

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

Meeting Date: 08/03/09		Item Number: <u> A-3 </u>	
REDEVELOPMENT AGENCY BOARD AGENDA ITEM: Approval of a Tenth Amendment to the Professional Services Agreement with Stephen Whipple for Farmers' Market Management Services.			
Contact Person/Dept.: Glenn Heald Community Development		Phone Number: 310-253-5752	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: Steve Whipple (06/26/09); (E-Mail) Meetings and Agendas – Redevelopment Agency (07/29/09).			
Department Approval: Sol Blumenfeld (07/27/09)		Agency General Counsel Approval: Murray Kane: (07/24/09)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (07/29/09)		Executive Director Approval: Mark Scott (07/29/09)	
<u>RECOMMENDATION:</u> Staff recommends the Redevelopment Agency Board (the Board) approve: (1) the Tenth Amendment to the Professional Services Agreement (the Amendment) with Stephen Whipple for Farmers' Market management services through June 30, 2011, including funding to hire, train and supervise two market assistants, and (2) increased compensation for Mr. Whipple from \$30.00 to \$32.00 per hour for an annual increase of \$2,600.00 for a not to exceed total of \$41,600 per fiscal year plus funding for assistant salaries of \$14.00 per hour for a maximum of 20 hours per week for a not to exceed total of \$14,560 per fiscal year for a total amount of \$56,160 per fiscal year and \$112,320 for the term of the Amendment. <u>BACKGROUND:</u> The Agency originally approved a Professional Services Agreement with Stephen Whipple to manage the Culver City Certified Farmers' Market (the Market) on July 15, 1996 at the rate of \$25.00 per hour. The Board has previously approved nine amendments to the original contract, during which time Mr. Whipple's compensation has risen to \$30.00 per hour. Mr. Whipple's weekly duties include physical set-up of the Market, supervision of assistants and volunteers, selection of farmers and vendors, allocation of space to farmers and vendors, collection of fees, preparation of financial reports, resolution of farmers' disputes, public relations and marketing.			

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DISCUSSION:

The proposed Amendment to Mr. Whipple's contract would extend the terms of the agreement through June 30, 2011 and will increase his compensation from \$30.00 to \$32.00 per hour (without benefits) which is in the mid-point of farmers' market manager salary rates for comparable cities. When Mr. Whipple assumed management of the Market in 1996, the Market cost more to operate than it generated in revenue and was thus subsidized by the Agency. Under Mr. Whipple's management, the Market has operated successfully and has been a revenue source for the Agency for some time, with last year's annual revenues exceeding expenses by approximately \$30,000. Mr. Whipple's last rate increase occurred as part of the ninth amendment, increasing the rate from the below market rate of \$25 per hour to \$30 per hour.

Given the above history, staff believes there is a reasonable expectation that ongoing marketing efforts and expanded services of the Market may well result in increased revenues that completely offset this increase in salary. Otherwise, the increase will be adequately covered by the profit currently realized by the Market. Mr. Whipple will continue to have limited billable hours, not to exceed 25 hours per week.

In the past, Mr. Whipple's market assistant(s) had been individually contracted to the Agency. This arrangement proved inefficient because it placed supervisory responsibility upon Mr. Whipple without granting him contractual authority and did not provide for back up assistance should the assistant be unable to work. Staff believes it prudent to, instead, confer upon Mr. Whipple both authority and responsibility for the assistant staffing, with funding for salaries of up to \$14.00 per hour for a maximum of 20 hours per week, plus expenses as approved by the Executive Director. Mr. Whipple operates another Farmers' Market in Westwood and already has a pool of several assistants available to work at the Market. Utilizing the same, established system in Culver City will allow for the Market to always have the workforce required to operate the Market successfully.

In addition to his weekly duties of organizing, setting up and dismantling the Market and supervising the activities, Mr. Whipple initiates special event promotions and prepares marketing materials for these events, distributes flyers to the elementary schools and provides Market gift baskets as prizes to local non-profit groups. Mr. Whipple is an advocate for certified farmers' markets and continues to receive education and training in organic farming. Mr. Whipple has expert knowledge of produce and can quickly recognize any change in the quality of the farmers' produce from week to week. This expertise assures a consistently high standard of produce and collateral items offered at the Market. Mr. Whipple is instrumental in the Agency's ongoing process of finding and assessing potential new venues in anticipation of a possible relocation of the farmers' market.

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FISCAL ANALYSIS:

The Tenth Amendment to the contract will increase the hourly rate paid to Mr. Whipple from \$30.00 to \$32.00, for a not to exceed total of \$41,600 per fiscal year plus funding for assistant salaries of up to \$14.00 per hour for a maximum of 20 hours per week for a not to exceed total of \$14,560 per fiscal year for a total amount of \$56,160 per fiscal year and \$112,320 for the term of the Amendment. The revenues from the Farmers' Market will cover the increased cost and there are sufficient funds allocated to Account Number 55096800.619800 "Other Contractual Services" to meet this expenditure for fiscal years 2009-10 and 2010-11.

ATTACHMENTS:

None.

MOTION:

That the Redevelopment Agency Board:

1. Approve the Tenth Amendment to the existing Professional Services Agreement with Stephen Whipple for Farmers' Market Management Services to extend the term through June 30, 2011, increase Mr. Whipple's hourly rate to \$32.00 for a not to exceed amount of \$41,600 per fiscal year plus funding for market assistant salaries of up to \$14.00 per hour for a maximum of 20 hours per week for a not to exceed total of \$14,560 per fiscal year for a total amount of \$56,160 per fiscal year and \$112,320 for the term of the Amendment, plus approved expenses; and,
2. Authorize the Agency General Counsel to review/prepare the necessary documents; and,
3. Authorize the Executive Director to execute such documents on behalf of the Agency.