

City of Culver City, California
Agenda Item Report

Meeting Date: 08/13/12		Item Number: <u>C-6</u>	
CITY COUNCIL AGENDA ITEM – FOUR-FIFTHS VOTE REQUIREMENT: 1) Approval of a License Agreement with Cannon Constructors, South Inc. for the Installation of Lighting in the Culver City Dog Park; 2) Approval of an Amendment to the Existing Memorandum of Understanding with the Friends of the Culver City Dog Park Relating to the Operation and Maintenance Costs of the Lighting to be Installed in the Culver City Dog Park; 3) Acceptance of a \$35,000 Grant from the Friends of the Culver City Dog Park to be Used for the Monthly Electrical Costs Associated with the Operation of the Lighting; 4) Approval of a Related Budget Amendment (Four-Fifths Vote Requirement); and 5) Adoption of a Resolution Modifying Culver City Dog Park Hours and Rescinding Resolution No. 2004-R082.			
Contact Person/Dept.: Charles D. Herbertson, Public Works Director/City Engineer; Daniel Hernandez/PRCS Director		Phone Number: (310) 253-5635; (310) 253-6658	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☐ Attachments: ☒	
Public Notification: (Email) Agendas and Meetings – City Council (08/09/12) ; Friends of the Culver City Dog Park (08/08/12)			
Department Approval: Charles D. Herbertson (08/07/12) Daniel Hernandez (08/07/12)		City Attorney Approval: Carol Schwab (by H. Baker) (08/07/12)	
Chief Financial Officer Approval: Jeff Muir (08/08/12)		City Manager Approval: John M. Nachbar (08/09/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1) approve a license agreement with Cannon Constructors South Inc. for the installation of lighting in the Culver City Dog Park (Dog Park); 2) approve an amendment to the existing Memorandum of Understanding (MOU) with the Friends of the Culver City Dog Park (FCCDP) relating to the operation and maintenance costs of the lighting to be installed in the Dog Park; 3) accept a \$35,000 grant from FCCDP to be used for the monthly electrical costs associated with the operation of the lighting; 4) approve a related budget amendment (four-fifths vote requirement); and 5) adoption of a Resolution modifying the hours of the Dog Park and rescinding Resolution No. 2004-R082. <u>BACKGROUND/DISCUSSION:</u> As part of the work plan for developing the Dog Park, the City and the FCCDP negotiated and executed an MOU, which became effective on March 1, 2005.			

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regarding the cooperative relationship between the FCCDP and the City and each party's respective duties and responsibilities pertaining to the development, operation and maintenance of the Dog Park. As stated in its bylaws, the FCCDP is a 501(c)(3) non-profit organization with the sole mission of assisting the people of Culver City and City of Culver City with sustaining the Dog Park. The organization is committed to ensuring this vital community asset is well maintained and operated so that the public and their dogs can experience a clean, safe and vibrant environment.

At the August 3, 2010 Parks, Recreation and Community Services Commission meeting, the Commission unanimously took action to recommend that the City Council authorize City staff to work with FCCDP to explore the possibility of installing lighting at the Dog Park. The City Council, at its meeting of September 27, 2010 agreed with the Commission's recommendation and directed staff to work with FCCDP in this regard. Until now, sufficient funds have not been available to install the lighting.

Recently, due to the generosity of the owner of the nearby building located at 9920 Jefferson (currently under construction and renovation) the installation of lighting at the Dog Park has become possible.

License Agreement

FCCDP's purpose, among other things, is to cooperate with the City in the operation and maintenance of the Dog Park, which includes the donation or expenditure of funds for additional enhancements and improvements to the Dog Park. In that regard, FCCDP has arranged to have lighting installed in the Dog Park by Cannon Constructors, the contractor currently working on the construction and renovation at the nearby 9920 Jefferson project, at no cost (for the installation) to the City. Staff recommends the City Council approve a license agreement to allow the contractor to install the lighting, pursuant to the construction agreement between the contractor and FCCDP. The license agreement grants access to the Dog Park for the purpose of the lighting installation and, among other general provisions, requires the contractor to indemnify the City and include it as an additional insured on all required insurance policies.

Amendment to FCCDP MOU

FCCDP has offered a grant of \$35,000 to the City to be used for the monthly electrical costs to operate the lighting that will be installed at the Dog Park. It is estimated that the electrical costs will be between \$500 - \$1,000 per year. Taking into account current electrical rates and the likelihood of electrical rate increases, the funds would likely cover the electrical costs for over 20 years.. It is proposed

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that the City would be responsible for maintenance and repair of the lighting, which is estimated to be approximately \$500 per year at today's costs.

Staff recommends the City Council approve an amendment to the MOU (the "Amended MOU") setting forth the responsibilities of the FCCDP and the City with regard to the operation and maintenance costs of the lighting as described above. Nothing in the Amended MOU requires the City Council to continue to operate and maintain the lighting in the Dog Park once the grant funds have been exhausted. As with any City park, costs to maintain it may be considered during the annual budget process.

Resolution Modifying Park Hours

Prior to the opening of the Dog Park, the City Council amended its resolution establishing City park hours to include the hours of operation of the Dog Park (Attachment 1). At that time it was determined that the hours that the Dog Park would be closed would be from dusk until dawn, due to the lack of lighting. As a result of the installation of lighting, staff recommends the City Council adopt the proposed Resolution modifying the hours of the Dog Park to be consistent with the hours of Culver City Park, which are from 5 a.m. – 10:30 p.m. (Attachment 2). The new hours for the Dog Park would not take effect until the lighting is installed and operational.

FISCAL ANALYSIS:

If the Amended MOU is approved, upon its execution FCCDP will grant to the City \$35,000 to be deposited into the City's General Fund and identified by a separate line item to be used solely for the monthly electrical costs associated with the lighting. Under the proposed Amended MOU, the City would be responsible for maintenance and repair of the lighting, which is estimated to be approximately \$500 per year at today's costs. The lighting is being installed at no cost to the City.

ATTACHMENTS:

1. Proposed Resolution.

MOTIONS:

That the City Council:

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1. Approve a license agreement with Cannon Constructors South Inc. for the installation of lighting in the Culver City Dog Park; and,
2. Approve an amendment to the existing MOU with FCCDP relating to the costs of operation and maintenance of the lighting to be installed in the Dog Park; and,
3. Authorize the City Attorney to review/prepare the necessary documents; and,
4. Authorize the City Manager to execute such documents on behalf of the City; and,
5. Approve acceptance of the \$35,000 grant from FCCDP upon execution of the Amended MOU; and,
6. Authorize the City Manager to appropriate the grant funds as needed for the payment of the monthly electrical costs for the lighting installed in the Dog Park; and,
7. Adopt a Resolution modifying the hours of the Dog Park and rescinding Resolution No. 2004-082.