

APPROVED
NOV 15 2006

REPORT OF GENERAL MANAGER

NO. 06-336

DATE November 15, 2006

BOARD OF RECREATION
and PARK COMMISSIONERS

C.D. 15

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: BANNING RESIDENCE MUSEUM - REFURBISHMENT OF BUILDING AND GARDEN IMPROVEMENTS - PHASE II (W.O. #E170374F) - AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN DEPARTMENT OF RECREATION AND PARKS, BUREAU OF ENGINEERING, AND DEPARTMENT OF GENERAL SERVICES

J. Combs _____
H. Fujita _____
*S. Huntley _____
B. Jensen _____

J. Kolb _____
F. Mok _____
K. Regan _____
M. Shull _____

am for us

K. Regan (for JKM)
General Manager

Approved /

Disapproved _____

Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve a proposed amendment to the Memorandum of Understanding (MOU), substantially in the form on file in the Board Office, between the Department of Recreation and Parks (RAP), General Services Department (GSD), and the Bureau of Engineering (BOE), to increase the total construction funding for the project by \$164,852, for a total construction cost of \$514,852 for the Banning Residence Museum – Refurbishment of Building and Garden Improvements – Phase II (W.O. #E170374F) project located at 401 East M Street, Wilmington, CA 90744, subject to the approval of the City Attorney as to form;
2. Request BOE, in accordance with the proposed MOU amendment and upon its execution, with the assistance of the CAO, to facilitate the necessary Council approval to appropriate \$164,852 in construction funds to GSD, prior to the start of construction as follows:

REPORT OF GENERAL MANAGER

PG. 2 NO. 06-336

FROM:

<u>Fund Sources</u>	<u>Fund/Dept/Account No.</u>	<u>Encumbrance Amount</u>
Prop K YR9 (2005/06) ¹	43K/10/Y363	\$ 125,852
Prop 12 1/3 Per Capita ²	TBD	\$ 39,000
TOTAL		\$164,852

1. On June 20, 2006, Council approved the reprogramming of 2005-06-Proposition K, L.A. for Kids Program funding to include \$250,000 for the project in Prop K, Year 9. City staff is appropriating these funds.
2. The L.A. for Kids Steering Committee approved the reappropriation of \$39,000 to this project from funds originally allocated to the Point Fermin Park subject to Council Approval.

TO:

GSD Account Y140, and from there to the appropriate GSD accounts in Fund 100, Dept. 40, as follows:

1101 – Construction Salaries Hiring Hall:	\$ 85,426
1121 – Hiring Hall Fringe Benefits:	\$ 16,485
3180 – Construction Materials and Supplies:	\$ 62,941
Total:	\$164,852

3. Direct the Board Secretary to transmit the amendment to the MOU to the City Attorney for review and approval as to form; and
4. Authorize the General Manager to execute the proposed MOU amendment, subject to approval as to form by the City Attorney.

SUMMARY:

The Banning Residence Museum - Refurbishment of Building and Garden Improvements - Phase II (W.O. #E170374F) project is located at 401 M Street, Wilmington, CA 90744. The project scope consists of the installation of an eight-foot high wrought iron ornamental type fence to surround the museum for security purposes. The fence is needed in order to deter the vandalism attempts that the museum has experienced over the last few years and increasingly during the past few months. The project is a Proposition K Year 9 project.

REPORT OF GENERAL MANAGER

PG. 3

NO. 06-336

On June 15, 2006 (Board Report No. 06-171), the Board approved a Memorandum of Understanding (MOU) between the Department of Recreation and Parks (RAP), the Department of Public Works - Bureau of Engineering (BOE), and the Department of General Services (GSD), for the installation of the new fence for a construction cost of \$350,000. Following execution of the MOU, GSD requested bids for the project; however, the bids received were higher than anticipated. BOE and GSD have conducted value engineering for the project, and BOE subsequently obtained a re-bid from GSD, resulting in a new cost estimate of \$514,852 which exceeded the cost in the original MOU agreement by \$164,852.

On June 20, 2006, Council approved the reprogramming of 2005-06-Proposition K, L.A. for Kids Program funding. It included reprogramming \$250,000 to the project into Proposition K, Year 9.

Additional funding for the project, in the amount of \$39,000, has been identified in the form of Proposition 12 1/3 Per Capita funds. RAP and BOE recently reviewed all of the Proposition 12 projects to determine which projects would meet the applicable grant deadline. Where it was determined that a project was not able to meet or come close to the deadline, recommendations for reallocating the funds to another project were made by staff. At its meeting on October 26, 2006, the L.A. for Kids Steering Committee recommended to reappropriate \$39,000 to this project from funds originally allocated to the Point Fermin Park, subject to Council approval. The Point Fermin Park project scope involved the installation of additional benches and park lighting to complete park enhancements. That project was funded by the Department of Water and Power (DWP), and work has been completed by RAP.

The Banning Museum Phase II project has already been designed and awarded to GSD. Construction will be completed within 16 weeks after funding has been transferred to GSD.

The addition of the Proposition 12 1/3 Per Capita funds will bring the total approved funding for the project to \$514,852, sufficient to cover the project cost estimate. Approximately \$23,000 of the project's total cost will be absorbed by BOE staff costs, unless other funding is identified. GSD has indicated they can complete all required construction within 16 weeks from the transfer of funds to the following GSD accounts, which is within the Proposition 12 funding deadline imposed by the State of California.

REPORT OF GENERAL MANAGER

PG. 4 NO. 06-336

Funding Sources	Fund/Dept./ Acct. No.	Funding for Initial MOU Approved (Brd. Rpt. 06-171)	Funding by Proposed Amendment to the MOU	Total Funding by MOU as Amended
Prop K YR9 (05/06)	43K/10/Y363	\$144,969	\$125,852	\$270,821
Prop K YR 5 (02/03)	43K/10/S363	\$125,000		\$125,000
Prop K Inflation	43K/10/Y363	\$ 80,031		\$ 80,031
Prop 12 Per Capita 1/3	TBD		\$ 39,000	<u>\$ 39,000</u>
Subtotal:		\$350,000	\$164,852	\$514,852

In compliance with the California Environmental Quality Act (CEQA), staff has determined that the proposed improvements will not have a significant impact on the environment. This project has been determined to be Categorical Exempt pursuant to Article III, Section 1, Class 11(3), and Class 31 of the City CEQA Guidelines. The scope of the project remains the same, thus no further action under CEQA is required at this time. Notice of Exemption was prepared and will be filed during the week of November 10, 2006.

Staff recommends approval of the proposed MOU Amendment. Council District 15 and region staff concur with the recommendation.

FISCAL IMPACT STATEMENT:

This project does not impact the City's General Fund since the additional funds being requested are State Proposition 12 Per Capita funds. Future operations and maintenance costs have yet to be determined.

Prepared by Susan Avila, and reviewed by Neil L. Drucker, Program Manager, Recreational and Cultural Facilities Program, Bureau of Engineering. Reviewed by Bradley Smith, Chief Deputy Engineer, Bureau of Engineering.