

File No. 100342

Committee Item No. 2

Board Item No. 15

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: City Operations & Neighborhood Ser. Date: April 12, 2010

Board of Supervisors Meeting

Date 4/20/10

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | MOU  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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Completed by: Victor Young

Date April 8, 2010

Completed by: Victor Young

Date 4-13-10

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

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1 [Accept and Expend Gift - Hayes Valley Playground Project - \$1,500,000]

2 **Resolution accepting and expending a gift valued up to \$1,500,000 from The Trust for**  
3 **Public Land to the Recreation and Parks Department for the Hayes Valley Playground**  
4 **project.**

5 WHEREAS, The City owns real property located in Hayes Valley on Block 819, Lot 26  
6 know as Hayes Valley Playground; and

7 WHEREAS, The City, through the Recreation and Park Department, owns and  
8 operates Hayes Valley Playground and has a compelling need to renovate and maintain its  
9 facility so that its residents, guest, and especially its children have a safe and aesthetically  
10 pleasing environment where they can play and be immersed in culturally enriching programs;  
11 and

12 WHEREAS, The Trust for Public Land, a national, non-profit conservation organization  
13 is proposing to partially fund improvements to the Hayes Valley Playground as gift ("Gift"),  
14 valued up to \$1,500,000, to the City and County of San Francisco; and

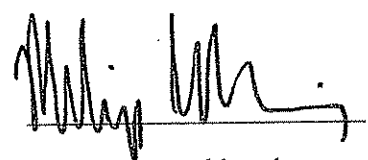
15 WHEREAS, The terms and conditions of the Gift, including cross-indemnification  
16 provisions, are detailed in an Agreement between the City and County of San Francisco and  
17 The Trust for Public Land; and

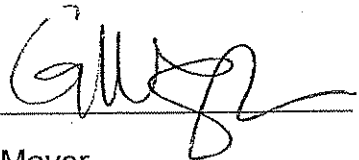
18 WHEREAS, Through a series of community meetings, conceptual plans for the  
19 improvements at Hayes Valley Playground were developed and approved by the Recreation  
20 and Park Commission on September 18, 2008, under resolution No. 0809-019 ("Commission  
21 Resolution"); and

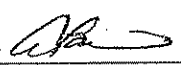
22 WHEREAS, Under the aforementioned Commission Resolution, the Recreation and  
23 Park Commission recommends to the Board of Supervisors to accept and expend the Gift;  
24 now, therefore, be it  
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RESOLVED, That the Board of Supervisors authorizes the General Manager of the Recreation and Park Department to accept and expend the Gift valued up to \$1,500,000 from The Trust for Public Land for the renovation of Hayes Valley Playground.

  
Department Head

Approved:   
for Mayor

Approved:   
Controller



TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: Mayor Gavin Newsom  
RE: Resolution Accepting and Expending a Gift Valued up to \$1,500,000  
from the Trust For Public Land to the Recreation And Park Department  
for the Hayes Valley Playground Renovation Project.  
DATE: March 16, 2010

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Dear Madame Clerk:

Attached for introduction to the Board of Supervisors is a Resolution Accepting and Expending a Gift Valued up to \$1,500,000 from the Trust for Public Land to the Recreation and Park Department for the Hayes Valley Playground Renovation Project.

Should you have any questions, please contact Starr Terrell (415) 554-5262.

100342



Mayor Gavin Newsom  
Philip A. Ginsburg, General Manager

January 19, 2010

Angela Calvillo, Clerk of the Board  
Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of the revised proposed resolution for the Board of Supervisors approval which will authorize the San Francisco Recreation and Park Department to accept and expend a gift from The Trust for Public Land for the renovation of Hayes Valley Playground and Clubhouse.

The following is a list of accompanying documents (five sets):

- o Grant Information Form
- o Copy of Intent of Fund from Funding Agency
- o Copy of Gift Budget

The following person may be contacted regarding this matter:  
Jacob Gilchrist, (415) 581-2561.

