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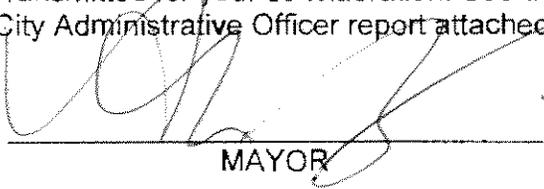
TRANSMITTAL

TO The City Council	DATE AUG 24 2015	COUNCIL FILE NO.
FROM The Mayor	COUNCIL DISTRICT 3 and 7	

**Amendment to the Donation Agreement between City of Los Angeles and
Mountains Recreation and Conservation Authority
for the Acquisition, Development, and Construction of New Parks in Los Angeles**

Transmitted for your consideration. See the
City Administrative Officer report attached.

Ana Guerrero



MAYOR

MAS:LGC:08160015f

REPORT FROM

OFFICE OF THE CITY ADMINISTRATIVE OFFICER

Date: August 24, 2015

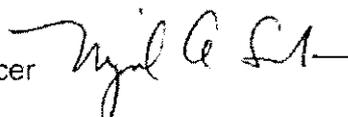
CAO File No. 0130-02021-0001

Council File No.

Council District Nos.: 3 and 7

To: The Mayor

From: Miguel A. Santana, City Administrative Officer



Reference: Letter to the Mayor from the Board of Recreation and Parks Commissioners dated June 30, 2015; referred by the Mayor on July 2, 2015

Subject: **AMENDMENT TO THE DONATION AGREEMENT WITH MOUNTAINS RECREATION AND CONSERVATION AUTHORITY FOR THE ACQUISITION, DEVELOPMENT, AND CONSTRUCTION OF NEW PARKS IN LOS ANGELES**

SUMMARY

At its meeting of June 18, 2015, the Board of Recreation and Park Commissioners (Board) approved the proposed amendment (Amendment) to the Donation Agreement between the Department of Recreation and Parks (Department) and Mountains Recreation and Conservation Authority (MRCA) for the acquisition, development, and construction of new parks in Los Angeles. The Amendment adds the Caballero Creek and Los Angeles River Confluence Park (Park) project to the list of Proposed Properties and Funding Sources to be Pursued (Exhibit A) in the Donation Agreement. The Donation Agreement will terminate upon the acceptance and approval by the Board of the improvements constructed by MRCA in Exhibit A. The remainder of the terms is unchanged.

MRCA is a local government public entity dedicated to the preservation and management of local open space and parkland, watershed lands, trails, and wildlife habitat. MRCA was awarded a total of \$1,396,500 in Proposition 84 funds for the planning, design, and development of the Park from various sources. MRCA was awarded \$250,000 by the Santa Monica Mountains Conservancy for the planning and design phase and \$1,146,500 by the Strategic Growth Council for the development of the Park through the Urban Greening Grants for Sustainable Communities Program.

The Donation Agreement outlines the Department and MRCA's roles and responsibilities in the acquisition, development, and construction of new parks included in Exhibit A. According to the terms of the Donation Agreement, MRCA shall be the lead in the grant application process, conduct outreach to determine the community's needs, develop the plans and specifications for proposed projects subject to the Department's review and approval, and selection and payment of the contractor for the development of the project. The Department agrees to cooperate in the grant application process, complete the 30-year land tenure Proposition 84 requirement, and assume and accept MRCA's obligations as grantee under the relevant grant agreement.

The proposed Park will be generally located adjacent to the confluence of Caballero Creek and the Los Angeles River at 6353 Lindley Avenue, Reseda in Council District 3. The proposed Park improvements include the development of a walking path, fitness equipment, benches and seating, native plants and new trees, stormwater management elements, outdoor classroom, decorative gates, educational and interpretive signs, various environmental water-quality features, and stormwater management elements to capture and treat stormwater runoff from the park and the surrounding streets. The City owns approximately 1.57 acres of the proposed Park site. The Los Angeles County Flood Control District (LACFCD) owns fee and easement interests over the remainder of the site. Therefore, a separate use agreement will have to be entered between the Department and LACFCD, to enable the Department to operate and maintain the proposed Park. No monetary consideration is included in the proposed Use Agreement between the Department and LACFCD.

