

## **SECOND AMENDMENT TO SERVICES AGREEMENT**

THIS SECOND AMENDMENT TO AGREEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, by and between the City of Merced, a California Charter Municipal Corporation (“City”), and Kristin Lowell, Inc., a California Corporation, whose address of record is 1420 Roseville Parkway #140-342, Roseville, California 95677, (“Consultant”).

WHEREAS, City is undertaking a project to conduct a Tourism Business Improvement District in the City of Merced; and,

WHEREAS, City and Contractor have previously entered into a Services Agreement (“Agreement”) dated December 20th, 2021; and,

WHEREAS, City and Contractor desire to amend said Agreement to provide for additional services in connection with said project.

NOW, THEREFORE, the parties hereto, in consideration of the mutual covenants hereinafter recited, agree as follows:

1. Section 3, “TERM OF AGREEMENT,” is hereby added to the Agreement to read as follows:

“SECTION 3. TERM OF AGREEMENT. The term of this agreement shall commence upon the day first above written and end on December 31, 2024.

IN WITNESS WHEREOF, the parties have caused this Second Amendment to Agreement to be executed on the date first above written.

CITY OF MERCED  
A California Charter Municipal  
Corporation

BY: \_\_\_\_\_  
D. Scott McBride  
City Manager

ATTEST:  
D. SCOTT MCBRIDE, CITY CLERK

BY: \_\_\_\_\_  
Assistant/Deputy City Clerk

APPROVED AS TO FORM:  
CRAIG J. CORNWELL, CITY ATTORNEY

BY: Craig Cornwell 8/19/2024  
City Attorney Date

ACCOUNT DATA:  
M. VENUS RODRIGUEZ, FINANCE OFFICER

BY: \_\_\_\_\_  
Verified by Finance Officer

CONTRACTOR  
Kristin Lowell, INC.,  
A California Corporation

BY: \_\_\_\_\_  
(Signature)

Kristin Lowell  
(Typed Name)

Its: CEO  
(Title)

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Typed Name)

Its: \_\_\_\_\_  
(Title)

Taxpayer I.D. No. 56-2491470

ADDRESS: 1420 Roseville Pkwy  
#140-342

TELEPHONE: (916) 786-9686

FAX: \_\_\_\_\_

E-MAIL: kristin@klifinance.com



## **SCOPE OF SERVICE**

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Kristin Lowell, Inc. ("KLI") proposes to continue working with the Merced Hotel Lodging Association ("MHLA") and the City of Merced in creating a new TBID tailored to the unique needs of the hospitality industry.

Based on the current contract and the work completed to date the following tasks remain to finalize the TBID and get it approved by the Merced City Council.

### **Assessment Methodologies**

Using TOT information obtained from the City of Merced, KLI will calculate the potential assessments for each hotel property that will be subject to the TBID assessment.

### **Prepare Final Management District and Legal Review**

KLI will craft the final Management District Plan. The City Attorney will undertake a final review of the Management District Plan and initiate preparations for the hotel operator petition drive, including review of the draft petition and petition collection procedure.

### **Petition Preparation and Distribution**

KLI will prepare the petition and a summary newsletter that communicates the parameters and benefits of the TBID. The newsletter will summarize the Management District Plan and will be distributed with petitions. The actual petition package for hotel operators will consist of several items, including a summary of the TBID Management District Plan, petition, and newsletter. KLI will work with the MHLA to ensure that these materials are assembled and prepared properly. It is the responsibility of the client and MHLA to distribute the petition packets.

### **Ballots, Notice and Resolutions**

Following the submission of petitions to the City Council, KLI will prepare the Assessment Ballots and Assessment Notice that will be mailed to all assessed hotel operators upon City Council approval of the Resolution of Intention. KLI will prepare draft Resolutions needed for the City Council to adopt.

### **City Council Meetings**

KLI will attend the Public Hearing in which the City Clerk will be directed to open and tabulate the assessment ballots received. KLI will be available to answer any questions and/or make a presentation to the City Council.

## BUDGET

Of the current contract, there is \$27,662.50 remaining. KLI proposes completing the remaining tasks for \$26,000 plus travel expenses. KLI proposes a fixed monthly fee of \$5,200 per month for five (5) months, the estimated time for TBID approval. KLI will send City a monthly invoice for fees and costs incurred. Invoices will include the fixed professional fee of \$5,200 and expenses incurred that month.

## TIMELINE

To complete the TBID formation by the end of 2024 the following is the proposed timeline.

Target Date	Action	Parties
<b>By Mid-August:</b>	Calculate annual assessments	Kristin
	Draft Management District Plan (MDP) for review	Kristin
<b>End of August:</b>	Renewal committee consensus on MDP	MHLA
	Final MDP Prepare petitions and petition packets	Kristin
<b>September 1st-20th:</b>	Petitions signed <b>BY</b> September 20 <sup>th</sup> (must be greater than 50% of the budget)	MHLA
<b>September 23, 2024:</b>	City Council approves Resolution of Intention and calls for public hearing and assessment ballots to be mailed to all assessed hotel property owners	City
<b>September 27, 2024</b>	City Clerk mails assessment ballots to all hotel property owners	City
<b>November 18, 2024:</b>	City Council public hearing, tabulate ballots	City