



# Council Agenda Report

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

Prepared by: Patricia Salazar, Senior Administrative Analyst

Reviewed by: Richard Mollica, Planning Director

Approved by: Reva Feldman, City Manager

Date prepared: March 24, 2021 Meeting date: April 12, 2021

Subject: Amendment to Professional Services Agreement with Rincon Consultants, Inc. for Contract Planning Services

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**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 1 to the Professional Services Agreement with Rincon Consultants, Inc. for contract planning services.

**FISCAL IMPACT:** Funding in the amount of \$125,000 for this agreement was included in the Adopted Budget for Fiscal Year 2020-2021 in Account No. 101-2001-5100 (Planning Professional Services).

**WORK PLAN:** Current planning development and long-range planning projects are included in multiple items in the Adopted Work Plan for Fiscal Year 2020-2021.

**DISCUSSION:** The Planning Department utilizes Rincon Consultants, Inc. to aid in the processing of current planning development applications and long-range planning projects (i.e., Council Work Plan priorities).<sup>1</sup> As a result of a Request for Proposal process, the City entered into an agreement with Rincon Consultant, Inc. in the amount of \$450,000. By the date of this meeting, the entire agreement amount, \$450,000, will have been expended prior to the two-year expiration of the agreement. This has occurred for numerous reasons, specifically 35% of the budget was used to process

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<sup>1</sup> On May 13, 2019, the City issued a Request for Proposals (RFP) seeking qualified firms to provide contract planning services. As a result of that RFP, the City entered into agreements with several firms including Rincon Consultants, Inc. for contract planning services.

eight of 115 applications due to their complexity and number of public hearings that have occurred.

To continue to provide Rincon's services, staff is requesting that the compensation amount be amended not to exceed \$575,000.

ATTACHMENT: Amendment No. 1 to Agreement with Rincon Consultants, Inc.

**AMENDMENT NO. 1 TO AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered in the City of Malibu on April 12, 2021, by and between the CITY OF MALIBU, hereinafter referred to as City, and Rincon Consultants, Inc., hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

**RECITALS**

A. On July 8, 2019, the City entered into an Agreement with Consultant for contract planning services (the "Agreement").

B. The City desires to amend the Agreement to increase the compensation, and Consultant has submitted a proposal for this purpose that is acceptable to the City (Exhibit A).

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

1. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended not to exceed \$575,000.
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 \_\_\_\_\_, 2021, at Malibu, California, and effective as of March 1, 2021.

CITY OF MALIBU:

\_\_\_\_\_  
MIKKE PIERSON, Mayor

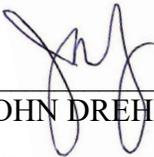
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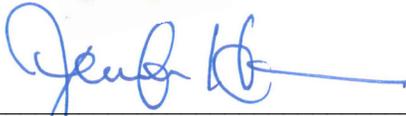
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\_\_\_\_\_  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE  
\_\_\_\_\_  
JOHN COTTI, Interim City Attorney

CONSULTANT:

  
\_\_\_\_\_  
By: JOHN DREHER, President

  
\_\_\_\_\_  
By: JENNIFER HADDOW, Vice President



**Rincon Consultants, Inc.**

180 North Ashwood Avenue  
Ventura, California 93003

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www.rinconconsultants.com

March 22, 2021  
Project No: 19-07868

Richard Mollica, Planning Director  
City of Malibu Planning Department  
23825 Stuart Ranch Road  
Malibu, California 90265  
Via email: [rmollica@malibucity.org](mailto:rmollica@malibucity.org)

**Subject: Proposal for Contract Amendment for Contract Planning Services**

Dear Mr. Mollica:

**Rincon Consultants, Inc. (Rincon)** is pleased to submit this proposal to continue assisting the City of Malibu (City) with professional municipal planning case management services.

Our current agreement for professional services is for a total amount not to exceed \$450,000 and remains in effect until August 2, 2021. Our assigned workload, including the preparation of CEQA documents and processing transferred projects from former City planners, wireless communication facilities, and several complex and high-profile projects, has exceeded initial expectations. As such, we are requesting a budget amendment of an additional \$125,000 through the remainder of contract term.

We are confident that the Rincon team will meet the needs of the City, and we welcome an opportunity to meet with you to further discuss. If you have any questions regarding this submittal, please do not hesitate to contact us.

Sincerely,  
**Rincon Consultants, Inc.**

A handwritten signature in blue ink, appearing to read "Lilly Rudolph".

Lilly Rudolph, AICP, MPA  
Senior Program Manager  
Phone: 805-644-4455 ext. 48  
Email: [lrudolph@rinconconsultants.com](mailto:lrudolph@rinconconsultants.com)

*Contact for Clarification*

A handwritten signature in blue ink, appearing to read "Jennifer Haddow".

Jennifer Haddow, PhD  
Principal, Vice President  
Phone: 805-644-4455 ext. 44  
Email: [jhaddow@rinconconsultants.com](mailto:jhaddow@rinconconsultants.com)

*Authorized to contractually obligate and negotiate on behalf of Rincon Consultants, Inc.*