



# City of Culver City

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## Staff Report Details (With Text)

**File #:** 22-951      **Version:** 1      **Name:** Approve 5th Contract Amendment: Linda Endler Design

**Type:** Minute Order      **Status:** Consent Agenda

**File created:** 4/12/2022      **In control:** City Council Meeting Agenda

**On agenda:** 4/25/2022      **Final action:**

**Title:** CC - CONSENT ITEM: Approval of a Fifth Amendment to an Existing Professional Services Agreement with Linda Endler Design for Landscape Architect Services, in an Additional Amount Not-to-Exceed \$50,000 Per Year, for an Aggregate Increase Not-to-Exceed \$230,000 in Year One and \$280,000 in Year Two.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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**CC - CONSENT ITEM: Approval of a Fifth Amendment to an Existing Professional Services Agreement with Linda Endler Design for Landscape Architect Services, in an Additional Amount Not-to-Exceed \$50,000 Per Year, for an Aggregate Increase Not-to-Exceed \$230,000 in Year One and \$280,000 in Year Two.**

**Meeting Date:** April 25, 2022

**Contact Person/Dept.:** Dani Cullens/PRCS

**Phone Number:** (310) 253-6741

**Fiscal Impact:** Yes  No

**General Fund:** Yes  No

**Attachments:** Yes  No

**Commission Action Required:** Yes  No

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (04/20/2022)

**Department Approval:** Armando Abrego, (04/13/2022)

### RECOMMENDATION

Staff recommends the City Council approve a fifth amendment to an existing professional services agreement with Linda Endler Design for Landscape Architect Services in an additional amount Not-to-Exceed \$50,000 per year for an aggregate increase not-to-exceed \$230,000 in Year One and

\$280,000 in Year Two (Fifth Amendment).

## **BACKGROUND**

Ms. Linda Endler has served as a Landscape Architect Associate Consultant for the Parks Division of the Parks, Recreation and Community Services (PRCS) Department since 2018. Her duties typically involve project management, scoping (i.e., evaluating, documenting and rendering) park and landscape conditions and improvements, and assisting the Parks Manager (now the Recreation and Community Services Manager), as needed.

### *The Agreement between the City of Culver City and Linda Endler Design*

The not-to-exceed amounts listed in this report are aggregate amounts for the life of agreement between the City of Culver City and Linda Endler Design. Ms. Endler is currently in the fourth year of a 5-year contract. The increases to the not-to-exceed amounts over the life of her current contract are detailed below:

#### Original Agreement

September 1, 2018 through August 31, 2019

Rate = \$50.00 per hour

**\$40,000.00** was the contract amount for this term, and also the not-to-exceed amount for the original Agreement.

#### First Amendment

September 1, 2019 through August 31, 2020

Rate = \$50.00 per hour

\$50,000.00 was the contract amount for this term

The aggregate not-to-exceed amount is now **\$90,000** (\$40,000.00 from previous term plus this \$50,000).

#### Second Amendment

September 1, 2020 through August 31, 2021.

Rate = \$60.00 per hour.

\$30,000.00 was the contract amount for this term

The aggregate not-to-exceed amount is now **\$120,000** (\$90,000.00 from previous term plus this \$30,000).

#### Third Amendment

\$20,000.00 increase in maximum not-to-exceed amount only during the year

The aggregate not-to-exceed amount is now **\$140,000** (\$120,000.00 from previous term plus this \$20,000).

#### Fourth Amendment (Covers two terms)

September 1, 2021 through June 30, 2022 (referred to in the Agreement as Year 1).

Rate = \$75.00 per hour.

\$40,000 is the contract amount for this term

The aggregate not-to-exceed amount is now **\$180,000** (\$140,000.00 from previous term plus this \$40,000).

-AND-

July 1, 2022 through June 30, 2023 (referred to in the Agreement as Year 2).

Rate = \$85.00 per hour.

\$50,000.00 is the contract amount for this term

The aggregate not-to-exceed amount will be **\$230,000** (\$180,000.00 from previous term plus this \$50,000).

This **\$230,000** is the total for the life of this current 5-year contract that will expire in 2023.

#### *The Fourth Amendment to the Linda Endler Design Agreement*

As noted above, the fourth amendment to Ms. Endler's Agreement became effective September 1, 2021 (Fourth Amendment). The term of the Amended Agreement was extended and revised to (1) bring the term in conformity with the City's Fiscal Year; (2) increase the hourly rate to make it more consistent with the industry standard; and, (3) increase the not-to-exceed amounts to allow for additional assignments.

