



AGENDA REPORT

Meeting Date: February 5, 2008

Item Number: F-10

To: Honorable Mayor & City Council

From: Vincent P. Bertoni, AICP, Director of Community Development
David Reyes, Senior Planner

Subject: APPROVAL OF AMENDMENT NO. 1 TO AN AGREEMENT
BETWEEN THE CITY OF BEVERLY HILLS AND RINCON
CONSULTANTS, INC. FOR THE PREPARATION OF AN
ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED GENERAL
PLAN AMENDMENT AND ZONE CHANGE TO THREE FORMER
RAILROAD RIGHT-OF-WAY PROPERTIES

Attachments: Amendment No. 1 to Agreement

RECOMMENDATION

Staff recommends the approval of Amendment No. 1 to a contract with Rincon Consultants, Inc. (Rincon) for the preparation of an Environmental Impact Report (EIR) for a proposed General Plan Amendment and Zone Change to three former railroad right-of-way properties. The proposed amendment does not alter the scope or costs associated with the existing contract.

INTRODUCTION

On August 7, 2007, the City entered into a professional services agreement with Rincon for the preparation of an Environmental Impact Report associated with a proposed General Plan Amendment and Zone Change to three former railroad right-of-way properties. This project has become known as the "Gateway Project" and involves three separate property owners. Although considerable work has been performed by Rincon to date, the existing contract is structured to allow for payment of services rendered only upon completion of specific milestones.

The City wishes to alter these milestones to allow payment for significant services rendered.

AMENDMENT NO. 1 TO AN AGREEMENT BETWEEN THE CITY OF BEVERLY HILLS AND RINCON CONSULTANTS, INC. FOR THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED GENERAL PLAN AMENDMENT AND ZONE CHANGE TO THREE FORMER RAILROAD RIGHT-OF-WAY PROPERTIES

This Amendment No. 1 is to that certain Agreement, dated August 7, 2007, and identified as Contract No. 321-07, a copy of which is on file in the office of the City Clerk, between the CITY OF BEVERLY HILLS (hereinafter called "CITY") and RINCON CONSULTANTS, INC., (hereinafter called "CONSULTANT") for the preparation of an environmental impact report for a proposed General Plan amendment and zone change to three former railroad right-of-way properties ("Agreement").

RECITALS

A. City entered into a written agreement, dated August 7, 2007, for the preparation of an environmental impact report for a proposed General Plan amendment and zone change to three former railroad right-of-way properties.

B. City desires to amend the method of payment provision of the Agreement to bring the payment schedule more closely in line with the work milestones.

NOW, THEREFORE, the parties hereto do amend the Agreement as follows:

Section 1. Paragraph 9 of the Agreement, entitled "Method of Payment" shall be amended to read as follows:

"9. METHOD OF PAYMENT

Payment shall be made as specified in this Section for satisfactory completion of the following phases. Such payment shall be made within thirty (30) days after receipt of invoices detailing the services performed and the hours of service on a form approved by CITY.

- (a) Five percent (5%) of the Agreement amount upon completion of the initial study.
- (b) Thirty-five percent (35%) of the Agreement amount upon the submittal of the draft traffic study.
- (c) Twenty-five percent (25%) of the Agreement amount upon the submittal of five (5) satisfactory screen check copies of the DEIR to CITY.
- (d) Ten percent (10%) of the Agreement amount upon the submittal of forty (40) satisfactory Draft Environmental Impact Reports for public review to CITY.
- (e) Fifteen percent (15%) of the Agreement amount upon the submittal of thirty (30) copies of the Response to Comments of the DEIR.
- (f) Ten percent (10%) of the Agreement amount upon final action by CITY on the Final EIR or sixty (60) days after completion of the response to comments document, whichever occurs first.”

Section 2. Except as expressly modified by this Amendment No. 1, all of the provisions of the Agreement between the City of Beverly Hills and Rincon Consultants, Inc., dated August 7, 2007, shall remain in full force and effect.

Executed this ___ day of _____, 200___, at Beverly Hills, California.

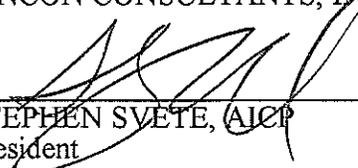
CITY OF BEVERLY HILLS
A Municipal Corporation

JIMMY DELSHAD
Mayor of the City of Beverly Hills, California

ATTEST;

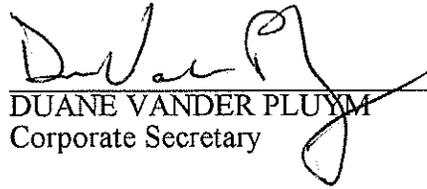
BYRON POPE
City Clerk

CONSULTANT:
RINCON CONSULTANTS, INC.



STEPHEN SVETE, AICP
President

[Signatures continue]


DUANE VANDER PLUYM
Corporate Secretary

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

VINCENT P. BERTONI, AICP
Director of Community Development

KARL KIRKMAN
Risk Manager

DUANE VANDER PLUYM
Corporate Secretary

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