In accordance with the Grant Administration Guide for Grants Awarded through Proposition 84, both the signed Use Agreement and the assignment of any Proposition 84 responsibilities by MRCA to the Department, are subject to the approval of the grantor.

In accordance with the requirements of the California Environmental Quality Act (CEQA), the Department determined that the proposed construction of this new park is exempt from the provisions of the CEQA, pursuant to Article III, Section 1, Class 3(6), Class 4(1,3), and Class 11(3) of the City CEQA Guidelines and Section 15325 of the State CEQA Guidelines.

Council approval of the Amendment is not required because the agreement is with another governmental agency.

RECOMMENDATION

- 1) That the Council instruct the Department of General Services to effectuate a non-financial transfer of jurisdiction of the property located at 6353 Lindley Avenue to the Department of Recreation and Parks for the development of the Caballero Creek and Los Angeles River Confluence Park; and
- 2) That the Mayor:
 - a) Approve and authorize the President and Secretary of the Board of Recreation and Park Commissioners to execute the proposed Use Agreement, submitted for approval under separate cover, between the Department and the Los Angeles County Flood Control District relative to the proposed Project site, subject to the approval of the City Attorney as to form; and
 - b) Approve and authorize the President and Secretary of the Board of Recreation and Park Commissioners to execute the proposed Amendment to the Donation Agreement between the City and Mountains Recreation and Conservation Authority for the acquisition, development, and construction of new parks, subject to the approval of the City Attorney as to form.

FISCAL IMPACT STATEMENT

Mountains Recreation and Conservation Authority received funding in the amount of \$1.4 million for the design and development of the Caballero Creek and Los Angeles River Confluence Park (Park). Funding for the operation and maintenance of the Park by the Department of Recreation and Parks is subject to future appropriation by Mayor and Council through the regular budget process. To the extent applicable, the recommendation above complies with the City Financial Policies in that on-going revenue will be used to meet on-going expenditures.

MAS:LGC:08160015

Attachments

BOARD OF RECREATION AND
PARK COMMISSIONERS

CITY OF LOS ANGELES
CALIFORNIA

DEPARTMENT OF
RECREATION AND PARKS

SYLVIA PATSAOURAS
PRESIDENT

IRIS ZUÑIGA
VICE PRESIDENT

LYNN ALVAREZ
MELBA CULPEPPER
MISTY M. SANFORD

ARMANDO X. BENCOMO
COMMISSION EXECUTIVE ASSISTANT II



ERIC GARCETTI
MAYOR

June 30, 2015

COMMISSION OFFICE
POST OFFICE BOX 86328
LOS ANGELES, CA 90086-0328

Telephone: (213) 202-2640
Facsimile: (213) 202-2610
RAP.Commissioners@LACity.org

MICHAEL A. SHULL
GENERAL MANAGER

2015 JUL 21 PM 4:16
CITY ADMINISTRATIVE OFFICE

2015 JUL 21 AM 9:52
CITY OF LOS ANGELES

Honorable Eric Garcetti, Mayor
City of Los Angeles
Room 303, City Hall

Attention: Ms. Mandy Morales

Dear Mayor Garcetti:

In accordance with Executive Directive No. 3, there are attached herewith three copies of a proposed Amendment to the Donation Agreement with the Mountains Recreation and Conservation Authority (MRCA) for the acquisition, development, and construction of new parks in Los Angeles.

Also attached for the assistance of your Office in reviewing this proposed Amendment is Report No. 15-131 adopted by the Board of Recreation and Park Commissioners at its meeting of June 18, 2015. After your review and recommendation, the proposed Amendment will be submitted to the Board for final action.

If you have any questions with regard to the proposed Amendment, please contact Mr. Darryl Ford, Principal Project Coordinator, at (213) 202-2682.