The period for Fourth Amendment Year One is from September 1, 2021 through June 30, 2022. Ms. Endler's hourly rate was increased to \$75.00 per hour. The existing not-to-exceed amount for Year One was increased by \$40,000, from \$140,000 to \$180,000. *(Note: The aggregate not-to exceed amount for the requested Fifth Amendment for Year One = \$180,000 + \$50,000 = \$230,000).*

The period for Fourth Amendment Year Two is from July 1, 2022 through June 30, 2023. Ms. Endler's hourly rate was increased to \$85.00 per hour. The existing not-to-exceed amount for Year Two was increased by \$50,000, from \$180,000 to \$230,000. *(Note: The aggregate not-to exceed amount for the requested Fifth Amendment for Year Two = \$230,000 + \$50,000 = \$280,000).*

## **DISCUSSION**

### *The City of Culver City's Use of Landscape Architect Services*

During his many years at the City of Culver City, Mr. Patrick Reynolds served as both the Parks Manager and the City's Landscape Architect. Due to his advanced credentials, he was able to perform "plan checks" of upcoming projects being implemented by other City departments, and other highly technical assignments. When former Parks Manager Reynolds' landscape architect services were utilized by City departments (for example, the Public Works Department and/or the Community Development Department), these duties were typically not charged to the other departments. Instead, they were carried out as part of Mr. Reynolds' regular duties.

Upon the December 2021 retirement of Mr. Reynolds, Recreation and Community Services Manager Dani Cullens assumed the role of Parks Manager. However, since Ms. Cullens is not a Licensed Landscape Architect, the scope of Ms. Endler's assignments broadened to include some of the landscape architect duties that Mr. Reynolds previously performed, including plan checks for other City departments. It is important to note that since Ms. Endler is a consultant, her assignments are invoiced, and can now be charged to the appropriate City department accounts.

PRCS Department Fiscal Year 2021/2022 Mid-Year Budget Request

Due to the addition of these duties, and other emergent projects, Ms. Endler's charges to the City are currently just below the \$180,000 not-to-exceed amount for the September 1, 2021 through June 30, 2022 term of her current contract (referred to in the Fourth Amendment to the Agreement as Year 1). To help rectify this situation, the Parks, Recreation and Community Services Department requested an additional \$10,000 (ongoing) for Landscape Architect Services for existing projects and Landscape Architect plan checks as part of the Fiscal Year 2021/2022 Mid-Year Budget Monitoring Report. This request was approved by the City Council on March 14, 2022. In preparing this report, it was determined that this \$10,000 for Ms. Endler's services will be enough to cover all costs incurred by PRCS during Fiscal Year 2021/2022. The additional \$40,000 increase in the contract authority level at this time is to allow other City departments to have the flexibility to engage Ms. Endler as a Landscape Architect Associate Consultant.

Therefore, staff is recommending the City Council approve a Fifth Amendment to the existing professional services agreement with Linda Endler Design for Landscape Architect Services, in an additional amount not-to-exceed \$50,000 per year for an aggregate increase not-to-exceed \$230,000 in Year One and \$280,000 in Year Two.

**FISCAL ANALYSIS**

For Year One (September 1, 2021 through June 30, 2022), there are currently sufficient funds in account 10130300.619800 (Parks Division / Other Contractual Services) for \$10,000 of the proposed Fifth Amendment to the professional services agreement between the City and Linda Endler Design. For Year Two (July 1, 2022 through June 30, 2022), the Parks, Recreation and Community Services Department is requesting funds in this account during the Fiscal Year 2022/2023 budget process that, if approved, will be sufficient to fully fund PRCS obligations under this contract.

As mentioned above, the additional \$40,000 increase in the contract authority, if approved, will allow other City departments to utilize Ms. Endler's landscape architect services. To engage Ms. Endler in this manner, these departments will have to provide sufficient (previously appropriated) funds to do so.

**ATTACHMENTS**

None.

**RECOMMENDED MOTIONS**

That the City Council:

1. Approve a fifth amendment to an existing professional services agreement with Linda Endler Design for Landscape Architect Services in an amount not-to-exceed \$50,000 per year for an aggregate increase not-to-exceed \$230,000 in Year One and \$280,000 in Year Two; 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.