Sincerely,

Philip A. Ginsburg  
General Manager, San Francisco Recreation and Park Department

Attachment

Cc: Rhoda D. Parhams, Capital Improvement Program Manager  
Julie Lee, Capital Finance/Grants Manager

## MEMORANDUM OF UNDERSTANDING

City and County of San Francisco  
Recreation and Park Department  
*and*  
Trust for Public Land

### RENOVATION OF HAYES VALLEY PLAYGROUND

This Memorandum of Understanding ("MOU") is entered into as of SEPTEMBER 18, 2008, by and between the Trust for Public Land ("TPL"), national, nonprofit conservation organization, and the City and County of San Francisco ("City") acting through the Recreation and Park Department ("RPD"); collectively referred to herein as the ("Parties"). The purpose of this MOU is to delineate the responsibilities of each of the parties in the renovation of Hayes Valley Playground ("Project").

#### RECITALS

- A. The City, through the Recreation and Park Department, operates and maintains real property at Block 0819, Lot 026, on Hayes and Buchanan Street in San Francisco that is described on Exhibit A attached hereto, and is commonly referred to as "Hayes Valley Playground" ("Property"). The upper terrace of the Property, that is bound by Hayes Street to the north, Linden Street to the South, and Buchanan Street to the East, which comprises the main entry, a clubhouse building, and a developed children's play area, is referred to as the "Project Site." The property is under the jurisdiction of the Recreation and Park Commission ("Commission"). See Exhibit A - Project Location.
- B. In support of the development of the Project Site, TPL co-sponsored a series of public workshops with RPD to develop a community-supported conceptual plan. At a community workshop held on August 14, 2008 TPL and RPD presented the final conceptual improvement plan ("Conceptual Plan") for the renovation of Hayes Valley Playground. At that meeting the Conceptual Plan was supported by the community participants to renovate the Hayes Valley Playground to provide a safe, functional and aesthetically pleasing environment for pre-school and school-age children of all abilities and adults. Components of the plan include two age-specific playgrounds, an adult fitness area, landscaping, garden, and renovation of the clubhouse, which includes restroom facilities. See Exhibit B - Conceptual Plan.
- C. In its continued support for the Project Site, TPL is offering to provide a gift-in-place ("Gift"), valued at up to \$1,500,000 towards the planning, management and construction of improvements ("Improvements") to the Project Site based on the Conceptual Plan. This Gift includes funding for (a) plans and specifications for the Improvements based on the Conceptual Plan and in response to City review and project budget, (b) project management and construction management services to implement the Gift, and (c) construction of certain areas of the plans and specifications, as determined in a future Agreement with the City prior to construction, to implement the Gift.
- D. On \_\_\_\_\_, 2008, Resolution (XXX) the Commission recommended to the Board of Supervisors of the City ("Board") that the City accept the Gift.

E. The primary funding sources for the Project will be both private and public funds.

NOW, THEREFORE, subject to and effective upon the Board's acceptance of the Gift (the "Effective Date"), the Parties hereto agree as follows:

1. TPL will provide the following:
  - a. Art Commission approval for Civic Design Review.
  - b. Detailed construction documents for the Project, reviewed by and subject to approval by RPD. TPL will provide (3) full size sets and a CD of the final construction documents signed by a licensed landscape architect to RPD.
  - c. TPL shall be responsible for obtaining any permit necessary to construct the Improvements, provided, however, that RPD shall cooperate with TPL to the extent reasonably practical and shall provide TPL with such reasonable assistance as requested by TPL.
2. RPD shall provide to TPL the following for the Project:
  - a. Commit \$650,000 from the FY 08-09 General Fund allocation and \$1,000,000 from the FY 09-10 General Fund allocation towards, but not limited to, construction of the Improvements and associated costs subject to the budgetary provisions of the San Francisco Charter. Parties acknowledge that the availability of the General Fund allocation is subject to future action(s) by the Board of Supervisors. Should the FY 09-10 General Fund allocation be reduced in whole or in part, TPL and the City will meet to revisit the scope of the Improvements and prepare a strategy for a mutually agreeable solution to project implementation.
  - b. Conceptual Plan as approved by the Commission.
  - c. Coordination for Recreation and Park Commission and Board of Supervisors reviews.
3. Prior to design development of the Project, TPL and RPD will enter into a separate Agreement specifying the terms under which construction, construction management, and final acceptance will occur thereon, which shall include the necessary protections for the City such as bonds, insurance and indemnification and shall require the payment of prevailing wages for all non-volunteer workers.
4. TPL agrees that in any contract(s) it enters into for the construction of the Improvements, the City shall be named as the third party beneficiary of the work.
5. RPD will be responsible for the maintenance of the Project after final acceptance of the Improvements in accordance with Proposition C maintenance standards.
6. The RPD reserves the right to remove or alter the site improvements at its sole discretion.