Very truly yours,

BOARD OF RECREATION AND
PARK COMMISSIONERS

ARMANDO X. BENCOMO
Commission Executive Assistant II

Attachments

cc: Darryl Ford, Principal Project Coordinator



~~AMENDMENT TO DONATION AGREEMENT FOR ACQUISITION, DEVELOPMENT,
AND CONSTRUCTION OF NEW PARKS IN THE CITY OF LOS ANGELES~~

THIS FIRST AMENDMENT TO DONATION AGREEMENT (this "First Amendment") is made and entered into as of this ____ day of _____, 20__, by and between Mountains Recreation and Conservation Authority ("MRCA"), a California nonprofit public benefit corporation, and the City of Los Angeles acting by and through its Board of Recreation and Park Commissioners ("RAP", and together with MRCA, the "Parties" and each a "Party"), a California municipal corporation, with reference to the following recitals of fact:

RECITALS

- A. Parties entered into that certain Donation Agreement dated as of March 20, 2013 ("Donation Agreement") pursuant to which the Parties summarized the primary roles and responsibilities of MRCA and RAP toward the shared goal of getting Prospective Parks built, as more particularly described in the Donation Agreement. All capitalized terms not otherwise defined herein shall have the same meaning ascribed to them in the Donation Agreement.

- B. Parties now desire to amend the Donation Agreement to revise Exhibit A of the Donation Agreement.

NOW, THEREFORE, in consideration of the foregoing, and of the conditions, terms, covenants and agreements set forth herein and of other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree that the Donation Agreement is amended as follows:

-
- 1. Exhibit A. Exhibit A of the Donation Agreement is hereby amended and restated with the following which adds a new project for which funding was awarded in 2014:
-

Exhibit A

Description of Prospective Properties and Funding Sources to be Pursued
(list may be amended by mutual written consent of the parties)

Project Name	Council District	Site Ownership	Funding Source
El Dorado Avenue Park / Pacoima Wash Greenway	7	Owned by RAP	Proposition 84 Statewide Park Program Proposition 84 Urban Greening Grant Program
Caballero Creek & Los Angeles River Confluence Park	3	Owned by CITY	Proposition 84 Urban Greening Grant Program Proposition 84 Santa Monica Mountains Conservancy

2. Counterparts. This Amendment may be executed in several counterparts, each of which shall be deemed to be an original, and all of which together shall be deemed to be one and the same instrument when each party has signed one such counterpart. This First Amendment may be executed and delivered to the other party by facsimile transmission, and a facsimile signature shall have the same legal effect as an original signature.

3. Entire Agreement. The Donation Agreement, as amended by this Amendment, constitutes the full and complete agreement and understanding between the Parties and shall supersede all prior communications, representations, understandings or agreements, if any, whether oral or written, concerning the subject matter contained in the Donation Agreement, as so amended, and no provision of the Donation Agreement, as so amended, may be modified, amended, waived or discharged, in whole or in part, except by a written instrument executed by the Parties.

4. Force and Effect. Except as modified by this Amendment, the terms and provisions of the Donation Agreement are hereby ratified and confirmed and are and shall remain in full force and effect. Should any inconsistency arise between this First Amendment and the Donation Agreement as to the specific matters which are the subject of this First Amendment, the terms and conditions of this Amendment shall control. This First Amendment shall be construed to be a part of the Donation Agreement and shall be deemed incorporated in the Donation Agreement by this reference.

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first set forth above.

Executed this _____ day
of _____, 20__

CITY OF LOS ANGELES, a municipal corporation, acting by and through its BOARD OF RECREATION AND PARK COMMISSIONERS:

By _____
PRESIDENT

By _____
SECRETARY

Executed this _____ day
of _____, 20__

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY, a local public entity established pursuant to Government Code Section 6500 et seq

By _____
LISA SOGHOR
Deputy Executive Officer

Approved as to Form:

MICHAEL N. FEUER
City Attorney

By _____
Deputy City Attorney

ATTEST:

Date: _____
HOLLY L. WOLCOTT, City Clerk

By _____
DEPUTY CITY CLERK

Council File Number: _____ Date of Approval: _____
Said Agreement is Number _____ of City Contracts

