



AGENDA REPORT

Meeting Date: July 21, 2009
Item Number: F-4
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: **AMENDMENT OF SHORT TERM LEASE BETWEEN THE CITY OF BEVERLY HILLS AND RODERICK J. WOOD AND GINA WOOD**
Attachment: Lease Amendment

INTRODUCTION

Pursuant to his employment contract, upon the cessation of his employment with the City, the City Manager is required to repay his home loan from the City or to sell the home back to the City at a price fixed by the contract. Shortly after announcing his retirement, Mr. Wood sold his home to the City and entered a short term lease to lease the home until the date of his retirement, August 9, 2009. Mr. Wood and his family moved from the home before August 9 and have requested that the lease be amended to terminate on July 15, 2009 rather than August 9, 2009. If approved, this amendment would change the termination date of the short term lease from August 9, 2009 to July 15, 2009.

DISCUSSION

As the City Council is aware, the City Manager has announced his retirement as of August 9, 2009 and the City is in the process of searching for a new City Manager. The City Manager's employment contract provides that, upon leaving employment with the City, the City Manager must either repay his home loan from the City or sell the home to the City at a fixed price. Mr. Wood chose to sell his home to the City and the City approved a purchase and sale agreement on May 13, 2009. On that date, the City Council also approved a short term lease with Mr. Wood, which provided that the City would lease the home to the City Manager from the date of the close of escrow to August 9, 2009.

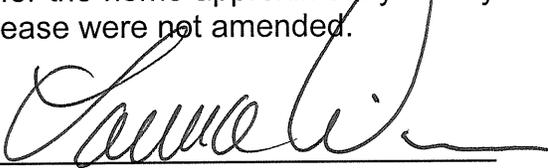
Mr. Wood and his family moved out of the home in early July and returned possession of the home to the City on July 14, 2009. The City's property

manager inspected the home on July 15 and 16, 2009 and found the home to be in acceptable condition.

Although the lease contains an August 9, 2009 termination date, Mr. Wood has requested that the lease be amended to terminate as of July 15, 2009, which would reflect the date that the City inspected the house. The proposed lease amendment would accommodate Mr. Wood's request.

FISCAL IMPACT

The proposed amendment to the lease would result in a loss of approximately \$2,500 of rent that would otherwise have been paid to the City. Additionally, the City will assume maintenance responsibilities for the home approximately twenty five days earlier than would be the case if the lease were not amended.



Approved By
Laurence S. Wiener

Attachment

Lease Amendment

AMENDMENT OF SHORT TERM LEASE BETWEEN THE CITY OF BEVERLY HILLS AND RODERICK J. WOOD AND GINA WOOD

This AMENDMENT OF SHORT TERM LEASE ("Lease") is dated as of _____, 2009 and is entered into by and between the CITY OF BEVERLY HILLS, a municipal corporation ("Landlord") and RODERICK J. WOOD and GINA WOOD (collectively, "Tenant").

RECITALS:

A. Landlord and Tenant are parties to that certain Short Term Lease dated May 28, 2009 (the "Lease").

B. Landlord and Tenant desire to amend the Lease.

NOW, THEREFORE, in consideration of the mutual covenants contained in the Lease and this Amendment herein, Landlord and Tenant agree as follows:

1. Article 3 of the lease is hereby amended to read as follows:

"The term of this Lease ("Term") shall begin upon the Close of Escrow (as defined in the Purchase Agreement) and shall continue until July 15, 2009."

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment of Short Term Lease as of the date and year first set forth above.

LANDLORD:

CITY OF BEVERLY HILLS,
a municipal corporation

By: _____
NANCY KRASNE
Mayor

ATTEST:

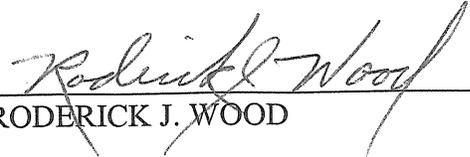
BYRON POPE,
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER,
City Attorney

TENANT:



RODERICK J. WOOD

GINA WOOD