7. TPL shall maintain in force, during the full term of this MOU, insurance in the following amounts of coverage:
- A. Workers Compensation, with Employer's liability limits no less than \$1,000,000 each accident.
  - B. Comprehensive General Liability Insurance with limits no less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage.
  - C. Business Automobile Liability Insurance with not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage.
  - D. Professional Liability Insurance with limits not less than \$1,000,000 each occurrence with respect to negligent acts and errors and omissions, arising from performance and services under this Agreement.

Insurance companies shall be legally authorized to engage in the business of furnishing insurance in the State of California. All insurance companies shall have a current A.M. Best rating not less than "A-, VIII" and shall be satisfactory to the City.

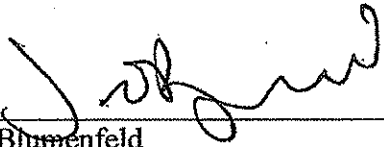
Comprehensive General Liability and Business Automobile Liability Insurance policies shall be endorsed to provide the following:

- A. Name Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.
  - B. That such policies are primary insurance to any other insurance available to the Additional Insured's, with respect to any claims arising out of the Contract, and that insurance applies separately to each insured against whom claim is made or suit is brought.
  - C. Joint Ventures/Partnerships: Each participant in the joint venture/partnership must include the joint venture or partnership as Named Insured on each other of their separate policies, with respect only to the interests and activities of that participant in the joint venture or partnership.
8. Any party, upon written notice to the others, may terminate this MOU. Notice of termination shall be provided to each Party at the addresses below. The Parties addresses for purposes of such notices are:

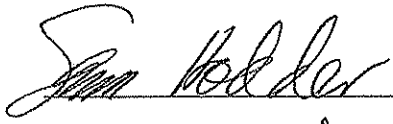
<p>TPL  116 New Montgomery Street  Third Floor  San Francisco, CA 94105  ATTN: Gilman Miller, Regional Counsel</p>	<p>San Francisco Recreation and Park Department  McLaren Lodge  501 Stanyan Street  San Francisco, CA 94117  ATTN: General Manager</p>
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IN WITNESS WHEREOF, the undersigned have indicated their approval of this Memorandum of Understanding effective as of the respective dates set forth to their names.


APPROVED:

  
\_\_\_\_\_  
Jared Blumenfeld  
General Manager  
Recreation and Park Department

5/15/09  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sam Hodder *California State*  
~~Vice President & Western Region Director~~  
Trust for Public Land

5/12/09  
\_\_\_\_\_  
Date

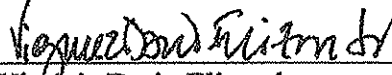
  
\_\_\_\_\_  
Margaret McArthur  
Commission Secretary  
Recreation and Park Commission

7/7/09  
\_\_\_\_\_  
Date

0809 - 019  
\_\_\_\_\_  
Recreation and Park Commission Resolution No.

