

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director 

DATE: April 27, 2014 (CC Regular Meeting of 5/6/2015)

SUBJECT: Consider Amendment No. 2 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. This agreement provided contract planning services due to a principal planner position vacancy created August 27, 2014. On October 15, 2014, the City Council approved Amendment No. 1 to this Agreement, with an increase of the not-to-exceed amount by \$35,000.00, for a total of \$60,000.00. This amendment was executed on January 15, 2015. This new amount was at the time anticipated to be sufficient until the Principal Planner vacancy could be filled.

Upon review of upcoming anticipated billable time, it appears that billable time will be strong for the next two fiscal years, and then it will begin to decline as major projects are completed. For this reason, staff has not proceeded with the filling of the Principal Planner position, and recommends the continuance of contract planning services to fill this staffing need.

The staffing from Lilley Planning Group has been provided at a Principal Planner level by Stefanie Edmondson, who has provided an average of approximately 20 hours a week of staffing. Except for a few hours at the beginning of this contract, funding for this work has come entirely from billable projects, including the Toll Brothers, Richmond American, and Pardee projects in the Moorpark Highlands and the K. Hovnanian Homes project at Meridian Hills.

The City Council is now being asked to consider an amendment for additional planning services increasing the compensation by up to \$105,000.00 to a new total not-to-exceed amount of \$165,000.00. This is expected to cover needed contractual services through

Fiscal year 2015-2016. All the time charges are anticipated to continue to be billable to specific projects, without any general fund costs.

FISCAL IMPACT

There is no additional appropriation requested at this time for this fiscal year. The Planning Department's Fiscal Year 2014-2015 adopted budget included \$365,487.00 in Salaries (Full-Time) (Expenditure Account 9002) from the Community Development Fund (2200.6440). Of this, \$60,000.00 has already been transferred to Contractual Services (Expenditure Account 9102). An additional \$15,000.00 is requested to be transferred for this fiscal year. The Fiscal Year 2015-2016 draft Budget will propose \$90,000.00 for Contractual Services for the balance of this work. This expense will be offset by revenue from developer deposits when work is performed.

STAFF RECOMMENDATION

Approve the increase in compensation by \$105,000.00 with a new not-to-exceed amount of \$165,000.00 and authorize the City Manager to execute Amendment No. 2 to the Agreement between the City of Moorpark and Lilley Planning Group for additional planning services, subject to final language approval of the City Manager.

Attachment: Amendment No. 2 to Professional Services

**AMENDMENT NO. 2
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
LILLEY PLANNING GROUP FOR PLANNING SERVICES**

This Amendment No. 2 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 _____, 2015.

RECITALS

WHEREAS, on September 9, 2014, the City and Consultant entered into an Agreement to have the Consultant provide planning services for a total contract value of twenty-five thousand dollars (\$25,000.00); and

WHEREAS, on January 15, 2015, the City and Consultant amended the Agreement to increase the compensation for the services to be performed by a total contract value of sixty thousand dollars (\$60,000.00); and

WHEREAS, the City and Consultant now desire to further increase the compensation for services to be performed by Consultant by a total contract value of one-hundred sixty-five thousand dollars (\$165,000.00), and document said agreement to amend by jointly approving Amendment No. 2 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 one-hundred sixty-five thousand dollars (\$165,000.00), 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 one-hundred sixty-five thousand dollars (\$165,000.00), 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.”

III. Remaining Provisions:

Except as revised by this Amendment No. 2, 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