APPROVED

REPORT OF GENERAL MANAGER

NO. 15-131

DATE June 18, 2015

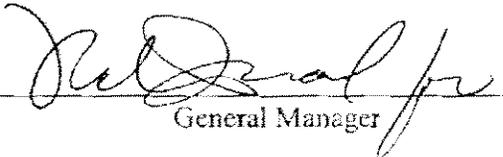
JUN 18 2015
BOARD OF RECREATION AND PARK COMMISSIONERS

C.D. 3

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: 50 PARKS INITIATIVE- CABALLERO CREEK PROJECT - ACQUISITION, DEVELOPMENT, AND CONSTRUCTION OF A NEW PARK - AUTHORIZATION TO ACCEPT TRANSFER OF JURISDICTION OF 6353 LINDLEY AVENUE; APPROVAL OF CONCEPTUAL PLAN; AMENDMENT TO DONATION AGREEMENT BETWEEN THE DEPARTMENT OF RECREATION AND PARKS AND THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY FOR THE ACQUISITION, DEVELOPMENT, AND CONSTRUCTION OF NEW PARKS IN LOS ANGELES; PRELIMINARY AUTHORIZATION TO ACQUIRE PROPERTY; TWENTY-FIVE YEAR USE AGREEMENT WITH THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT

R. Adams _____
R. Barajas _____
H. Fujita _____
V. Israel _____
K. Regan _____
N. Williams _____


General Manager

Approved _____ Disapproved _____ Withdrawn _____
AS AMENDED

RECOMMENDATIONS:

That the Board:

1. Approve the conceptual plan for the Caballero Creek Project, as described in the Summary of this Report and shown on Attachment A;
2. Take the following actions regarding the acquisition of the City owned surplus property at 6353 Lindley Avenue:
 - A. Preliminarily approve the transfer of jurisdiction to the Department of Recreation and Parks (RAP) through Council Files (CF) No. 14-1664-S1 of 1.57 acres of City-owned surplus property, located at 6353 Lindley Avenue (Los Angeles County Assessor's Property Number (APN) 2124-018-905), for the purpose of creating a new neighborhood park;

REPORT OF GENERAL MANAGER

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NO. 15-131

- B. Authorize staff to work with the Department of General Services (GSD) to complete a transfer of jurisdiction of the City surplus property located at 6353 Lindley Avenue; and,
 - C. Direct staff to return to the Board for final authorization to accept the transfer of jurisdiction of said property upon the completion of due diligence requirements.
2. Take the following actions regarding the Donation Agreement (Agreement) between the RAP and the Mountains Recreation and Conservation Authority (MRCA) for the acquisition, development, and construction of new parks in Los Angeles:
- A. Approve a proposed Amendment, substantially in the form on file in the Board Office, to the Donation Agreement between RAP and MRCA for the acquisition, development, and construction of new parks in Los Angeles, subject to the approval of the Mayor and the City Attorney as to form;
 - B. Direct the Board Secretary to transmit the proposed Amendment concurrently to the Mayor in accordance with Executive Directive No. 3, and to the City Attorney for review and approval as to form; and,
 - C. Authorize the Board President and Secretary to execute the Amendment upon receipt of the necessary approvals.
-
3. Take the following actions regarding the proposed Use Agreement (Use Agreement) between RAP and the Los Angeles County Flood Control District (LACFCD) for use of LACFCD property for public recreational purposes:
-
- A. Approve the proposed Use Agreement, substantially in the form on file in the Board Office, between RAP and LACFCD for use of LACFCD property for public recreational purposes, subject to the approval of the Mayor and the City Council, and the City Attorney as to form;
 - B. Authorize staff to coordinate with LACFCD, and other City Departments as necessary, to expedite the Use Agreement for said property, complete due diligence requirements, and obtain any necessary environmental clearances;
 - C. Direct the Board Secretary to transmit the proposed Use Agreement concurrently to the Mayor in accordance with Executive Directive No. 3, and to the City Attorney for review and approval as to form; and,

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NO. 15-131

- D. Authorize the Board President and Secretary to execute the Use Agreement upon receipt of the necessary approvals.

SUMMARY:

On July 19, 2012, the Board approved an Agreement between the RAP and MRCA, a local public entity established pursuant to Government Code Section 6500 *et. seq.*, for the acquisition, development, and construction of new parks in Los Angeles (Report No. 12-223). Said Agreement was executed on March 20, 2013 (Agreement No. C-121940 of City Contracts).

RAP and MRCA have identified an additional prospective park project, the Caballero Creek Project (Project), which staff recommends be added to the Agreement.