9/18/08  
\_\_\_\_\_  
Date of Approval

Approved as to form

  
\_\_\_\_\_  
Virginia Dario Elizondo  
Deputy City Attorney

Attachments:

- Exhibit A - Project Location
- Exhibit B - Conceptual Plan

## Grant Information Form

File Number: \_\_\_\_\_ (Provided by Clerk of Board of Supervisors)

### Grant Information Form (Effective January 2000)

Purpose: Accept a gift to the Recreation and Park Department valued up to the amount of \$1.5 million from The Trust for Public Land for renovation of Hayes Valley Playground and Clubhouse

The following describes the grant referred to in the accompanying resolution:

1. Grant Title: Gift Acceptance from The Trust For Public Land
2. Department: Recreation and Park Department, Capital Division
3. Contact Person: Marvin Yee, Project Manager, Telephone: (415) 581-2541
4. Grant Approval Status (check one):  
 Approved by funding agency                       Not yet approved
5. Amount of Grant Funding Applied for: \$ 1,500,000
6. Amount of Grant funding awarded: \$ 1,500,000
- 6a. Matching Funds Required: Yes
- 6b. Source(s) of matching funds (if applicable):

Source	Amount	Date Appropriated
RPD General Fund	\$250,000	FY 05-06
RPD General Fund	\$ 650,000	FY 08-09
RPD General Fund	\$ 1,000,000	FY 09-10

- 7a. Grant Source Agency: The Trust For Public Land  
7b. Grant Pass-Through Agency (if applicable): Not Applicable.

8. Proposed Grant Project Summary:

Renovation of the Hayes Valley Playground and Clubhouse.

9. Grant Project Schedule, as allowed in approval documents, or as proposed:  
Start-Date: January 1, 2010                      End-Date: March 31, 2011

10. Number of new positions created and funded: 0

11. If new positions are created, explain the disposition of employees once the grant ends? N/A

- 12a. Amount budgeted for contractual services; \$ 2,230,000  
 12b. Will contractual services be put out to bid? Yes  
 12c. If so, will contract services help to further the goals of the department's MBE/WBE requirements? This will further LBE contracting goals as required by the Human Rights Commission.  
 12d. Is this likely to be a one-time or ongoing request for contracting out? One-time

- 13a. Does the budget include indirect costs?  Yes  No  
 b1. If yes, how much?  
 b2. How was the amount calculated?  
 c. If no, why are indirect costs not included?  
 Not allowed by granting agency  To maximize use of grant funds on direct services.  
 Other: All grant funds budgeted for contractual services.

14. Any other significant grant requirements or comments: No

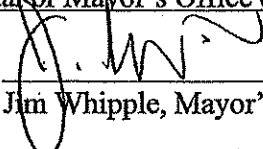
**\*\*Disability Access Checklist\*\***

15. This Grant is intended for activities at (check all that apply):  
 Existing Site(s)  Existing Structure(s)  
 Existing Program(s) or Service(s)  Rehabilitated Site(s)  
 Rehabilitated Structure(s)  New Program(s) or Service(s)  
 New Site(s)  New Structure(s)

16. The departmental ADA Coordinator and/or the Mayor's Office on Disability have reviewed the proposal and concluded that the project as proposed will be in compliance with the Americans with Disabilities Act and all other Federal, State and local access laws and regulations and will allow the full inclusion of persons with disabilities, or will require unreasonable hardship exceptions, as described in the comments section:

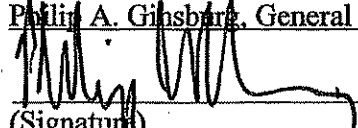
**Comments:**

Departmental or Mayor's Office of Disability

Reviewer:   
 Jim Whipple, Mayor's Office on Disability

Date Reviewed: October 14, 2009

Department Approval:

Phillip A. Gilsberg, General Manager, Recreation and Park Department  
  
 (Signature)



Mayor Gavin Newsom  
Philip A. Ginsburg, General Manager

Gift Acceptance – Hayes Valley Playground and Clubhouse

GIFT BUDGET

December 10, 2009

PURPOSE	SOURCE	AMOUNT
Construction Contract	The Trust for Public Land	\$323,000
Construction Contingency	The Trust for Public Land	\$1,177,000
	TOTAL	\$1,500,000



