

**City of Culver City, California
City Council Agenda Item Report**

Meeting Date: 03/24/08		Item Number: <u>J-1</u>	
AGENDA ITEM: Joint Item: Approval of a Memorandum of Understanding with the Downtown Business Association to Perform Maintenance Services in Downtown.			
Contact Person/Dept.: Todd Tipton		Phone Number: (310) 253-5783	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: The Downtown Business Association (03/20/08); the Chamber of Commerce (03/20/08); Master Notification List (03/20/08).			
Department Approval: Sol Blumenfeld (02/26/08)		City Attorney Approval: Carol Schwab (by H. Baker) (03/19/08)	
Fiscal Impact Review: Jeff Muir (by M. Noller) (03/19/08)		City Manager Approval: Jerry B. Fulwood (03/20/08)	
<u>RECOMMENDATION:</u> Staff recommends the City Council and Redevelopment Agency approve a Memorandum of Understanding (“MOU”) with the Downtown Business Association (“DBA”) to provide general maintenance services in downtown Culver City (“Downtown”). <u>BACKGROUND:</u> Maintenance in Downtown is currently performed by Public Works Department staff and via contract with an independent maintenance provider administered by the Department of Parks, Recreation, and Community Services. The maintenance services provided are extensive [totaling approximately \$78,420 (City and Agency funds)] and are defined in the attached matrix (Attachment 1). Generally, the services provided by the City range from landscape upkeep to placement of holiday banners on light poles in the public right-of-way. Services provided by the Agency relate to power washing of the parking structures. In early 2007, the DBA began discussions with staff about the possibility of the DBA contracting with the City to provide maintenance services. The DBA believes they are able to sub-contract with a maintenance company to provide existing and additional services at the same cost currently expended by the City and Agency. In addition, the DBA believes their focus on the downtown area makes them able to respond more quickly to various issues that arise. Until recently, contract landscape maintenance services were provided by Proscap on a month-to-month basis. Proscap notified the City of its exercise of the			

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cancellation clause of its contract, and Proscap concluded its services to the City on March 14, 2008.

In order to secure contract landscape maintenance services for the City, staff intends to issue a Request for Proposal ("RFP"). The RFP will require the respondents to identify a cost for services previously provided in Downtown. The Downtown services will be included as a "bid alternate", which will allow the City to decide if the services are to be funded or to be excluded from the final contract. This will allow the City to provide the services itself or add them to the MOU scope of work at a later date (if the item is approved tonight).

DISCUSSION:

If approved by the Council and Agency, the DBA would be responsible for the following as outlined in the attached draft MOU:

1. Emptying sidewalk trash receptacles within the boundaries of the district on Friday nights and weekends to avoid spillover (\$18,500). The City will provide trash bags and free dumpster space to dispose of trash;
2. Sweeping and power washing sidewalks, Town Plaza and areas around communal trash compactors (monthly minimum); and, sweeping and power washing paseos and alleys (quarterly minimum) to maintain a clean appearance (\$11,520); and
3. Sweeping and power washing (monthly minimum) the Agency parking structures (\$48,400).

Upon completion of the RFP process for contract landscape maintenance services, the DBA may take on the following additional responsibilities if the City Council so chooses:

4. Weed control (monthly minimum) for planting beds, islands, tree wells, flower pots and sidewalk cracks. Dead vegetation and leaves shall be removed from the planting areas and pots within the Downtown; and
5. Planting annual plants and flowers in planting areas and pots. The quantity and location of the annual plants and flowers will be determined by the resources available.

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The City will retain responsibility for repair and replacement of all landscape infrastructure, including but not limited to pots, planters, irrigation systems, sidewalks, parking structures and electrical systems.

In addition to those services included in the MOU (identified above), the DBA will attempt to provide the following additional services (if the Council approves execution of an MOU):

- Cleaning of the following daily (seven days a week):
 - Sidewalk sweeping and litter pick up including street curbs/gutters, alleys, tree wells and planters; and
 - Daily cleaning of all benches, bicycle racks, parking meters, pay phones and mailboxes.
- Sidewalk pressure washing every quarter.

Additionally, the DBA will continue to work with the downtown businesses and property owners to add additional resources to Downtown maintenance efforts.

Staff believes it is in the best interest of the City, Agency and DBA to execute the MOU because:

- Downtown would receive additional services without additional cost to the City or Agency;
- Downtown maintenance issues would receive additional attention;
- Downtown business and property owners will have more control over maintenance related issues; and
- City and Agency staff will be able to focus on other areas of the City.

It is proposed that the term of the MOU be for a period of one year, coinciding with the City's fiscal year. However, if either party fails to perform under the terms and conditions of the MOU, it includes a provision that allow its termination with 30 days' written notice.

If the MOU were terminated, it would be necessary for the City to reinstate maintenance services. This would likely occur through the RFP process. The RFP process would likely take 60-90 days to complete. While undertaking the RFP process, the City could enter into a temporary contract with a maintenance service provider in order to avoid any interruption in services (or alternately provide interim services in-house).

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FISCAL ANALYSIS:

The City currently spends \$30,020 and the Agency spends \$48,400 for annual maintenance services in Downtown (not including the funds previously paid to Proscape). Should the Council and Agency approve the MOU there would be no additional cost to the either as the DBA would provide the current maintenance services, plus additional services, at the same total cost.

In regard to billing, the DBA will submit invoices to the City and Agency on a monthly basis.

ATTACHMENTS:

1. Matrix describing maintenance services provided in Downtown;
2. Map of the downtown area; and
3. A copy of the draft MOU.

MOTION:

That the City Council:

1. Approve a tri-party Memorandum of Understanding with the Downtown Business Association to provide maintenance services in downtown Culver City in an amount not to exceed \$30,020 annually; and
2. Authorize the City Attorney to review/prepare necessary documents and authorize the City Manager to execute such documents on behalf of the City.

That the Culver City Redevelopment Agency:

1. Approve a tri-party Memorandum of Understanding with the Downtown Business Association to provide maintenance services in downtown Culver City in an amount not to exceed \$48,400 annually; and
2. Authorize Agency General Counsel to review/prepare necessary documents and authorize the Executive Director to execute such documents on behalf of the Agency.