Caballero Creek Project

The Project proposes to develop an approximately 1.90 acre public park at 6353 Lindley Avenue in the Reseda community of the City. The Project site, which is generally located adjacent to the confluence of Caballero Creek and the Los Angeles River, was identified as an opportunity site to be developed as a part of both the City's Los Angeles River Revitalization Master Plan and RAP's 50 Parks Initiative. An estimated 3,022 residents live within a one-half mile walking distance of the proposed new park. Of those 3,022 residents, an estimated 676 residents currently do not have access to any improved green spaces or neighborhood parks within a one-half mile walking distance of their homes.

The Project site is publicly owned property and is currently vacant and unused. The City owns approximately 1.57 acres of the site and the Los Angeles County Flood Control District (LACFCD) owns fee and easement interests over the remainder of the site. The City-owned portion of the site is currently under the jurisdiction of GSD.

The Project would develop the site with improvements that will include a walking path, fitness equipment, benches and seating, native planting and new trees, stormwater management elements, an outdoor classroom, decorative gates, and educational and interpretive signs. The proposed new park would also include various environmental water-quality features and stormwater management elements that are designed to capture and treat stormwater runoff from the park and the surrounding streets.

The conceptual plan for the Project is attached as Attachment A. The conceptual plan was developed by MRCA, which has been working in collaboration with many partners, including community partners and stakeholders, governmental agencies, and local residents.

REPORT OF GENERAL MANAGER

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NO. 15-131

The Project would be designed and developed by MRCA. MRCA has secured a total of \$1,396,500 in funding (\$1,146,500 from the Proposition 84 Urban Greening Grant Program and \$250,000.00 from the Santa Monica Mountains Conservancy) for the Project. MRCA staff anticipates that this funding is sufficient to meet the current scope of the Project.

Donation Agreement - Amendment

The proposed Amendment to the Agreement between RAP and MRCA would revise Exhibit A of the Agreement in order to add the Project to the list of prospective park projects to be implemented by MRCA. All the other terms of the Agreement would remain the same.

As detailed in the Agreement, MRCA is required to prepare, in coordination with RAP, grant applications and conceptual plans for the prospective park projects identified in Exhibit A of the Agreement. If any of those grant applications are successful, MRCA is responsible to coordinate the acquisition (if necessary), development, and construction of each park project. MRCA is required to develop a conceptual plan for each park project successfully awarded grant funding and present those plans to RAP for review and approval. Once RAP approves a project's conceptual plan, MRCA will prepare a detailed set of final plans and specifications for that project. MRCA is also responsible for securing any and all permits and approvals necessary to construct each park project. Upon completion of construction of each prospective park by MRCA, RAP staff will submit the completed project to the Board for final approval and acceptance. If accepted by the Board, RAP will be responsible for long-term maintenance and operation of each park developed and constructed under the terms of the Agreement.

LACFCD Use Agreement

A portion of the proposed Project will be developed on property under the control of LACFCD. This LACFCD property includes portions of the Los Angeles River generally located at the confluence of Caballero Creek and Los Angeles River between Wynne Avenue and Lindley Avenue.

In order to utilize the LACFCD portion for the Project, RAP would need to enter into a Use Agreement with LACFCD. The Use Agreement would allow RAP to operate and maintain a public park on LACFCD property and requires RAP to maintain the property in a safe, clean, and orderly condition. The Use Agreement carries a term of twenty-five (25) years. There is no consideration required under the proposed Use Agreement.

Exhibit A of the Use Agreement identifies the LACFCD property that will be developed or improved by the Project. Exhibit B (Scope of Work: Landscape Maintenance) of the Use Agreement identifies LACFCD's maintenance guidelines and standards for the LACFCD property.

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California Environmental Quality Act

Staff has determined that the subject project will consist of the development of a new park. The proposed park will include a walking path, fitness equipment, benches and seating, native planting and new trees, stormwater management elements, an outdoor classroom, decorative gates, and educational and interpretive signs. Therefore, the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 3(6), Class 4(1.3), Class 11(3) of the City CEQA Guidelines and Section 15325 of the State CEQA Guidelines.