**EXHIBIT A:  
MAP SHOWING PROJECT LOCATION**

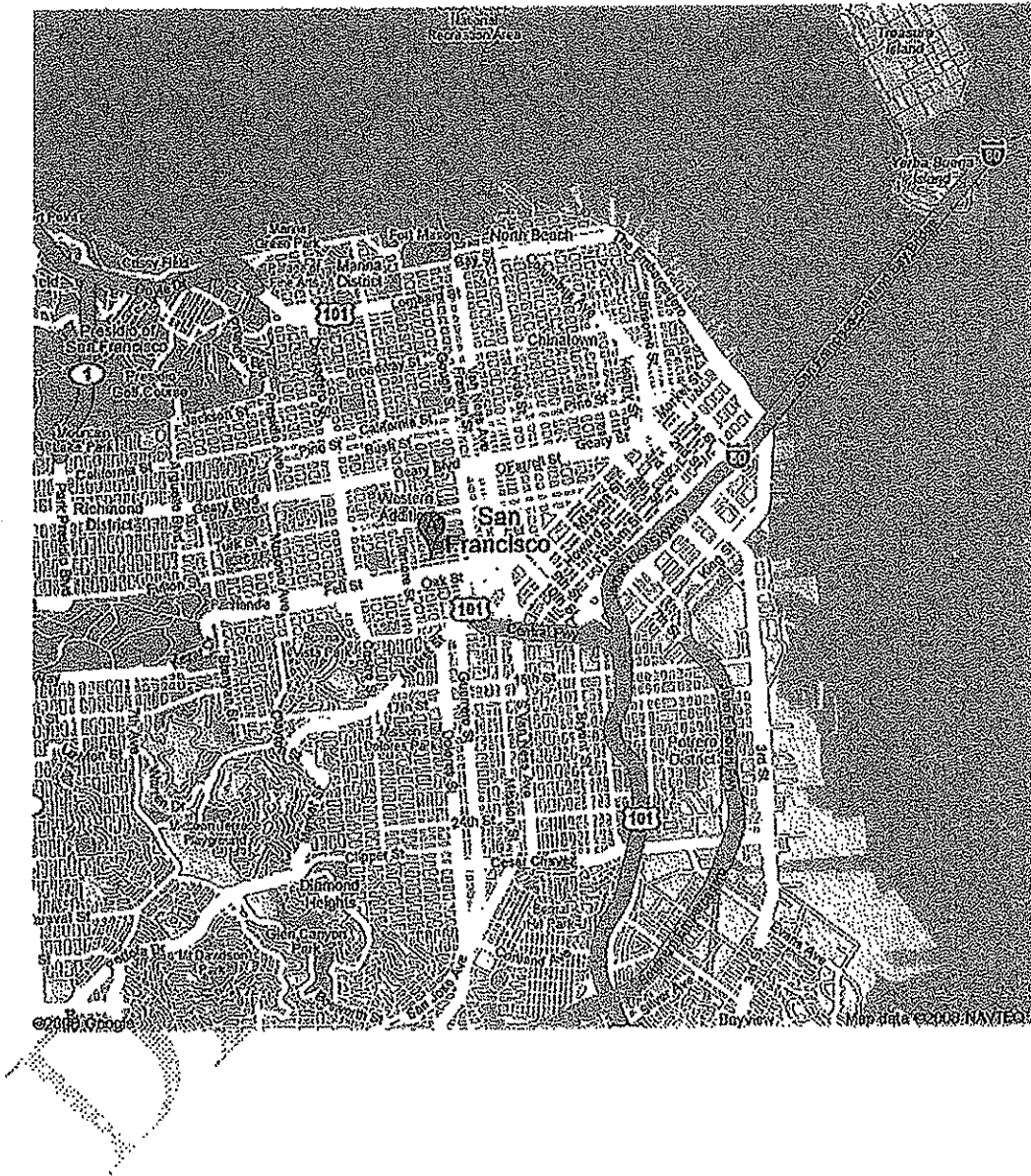


EXHIBIT B:  
CONCEPTUAL PLAN

