

**MOORPARK CITY COUNCIL
SUCCESSOR AGENCY TO THE MOORPARK REDEVELOPMENT AGENCY
AGENDA REPORT**

TO: Honorable City Council

FROM: Hugh R. Riley, Assistant City Manager 

DATE: April 9, 2012 (CC Meeting of 4/18/12)

SUBJECT: Consider Amendment of Professional Services Agreement with Ky Spangler for Special Projects Consulting Services for the Ruben Castro Human Services Center through September 30, 2012

BACKGROUND & DISCUSSION

Construction of the Ruben Castro Human Services Center (RCHSC) began in February, 2011. A Special Projects Consultant was retained under a contract with the Redevelopment Agency of the City of Moorpark ("Redevelopment Agency") to oversee project needs during an approved leave for the Management Analyst managing the project. The initial duration of the Special Projects Consulting agreement extended through the return of the Management Analyst in late-May, 2011.

In May, 2011, City departmental restructuring was proposed, with changes in staff assignments taking effect in July. The returning Management Analyst was shifted into the Community Development department with new duties and responsibilities. In order to maintain continuity of oversight for the RCHSC project, an amendment was issued to the existing Special Projects Consulting Agreement with the Redevelopment Agency providing for nineteen hours per week of services continuing through April 20, 2012 when construction was expected to be complete.

During the course of construction, the decision to add a storm drain connection from the RCHSC to Spring Road was made. The approval, design and pending construction of this connection have extended the project construction schedule through mid-July, 2012. Staff proposes to issue an amendment to the Agreement with Special Projects Consultant through the end of the RCHSC construction to address the matters associated with the additional storm drain construction and project close-out (including

Notice of Completion filings, final payment processing, completion of punchlist and turnover matters, etc.) in an amount not-to-exceed \$16,500. The project close-out process is expected to be complete by September 30, 2012.

Concurrently with the construction of this facility, on June 29, 2011 the Governor signed ABX1 26, a bill that had as its sole purpose the dissolution of redevelopment agencies statewide. After litigation was brought to challenge the validity of ABx1 26, the Supreme Court of the State of California ruled on December 29, 2011 that ABx1 26 was Constitutional and a valid exercise of the legislative power of the State, and on February 1, 2012, the Redevelopment Agency of the City of Moorpark was dissolved pursuant to the Supreme Court's modification of ABx1 26's dissolution date. Prior to dissolution of the Redevelopment Agency of the City of Moorpark, on January 4, 2012, the City Council of the City of Moorpark adopted Resolution 2012-3079 designating the City of Moorpark at the Successor Agency ("Successor Agency") of the Redevelopment Agency. By operation of Section 34173 of the Health and Safety Code, all authority, rights, powers, duties, and obligations of the former Redevelopment Agency of the City of Moorpark are vested in the Successor Agency, with certain statutory exceptions found elsewhere in ABx1 26.

With the dissolution of the Redevelopment Agency, the Successor Agency has assumed the responsibility for existing and on-going obligations; completion of construction of the Ruben Castro Human Services Center is one of these obligations. Due to the timing of the expiration of the Agreement along with the dates of the first Oversight Board meeting and Successor Agency Board meeting, this amendment was presented to the Oversight Board at their meeting on April 17, 2012 for consideration. Staff will report the Oversight Board's decision, on whether there is concurrence to extend the term of the Professional Services Agreement, to the Successor Agency at the April 18, 2012 meeting.

FISCAL IMPACT

The Capital Improvement budget (Fund 5020) for the Ruben Castro Human Services Center is \$11,038,064. Sufficient funds exist in the budget to cover this work. Therefore, no additional funds need to be budgeted at this time.

STAFF RECOMMENDATION

Approve the second amendment to the Professional Services Agreement with Ky Spangler for Special Projects Consulting Services for activities related to the construction of the Ruben Castro Human Services Center and authorize the City Manager to execute the Agreement, subject to final language approval of the City Manager and City Attorney.

Attachment 1: Second Amendment to Professional Services Agreement

**SECOND AMENDMENT TO AGREEMENT 2011-167
BETWEEN THE SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK AND
KY SPANGLER FOR PROFESSIONAL SERVICES**

THIS SECOND AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES (“Second Amendment”), is made and entered into this _____ day of _____, 2012, (“the Effective Date”) between the City of Moorpark, acting in its capacity as Successor Agency of the Redevelopment Agency of the City of Moorpark pursuant to Section 34173 of the California Health and Safety Code as enacted by ABx1 26 (“Successor Agency”), and Ky Spangler, an individual, (“Consultant”).

WITNESSETH:

WHEREAS, on June 2, 2011, the Redevelopment Agency of the City of Moorpark and the Consultant entered into an Agreement for project management services; and

WHEREAS, on August 1, 2011, the Redevelopment Agency of the City of Moorpark and the Consultant entered into First Agreement to extend project management services through April 20, 2012; and

WHEREAS, on June 29, 2011 the Governor signed ABx1 26, a bill that had as its sole purpose the dissolution of redevelopment agencies statewide; and

WHEREAS, after litigation was brought to challenge the validity of ABx1 26, the Supreme Court of the State of California ruled on December 29, 2011 that ABx1 26 was Constitutional and a valid exercise of the legislative power of the State; and

WHEREAS, on February 1, 2012, the Redevelopment Agency of the City of Moorpark was dissolved pursuant to the Supreme Court’s modification of ABx1 26’s dissolution date; and

WHEREAS, on January 4, 2012, the City Council of the City of Moorpark adopted Resolution 2012-3079 designating the City of Moorpark at the Successor Agency (“Successor Agency”) of the Redevelopment Agency of the City of Moorpark; and

WHEREAS, by operation of Section 34173 of the Health and Safety Code, all authority, rights, powers, duties, and obligations of the former Redevelopment Agency of the City of Moorpark are vested in the Successor Agency, with certain statutory exceptions found elsewhere in ABx1 26; and

WHEREAS, the Successor Agency wishes to amend the Agreement to extend the term for which services will be provided; and

WHEREAS, on April 17, 2012, the Oversight Board of the Successor Agency approved to extend the term for which project management services are to be provided under the existing Agreement for the Ruben Castro Human Services Center; and

WHEREAS, on April 18, 2012, the City Council of the City of Moorpark, acting in its role as legislative body for the Successor Agency, approved to extend the term of the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto AMEND the aforesaid Agreement as follows:

I. Section 1 of the Agreement is amended as follows:

Consultant's term is extended from April 20, 2012, to September 30, 2012, unless otherwise amended or superseded, or terminated pursuant to the terms of Section 6 of the Agreement executed on June 2, 2011.

II. Remaining Provisions

All other terms and conditions of the original Agreement shall remain in full force and effect.

The effective date of this Second Amendment shall be April 20, 2012.

SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY OF THE
CITY OF MOORPARK

KY SPANGLER

By: _____
Steven Kueny
City Manager

By: _____
Ky Spangler

ATTEST:

Maureen Benson, City Clerk