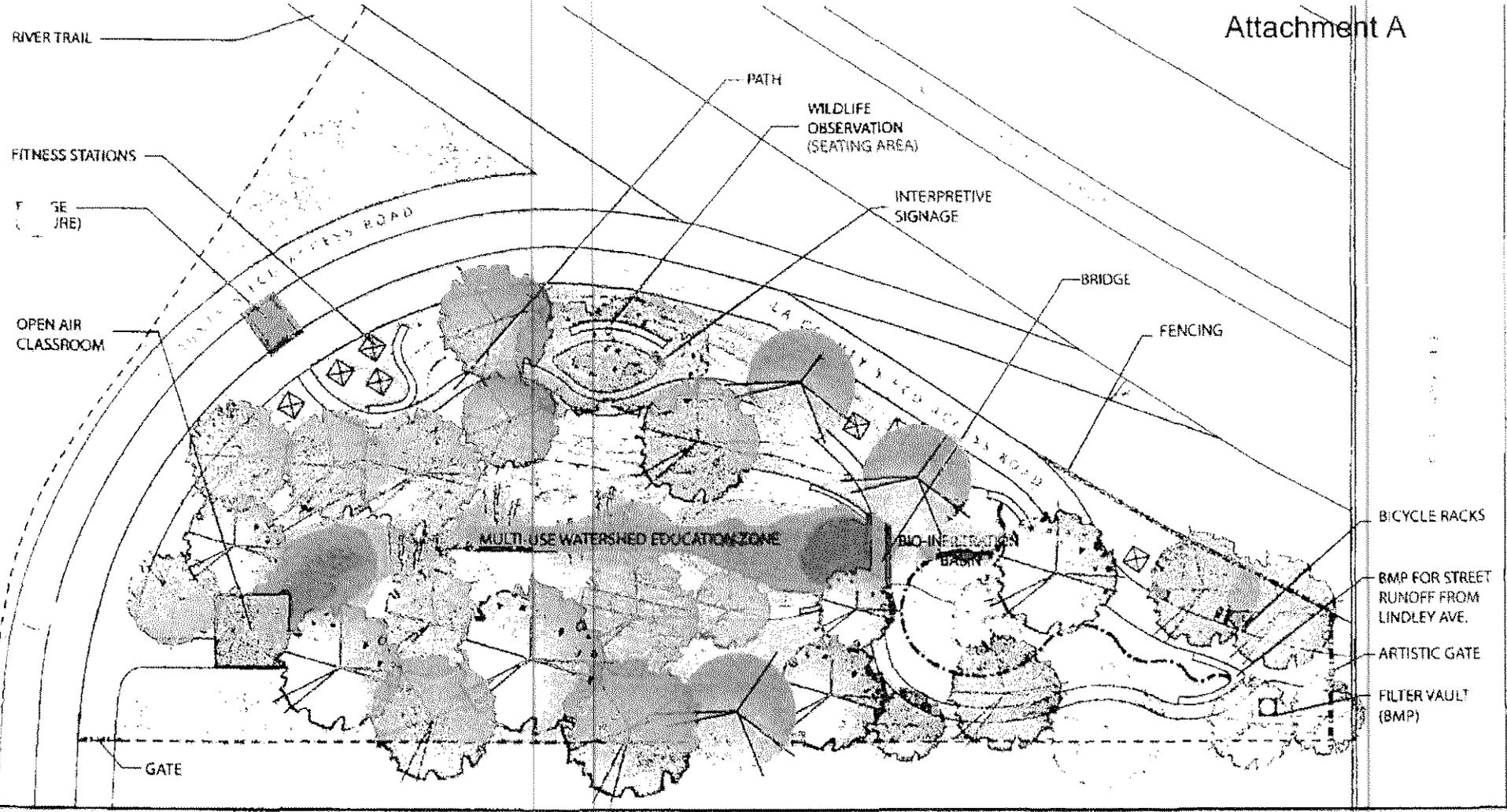
FISCAL IMPACT STATEMENT:

The approval and execution of the proposed Amendment will not have any impact on the General Fund.

The development of the Project is anticipated to be funded by grant funds or funding sources other than the Department's General Fund.

The annual maintenance cost of the park is estimated at \$20,000. Maintenance funds for the new park will be requested as part of the annual City budget process. This budget includes part time staff, materials and supplies. This will provide maintenance seven days a week, year round.

This report was prepared by Darryl Ford, Principal Project Coordinator, Planning, Construction, and Maintenance Branch.



