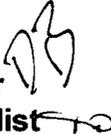


**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by: Tracy J. Oehler, Administrative Specialist 

DATE: September 29, 2014 (CC Regular Meeting of 10/15/14)

SUBJECT: Consider Amendment No. 1 to Agreement with Lilley Planning Group for Additional Planning Services

BACKGROUND/DISCUSSION

The City Manager approved an Agreement with Lilley Planning Group for planning services, which was executed on September 9, 2014, for a not-to-exceed amount of \$25,000.00 without prior authorization. This agreement provided contract planning services due to a principal planner position vacancy created August 27, 2014.

The City's Municipal Code does not allow the City Manager authority to approve contracts that exceed \$50,000.00 therefore, the City Council is now being asked to consider an amendment for additional planning services increasing the compensation by \$35,000.00 to a new total not-to-exceed amount of \$60,000.00. Staff has initiated the recruitment process for a principal planner and does not anticipate the need to further amend this agreement.

FISCAL IMPACT

There is no additional appropriation requested at this time. The Planning Department's FY 2014/15 adopted budget includes \$365,487.00 in Salaries (Full-Time) (Expenditure Account 9002) from the Community Development Fund (2200.6440). The department is proposing to transfer \$35,000.00 to Contractual Services (Expenditure Account 9102).

STAFF RECOMMENDATION

Approve the increase in compensation by \$35,000.00 with a new not-to-exceed amount of \$60,000.00 and authorize the City Manager to execute the amendment for additional planning services, subject to final language approval of the City Manager.

Exhibit A – Amendment No. 1 to Professional Services

EXHIBIT A

AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND LILLEY PLANNING GROUP FOR PROFESSIONAL SERVICES

This Amendment No. 1 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Lilley Planning Group, a corporation ("Consultant") for professional services ("Agreement"), is made and entered into the ____ day of _____, 2014.

RECITALS

WHEREAS, on September 9, 2014, the City and Consultant entered into an Agreement to have the Consultant provide planning services; and

WHEREAS, the City and Consultant now desire to increase the compensation for services to be performed by Consultant by a total contract value of sixty thousand dollars (\$60,000.00), and document said agreement to amend by jointly approving Amendment No. 1 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 2, SCOPE OF SERVICES, is amended by replacing the third paragraph of Section 2 in its entirety as follows:

"Compensation for the services to be performed by Consultant shall be in accordance with Exhibit B. Compensation shall not exceed the new total not-to-exceed amount of sixty thousand dollars (\$60,000.00), without a written Amendment to the Agreement executed by both parties. Payment by City to Consultant shall be in accordance with the provisions of this Agreement."

II. Section 5, PAYMENT, is amended by replacing the second and third paragraphs of Section 5 in its entirety as follows:

"The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, based upon actual time spent on the above tasks. This amount shall not exceed sixty thousand dollars (\$60,000.00), for the total term of the Agreement unless additional payment is approved as provided in this Agreement.

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement, which are in addition to those set forth herein, unless such additional services and compensation are authorized, in advance, in a written amendment to this Agreement executed by both parties."

II. Remaining Provisions:

Except as revised by this Amendment No. 1, all of the provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed the day and year first above written.

CITY OF MOORPARK

LILLEY PLANNING GROUP

By: _____

By: _____

Steven Kueny, City Manager

Jennifer Lilley, President

Attest:

Maureen Benson, City Clerk