



# Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Patricia Salazar, Development and Operations Manager

Reviewed by: Richard Mollica, Planning Director

Approved by: Steve McClary, City Manager

Date prepared: September 8, 2023 Meeting date: September 25, 2023

Subject: Amendment to Professional Services Agreement with CJ Biomonitoring, LLC for Biological Review Consulting Services

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**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 1 to Agreement with CJ Biomonitoring, LLC. extending the term of agreement.

**FISCAL IMPACT:** Services rendered by the Consultant are funded by biology review and inspections fees associated with planning applications and is included in the Adopted Budget for FY 2023-24 in Account No. 101-2001-5100-01 (Planning - Coastal Development Permit Services) and 102-3002-5100-01 (Woolsey Fire Operations - Coastal Development Permit Services).

**WORK PLAN:** These services are part of normal staff operations. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

**DISCUSSION:** The Planning Department oversees the processing of planning applications for compliance with the Malibu Municipal Code and Local Coastal Program. As with other specializations, the City contracts biological review services. The contract biologist reviews all project applications for anticipated impacts to Environmentally Sensitive Habitat Areas, blueline streams, disturbed habitats, watershed areas, and impacts due to Los Angeles County Fire Department required fuel modification zones. In addition, the contract biologist provides staff with suggested conditions of approval to protect or minimize anticipated project-related impacts on sensitive habitat areas.

In September 2021, as a result of a Request for Proposal process, the City entered into a two-term agreement with CJ Biomonitoring, LLC. The current agreement will expire on September 27, 2023.

As of the date of this report, pursuant to MMC Section 2.56.150, City staff is currently in the process of drafting a Request for Proposals for biological review consulting services. At this time, staff is requesting the Council extend the term of the existing agreement until January 22, 2024. Extending the current agreement will ensure continuity of services during the selection process.

ATTACHMENT: Amendment to Agreement with CJ Biomonitoring, LLC

## AMENDMENT NO. 1 TO AGREEMENT

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered in the City of Malibu on September 25, 2023, by and between the CITY OF MALIBU, hereinafter referred to as City, and CJ Monitoring, LLC, hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

### RECITALS

A. On September 27, 2021, the City entered into an Agreement with Consultant for biological consultant services (the "Agreement").

B. The City desires to amend the Agreement to extend the term of agreement, such that the contract will now expire on January 22, 2024.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to January 22, 2024.
2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
3. All terms and conditions of the Agreement not amended by this Amendment No. 1 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, at Malibu, California, and effective as of September 25, 2023.

CITY OF MALIBU:

\_\_\_\_\_  
BRUCE SILVERSTEIN, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

\_\_\_\_\_  
TREVOR RUSIN, City Attorney

CONSULTANT:



\_\_\_\_\_  
By: COURTNEY MCCAMMON  
Title: Owner/Principal Biologist