

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

Meeting Date: 02/22/2010		Item Number: <u>C-3</u>	
CITY COUNCIL AGENDA ITEM: Approval of an Amendment to the Existing Professional Services Agreement with Philip R. Levine and Judy A. Sherman for Services as Parking Citation Administrative Hearing Examiners			
Contact Person/Dept.: Dianne Gifford/Police Department		Phone Number: (310) 253-6252	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒ Date: _____			
Public Notification: (E-Mail) Agendas and Meetings – City Council (01/20/10)			
Department Approval: Don Pedersen (01/12/10)		City Attorney Approval: Carol Schwab (by H. Baker) (01/20/10)	
Chief Financial Officer Approval: Mark Scott (by N. Kimball) (02/17/10)		City Manager Approval: Mark Scott (02/17/10)	
<u>RECOMMENDATION:</u> Staff recommends that the City Council approve an amendment to the existing professional services agreement with Philip R. Levine and Judy A. Sherman for services as Parking Citation Administrative Hearing Examiners <u>BACKGROUND:</u> Section 40215 of the California Vehicle Code sets forth the process whereby parking citations may be contested. Prior to the actual hearing, each respondent will have had their citation analyzed by Police Department staff through an administrative review to ensure the accuracy of the citation. If the respondent is found liable at the administrative review level, the respondent may then request a hearing either in-person or by mail. State Law requires that the Parking Citation Administrative Hearing Examiner be an independent entity from the issuing and processing agency. Culver City joined with the cities of Beverly Hills, Santa Monica and West Hollywood in 2007 to invite proposals from qualified companies and individuals interested in providing parking citation administrative hearing examiner services. The Request For Proposal (RFP) asked those submitting a bid to reflect a contract term of two (2) years with the option to renew for two (2) additional two (2) year terms. The City Council approved a professional services agreement with Judy A. Sherman and Philip R. Levine for the term of January 1, 2008 until December 31, 2009.			

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DISCUSSION:

During the RFP process conducted in 2007, the combined cities determined that Judy A Sherman and Philip Levine were the candidates with the strongest professional expertise. They are both respected attorneys and have provided similar services for various Los Angeles County agencies. The City has been very satisfied with their services.

Request to Consider and Adjustment In Rates

In accordance with the direction of the City Manager, staff requested the contractor consider an adjustment in their rates. In response the contractor lowered their rates from those proposed in 2007. For the period of January 1, 2010 to December 31, 2011, the new proposed rate is \$16 per hearing (a decrease of \$1.00 per hearing compared with the initially bid amount). For the period of January 1, 2012 to December 31, 2013, the new proposed rate is \$18 per hearing (a decrease of \$1.00 per hearing from the initially bid amount).

FISCAL ANALYSIS:

For the year 2009, there were 258 hearings for a cost of \$3,870. Approving the proposed amendment would extend the term of the agreement for two additional years (with one additional option for an additional two years) at the rates listed above.

MOTION:

That the City Council:

1. Approve an amendment to the existing professional services agreement with Philip R. Levine and Judy A. Sherman extending the term of the agreement to December 31, 2011 (with one additional two year extension option upon agreement of both parties) and reflecting the change to the per-hearing fee as noted in the staff report; and,
2. Authorize the City Attorney to review/prepare the necessary documents; and,
3. Authorize the City Manager to execute such documents on behalf of the City.