPROVED
JAN 06 2010
BOARD OF RECREATION
and PARK COMMISSIONERS

NO. 10-014

DATE January 6, 2010

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BANNING PARK - BANNING RESIDENCE MUSEUM - GIFT AGREEMENT WITH FRIENDS OF THE BANNING MUSEUM FOR A GIFT CONSISTING OF THE DESIGN AND CONSTRUCTION OF A NEW LOS ANGELES HARBOR TRANSPORTATION EXHIBIT AND VISITORS CENTER

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

[Handwritten signature]

[Handwritten signature]
General Manager

Approved _____

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Gift Agreement (Agreement), substantially in the form on file in the Board Office, with the Friends of Banning Museum for a gift to the City, consisting of the design and construction of a new Los Angeles Harbor Transportation Exhibit and Visitors Center, subject to the approval of the Mayor and of 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 Agreement upon receipt of the necessary approvals.

SUMMARY:

As a gift to the City of Los Angeles (City), the Friends of the Banning Museum (Donor), have offered to design and construct a new transportation exhibit (Exhibit) dedicated to the history of transportation during the 19th Century in the Los Angeles Harbor area, and of a new Visitors Center (collectively referred to as Gift), at the Banning Residence Museum (Museum) at 401 East "M" Street, located within Banning Park (Park) at 1331 Eubank Avenue, Wilmington, California 90744.

REPORT OF GENERAL MANAGER

PG. 2 NO. 10-014

The value of the proposed Gift is Two Million Two Hundred Thousand Dollars (\$2,200,000), and shall be designed and constructed by the Donor and their contractor(s), at no cost to the City. Should the total project cost exceed the current funding amount of \$2,200,000, the Donors shall be responsible for obtaining the additional funds. At present, the Donors have raised \$2,000,000. The estimated project cost is budgeted at \$1,700,000. The proposed Agreement sets forth the terms and conditions for the design and construction of the proposed capital improvements.

The project plans and specifications for the proposed capital improvements, which have been reviewed and approved by the Bureau of Engineering Architectural Division (BOE), include a new, permanent exhibition space located inside the Museum at the lower gallery level, which is a National, State and Local Landmark, and the creation of a new Visitors Center (Improvements). This new exhibition gallery will be dedicated to the history of the Harbor's transportation legacy.

The proposed project will convert 3,000 square feet of the existing photo gallery and retail shop space into a new state of the art exhibition hall and visitors center. The project will design, construct and install four components that will present the history of the Los Angeles Harbor's infrastructure between the crucial years of 1850 and 1915. This new permanent exhibition will educate approximately 30,000 school children annually, the general public, and visitors from around the world. In addition, this new museum addition will also be available to approximately 250,000 visitors who come to historic Banning Park for general recreation, picnics and community events. Now, for the first time, there would be a dedicated transportation exhibition that focuses on the development of the Los Angeles Harbor and its effects on transportation not only in Los Angeles and California, but globally. Therefore we can expect an increase in tourism benefiting not only the South Bay area, but the State of California as well.

The implementation of the proposed Gift shall be coordinated with the Department's efforts to rehabilitate certain areas within the Museum which have been damaged and/or impacted by weather, wear and tear, and the overall age of the building. There is also a structural issue of water infiltration at the southwest corner of the building that needs to be corrected prior to any installation of the proposed Improvements. Pursuant to the BOE's review and approval of the project plans and specifications, they will also coordinate with the contractors and monitor all work performed on site.

The future operations and maintenance of the site will be addressed through a subsequent agreement between the Donor and Department, which will specify the terms, conditions, and responsibilities of each party with respect to future-ongoing operations and maintenance. Said agreement will be presented to the Board for approval consideration at a later date.

Donor has historically played an integral role in the acquisition and preservation of Museum artifacts, operations, promotion, and fund raising. The Department wishes to continue this positive working relationship with Donor, so that the Museum and community may continue enjoying the benefits of such a relationship, through existing Museum facilities and enhancement of programs

REPORT OF GENERAL MANAGER

PG. 3

NO. 10-014

and amenities.

In exchange for the proposed Gift, and with the understanding that the term of the proposed agreement is three (3) years from the date of its execution, the Department will agree to terms and conditions including, but not limited to, the following:

1. Maintaining the Improvements in a safe and attractive manner consistent with the image and reputation of Donor, and the terms and conditions of the product warranty;
2. Assisting and cooperating in a mutually acceptable dedication event at the Museum;
3. Allowing Donor the right to publicize, show photographs, and use the name of the Museum and/or Improvements and otherwise promote the Donors' contribution;
4. Allowing Donor the right to use the Improvements from time to time for special events, upon reasonable notice and subject to the approval of the Department;
5. Allowing Donor the right (but not the obligation) to place and remove on or around the Museum, their logo(s), trademark(s), and other signage, marks and/or insignia as related to events held at the Museum, subject to the approval of the Department; and,
6. Allow Donor to operate a booth or similar area for promotional purposes and/or fund raising purposes at events held at the Museum.

The performance of the above requirements shall not interfere with Department programming and/or prescheduled events at the Museum. Donor will coordinate with Department staff from the Pacific Region prior to committing the Museum or Improvements to any events not operated by the Department.

Staff has determined that this project will consist of an Agreement between the Department and Donor for the design and construction of a Transportation Exhibit and Visitors Center, to compliment the Museum and Park's existing recreational amenities offered at the site. The proposed Improvements will be an accessory facility to the existing recreational uses at the Museum and Park. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1a, Class 1, Categories 1 and 4; Section 1k, Class 11, Category 3; and, Class 31 of the City CEQA Guidelines.

The Assistant General Manager of Operations East and the Superintendent of the Pacific Region support the recommendations contained in this report.

REPORT OF GENERAL MANAGER

PG. 4 NO. 10-014

FISCAL IMPACT STATEMENT:

The Improvements associated with the proposed Agreement should not have any impact on the Department's General Fund, as the costs for the design and construction of the proposed Improvements will be funded entirely by Donor. However, in anticipation of the completed Exhibit opening to the public in June 2010, the Department is planning to submit a budget request for an additional 1,040 hours for a Special Program Assistant and 1,040 hours for a Museum Guide.

This report was prepared by Joel Alvarez, Senior Management Analyst from the Department's Real Estate and Asset Management Section.