

# Agenda Report



**Date:** April 27, 2010  
**To:** Stephen W. Helvey, City Manager  
**From:** Jeffery W. Collier, Director of Community Development  
**Subject:** Modification to a Professional Services Agreement for Marine Research Specialists regarding the Whittier Main Mineral Extraction project.

## **RECOMMENDATION**

It is recommended the City Council:

1. Approve the modification to the agreement with Marine Research Specialists for processing the Environmental Impact Report for the proposed Whittier Main Mineral Extraction by Matrix Oil; and
2. Authorize the City Manager to sign the agreement.

## **BACKGROUND**

On July 31, 2009, the City entered into an agreement with Marine Research Specialists (MRS) for the development and processing of the environmental documentation for the Whittier Main Mineral Extraction project by Matrix Oil (Matrix).

As part of the lease agreement, Matrix has submitted an application for a Conditional Use Permit (CUP) which was required prior to any land disturbance. An Environmental Impact Report (EIR) is being undertaken as part of the CUP process.

## **DISCUSSION**

MRS is the firm preparing the EIR for the Whittier Main Mineral Extraction project. The project has required more time than was originally anticipated due to the complex nature of oil drilling, as well as the added intricacies of the project area being located within a nature preserve.

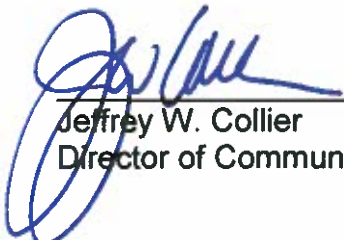
As a result, MRS has requested an increase in the contract amount based on the out of scope costs incurred in the preparation of the Notice of Preparation (NOP) as a result of revisions to the Project Description, amending the information provided in the original application. Changes to the Project Description included the use of pipelines rather than trucks for oil transportation throughout the life of the Project, relocation of the truck loading facility, and construction of a revised access road. Consequently a modification to the original agreement amount of \$525,074.00, is being requested to provide additional funds in the amount of \$67,025.00. Staff concurs with the request due to the additional scope of work undertaken by MRS. The cost of the additional services will be covered by a deposit from Matrix.

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**FISCAL IMPACT**

Sufficient funds are available for the new not-to-exceed amount of \$592,099.00 per the revised agreement, in the account number 510-30-983-935-807116 which has been funded by Matrix.

Submitted by:



Jeffrey W. Collier  
Director of Community Development

Prepared by:



Jeffery S. Adams  
Development Services Manager

Attachment: Professional Services Agreement with Marine Research Specialists

**CITY OF WHITTIER**  
**AGREEMENT FOR PROFESSIONAL SERVICES**  
**AMENDMENT NO. 1**

On July 31, 2009 Agreement No. A09-159, was made and entered into between the CITY OF WHITTIER ("CITY"), a municipal corporation located in the County of Los Angeles, State of California, and MARINE RESEARCH SPECIALISTS ("CONTRACTOR") with principal offices located in the City of Ventura, in the State of California. Amendment No. 1, which increased the not to exceed amount of the Agreement from \$525,074.00 to \$592,099.00, was approved on April 27, 2010. By mutual consent of both parties, the Agreement is amended as follows:

- 1) To increase the not to exceed amount of the agreement from \$525,074.00 to \$592,099.00. The increase is to provide funding for additional technical reviews, project management and Notice of Preparation (NOP) revisions that were not anticipated based on the original scope of services (Attachment A).

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed with all the formalities required by law on the respective dates set forth opposite their signatures.

CITY OF WHITTIER

\_\_\_\_\_  
STEPHEN W. HELVEY, City Manager

\_\_\_\_\_  
DATED

ATTEST:

\_\_\_\_\_  
KATHRYN A. MARSHALL, City Clerk

\_\_\_\_\_  
DATED

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD D. JONES, City Attorney

\_\_\_\_\_  
DATED

CONSULTANT:

BY: Douglas A. Coats, Vice President

PRINT NAME: Douglas A. Coats

TITLE: Vice President