RIVER TRAIL

FITNESS STATIONS

OPEN AIR CLASSROOM

OPEN AIR CLASSROOM

GATE

PATH

WILDLIFE OBSERVATION (SEATING AREA)

INTERPRETIVE SIGNAGE

BRIDGE

FENCING

MULTI-USE WATERSHED EDUCATION ZONE

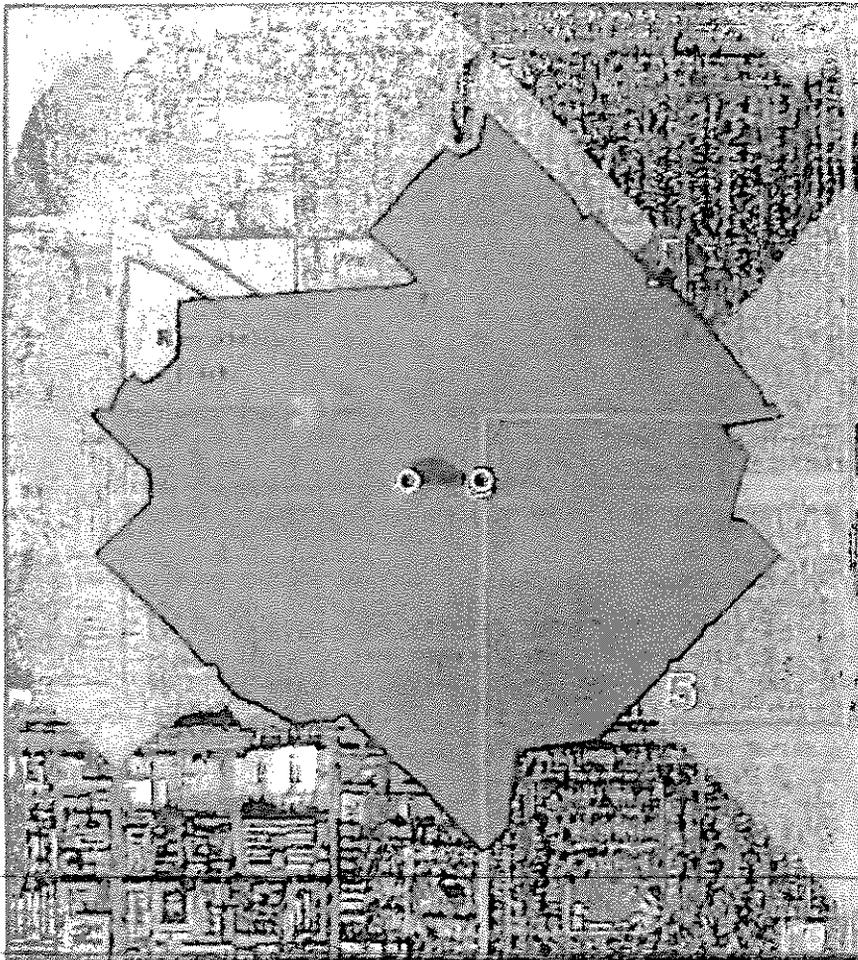
BIO-INTEGRATION BARN

BICYCLE RACKS

BMP FOR STREET RUNOFF FROM LINDLEY AVE.

ARTISTIC GATE

FILTER VAULT (BMP)



Scenario Information

Scenario Name:
Cabellero Creek Park

Description:
Opening FY 16/17
To be built by MRCA

Scenario Type:
New Park

Park Class:
Neighborhood

Baseline Dataset*:
All Parks (RAP and Non-RAP)

*The baseline dataset is the existing parks dataset whose service areas are used to calculate the currently non-served metrics given below in blue. These residents and households, which would be served by the proposed park, are not currently served by any existing park in the baseline dataset.

Population and Age Breakdown

	Total Residents Served:	Currently Non-Served Residents Served:
Residents Served:	3,022	676
Residents Served by Age		
Under Age 5:	166	40
Age 5 to 9:	171	42
Age 10 to 14:	165	29
Age 15 to 17:	99	20
Age 18 to 64:	1,959	443
Age 65 and Over:	462	102

Household and Income Breakdown

	Total Households Served:	Currently Non-Served Households Served:
Households Served:	1,023	239
Households Served by Annual Income		
Under \$25,000:	145	30
\$25,000 to \$34,999:	57	3
\$35,000 to \$49,999:	158	25
\$50,000 to \$74,999:	263	75
\$75,000 and Over:	400	106

Source: Census/ACS 2010