



DEPARTMENT DIRECTOR

CITY MANAGER

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FROM: PATRICK N. WIEMILLER, Public Works Director   
Public Works Department

BY: SCOTT W. KRAUTER, PE, Capital Projects Manager   
Public Works Department, Capital Management Division

AARON A. AGUIRRE, Project Manager   
Public Works Department, Capital Management Division

- SUBJECT: 1. APPROVE OF AN ASSIGNMENT/ASSUMPTION OF PROFESSIONAL SERVICES AGREEMENT WITH VERDE DESIGN, INC. (FORMERLY BEALS ALLIANCE, INC.)
2. APPROVE A FIRST AMENDMENT TO AGREEMENT IN THE AMOUNT OF \$70,000 FOR THE SKATE PARK DESIGN OF TODD BEAMER PARK, LOCATED WITHIN THE CITY OF FRESNO (COUNCIL DISTRICT 6)

### KEY RESULT AREA

Customer Satisfaction, Employee Satisfaction and Financial Management

### RECOMMENDATION

1. Recommend Council approve an assignment/assumption of the existing May 9, 2006, professional services agreement with Beals Alliance, Inc. (Beals) to Verde Design, Inc. (Verde).
2. Approve first amendment to agreement with Verde in the amount of \$70,000 for preparation of plans and construction documents for a skate park at the proposed Todd Beamer Neighborhood Park (Project), and authorize the Public Works Director to sign on behalf of the City Council.

### EXECUTIVE SUMMARY

The City of Fresno (City) entered into a professional services agreement with Beals to provide landscape architectural/civil engineering services in connection with the Project which is currently underway. On July 1, 2007, Beals reorganized; and the Santa Clara office became Verde Design, Inc.

In consideration of the Assignment/Assumption of Professional Services Agreement, Verde assures and agrees to perform all of the obligations due from Beals Alliance pursuant to the contract. Conversely, the City agrees to accept performance of all the obligations of the contract from Verde and agrees to release Beals from any liability arising from the Contract.

On May 9, 2006, Council approved a Consultant Services Agreement allowing for the design of the Project which included provisions for the design of many attractions found throughout City Parks. Through community input meetings, the demand for a skate park was routinely mentioned as an crucial element needed in this park to keep local skateboarders from damaging surrounding properties. The in-ground concrete skate park will be included into the design of the Todd Beamer Neighborhood Park. The first amendment to agreement with Verde will allow a subconsultant with expertise in skate park design to be retained to develop the additional plans and general construction documentation.

### **KEY OBJECTIVE BALANCE**

This project best balances three Key Objectives: Customer Satisfaction, Employee Satisfaction and prudent Fiscal Management. This project will provide additional park and recreational opportunities to serve the customer citizens in the area. The benefiting neighborhood will lend toward employee satisfaction of doing a good job. Financial Management is also included because grants will reimburse the City for the improvements.

### **BACKGROUND**

The City entered into a professional services agreement whereby Beals agreed to provide landscape architectural/civil engineering services in connection with the Project which is currently underway. Through community input meetings the City identified the following features to be incorporated into the original design of the Project from various community meetings: prefabricated restrooms, onsite parking, tot lot, splash-park, basketball court, picnic pavilion, soccer fields, softball fields, turf, irrigation and electrical system for restroom, pedestrian path, parking lot, fields and courts lighting. In addition to these features, the demand for a skate park was routinely mentioned as a crucial element needed in this park to keep local skateboarders from damaging surrounding properties.

On July 1, 2007, Beals reorganized and its Santa Clara office became Verde. The partners that managed the Santa Clara office purchased this branch of the operations from Beals and started a new corporation called Verde. The new firm has retained all staff and projects that were under Beals' organization.

Staff negotiated a fee of \$174,592 for the preparation of plans, specifications and estimates for the original agreement. Staff negotiated a fee of \$70,000 for this amendment in order for Verde to retain a sub-consultant who will generate the design and bid documents for the addition of an in-ground concrete skate park.

The first amendment to agreement with Verde as well as the assignment/assumption of professional services agreement has been approved as to form by the City Attorney's Office.

### **FISCAL IMPACT**

The First Amendment to Agreement in the amount of \$70,000.00 is derived from UGM Neighborhood Park Service Area 7 funds. There are no further fiscal impacts.