



REPORT TO CITY COUNCIL

DATE: FEBRUARY 25, 2015

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: NATHAN HAMBURGER, ASSISTANT CITY MANAGER 

SUBJECT: REQUEST TO APPROVE FIRST AMENDMENT TO A CONSULTING SERVICES AGREEMENT WITH KOSMONT COMPANIES

Staff is requesting City Council approval of an amendment to the consulting services agreement with Kosmont Companies. Staff has worked with the representatives of Kosmont Companies on the review of the Agoura Village Specific Plan Area (AVSP), where Mr. Larry Kosmont presented the City Council and public with various economic development factors that should be considered when working towards the goal of the Agoura Village developing over the upcoming years. The workshop focused on the new market realities that exist and how they work with the AVSP.

As part of their original scope of work, Kosmont Companies did an initial review of the project mixes proposed for the various properties within the AVSP and provided some feedback on the feasibility of the proposed projects and their ability to meet the goals of the AVSP. Since the Joint City Council/Planning Commission Workshop in September, 2014; staff has continued to meet and work with the various property owners on aspects such as design and use mix for their proposed projects. At this point in time, it is recommended that an amendment to the existing agreement be utilized to allow for the time and cost to make use of Kosmont Companies to do a further and more in-depth review of the various project proposals, as well as assist in any negotiation of the provisions of any necessary development agreements. In addition, Kosmont Companies would assist with furthering the City's Retail Attraction Program efforts. They would be utilized to establish and build valuable relationships with specific retailers that provide and meet the desired characteristics expressed previously by the City Council and community for the AVSP and would help promote the long-term vitality of the Specific Plan Area. These services also help to insure that the Specific Plan appropriately contends with the market reality and public policy preferences of proposed uses, proposed tenants, mix of uses, public amenities, and other land development or land reuse issues that may arise.

The original agreement was approved in August 2014 in the amount of \$25,000. Pursuant to direction provided by the City Council following the Public Workshop, an additional scope of work has been prepared. The proposed amendment would amend the scope of services, increase the total cost of the agreement by \$25,000, and extends the termination date to March 31, 2016.

The proposed amendment to the consulting services agreement has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council approve the first amendment to the Consulting Services Agreement with Kosmont Companies, amending the financial terms, expanding the scope of work, and extending the termination date for economic development services related to the Agoura Village Specific Plan Area.

Attachment: Consulting Services Agreement – Kosmont Companies

AGREEMENT ROUTING SLIP FOR

Kosmont Companies

Consultant Name (Over \$25K)

Standard Agreement Template with NO CHANGES (City Attorney's Signature Not Required)

Standard Template – **NO CHANGES**
City Attorney's Signature **NOT REQUIRED**

If there are changes to the agreement, do not use this standard template.

Section 1 – Distribution of Agreement:

If there are **NO CHANGES** to the template, prepare the agreement and distribute to the Consultant for signatures. Attach this routing slip to the front of the agreement and route to staff in numerical order (1-2) to the right. Department Head will authorize forwarding the final agreement to the City Clerk. When signed by the Consultant, submit the signed agreement, including the appropriate certificate of insurance and endorsement, with this completed routing slip, to the City Clerk who will review and forward to the Risk Manager for review and approval. Agreements without the appropriate insurance attached will be returned to the department. Once approved, the City Clerk will execute the agreement and provide a copy to the Consultant and the staff person (in Item No.1).

1. _____
Prepared by (Staff Name/Date)

2. _____
Department Head - Date
(Authorization to forward to Risk Mgr/Clerk)

3. _____
City Clerk – Sign/Date Final Review

4. _____
Risk Manager – Date
(Insurance Review/Approval)

Notes.

**AGREEMENT FOR CONSULTANT SERVICES
WITH THE CITY OF AGOURA HILLS**

NAME OF CONSULTANT:	Kosmont Companies
RESPONSIBLE PRINCIPAL OF CONSULTANT:	Attn: Larry Kosmont
CONSULTANT'S ADDRESS:	865 S. Figueroa St., 35th floor Los Angeles, CA 90017
CITY'S ADDRESS:	City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301 Attn: City Manager
PREPARED BY:	Nathan Hamburger
COMMENCEMENT DATE:	August 14, 2014
TERMINATION DATE:	March 31, 2016
CONSIDERATION:	Amendment Amount: \$25,000
	Total Contract Price: \$50,000

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND KOSMONT COMPANIES**

THIS FIRST AMENDMENT is made and entered into as of February 25, 2015, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Kosmont Companies (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On August 14, 2014, the City and Consultant entered into that certain Agreement entitled "Agreement for Consultant Services in the amount of twenty-five thousand dollars (\$25,000).

b. The parties now desire to extend the term of the agreement to March 31, 2016, and increase the payment in the amount of twenty-five thousand dollars (\$25,000), and to amend the Agreement as set forth in this Amendment.

2. Section 1 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than March 31, 2016, unless sooner terminated pursuant to the provisions of this Agreement."

3. Section 5 of the Agreement entitled "**PAYMENT**" at paragraph "a" is hereby amended to read as follows:

"The City agrees to pay Consultant monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The First Amendment amount shall not exceed twenty-five thousand dollars (\$25,000), for additional economic development consulting services related to the construction of the Agoura Village Specific Plan Area for a total Agreement amount of forty thousand dollars (\$50,000)."

4. Exhibit A to the Agreement is hereby amended by adding thereto the items set forth in Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

5. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Agreement to be executed the day and year first above written.

CITY OF AGOURA HILLS

Illece Buckley Weber,
Mayor

ATTEST:

Kimberly M. Rodrigues,
City Clerk
Date Approved by City Council _____

APPROVED AS TO FORM:

Candice K. Lee,
City Attorney

Kosmont Companies
865 South Figueroa Street, 35th Floor
Los Angeles, CA 90017
Larry Kosmont
(213) 417-3300
(213) 417-3311 fax

By: _____

Print Name: _____

Title: _____

By: _____

Print Name: _____

Title: _____

[Signatures of Two Corporate Officers Required]

ATTACHMENT A
AMENDED SCOPE OF WORK

Additional Scope of Work to include, but not limited to:

- 1) Follow-up work to Phase I regarding potential development projects within Agoura Village Specific Plan (AVSP)
- 2) Assist with economic data and information in any potential modifications to AVSP wording and/or requirements
- 3) Assistance with any negotiations with developers within AVSP
- 4) Review of proposed project applications
- 5) Market studies, tenant evaluations, financial, real estate, land use planning, and economic development technical assistance
- 6) Assist in retail attraction program
- 7) All work will be as directed and requested from the City Manager or his designee