



## Legislation Text

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**File #:** 17-0130, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Anne McIntosh, Interim Community Development Director  
Quinn M. Barrow, City Attorney

**SUBJECT:**

Ratification of Pass-Thru Agreements with Willdan for Project Management Services and Plan Check and Processing Services for the Manhattan Village Mall Renovation Project (Interim Community Development Director McIntosh)

**APPROVE**

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**RECOMMENDATION:**

Staff recommends that the City Council adopt the attached resolutions.

**FISCAL IMPLICATIONS:**

There is no fiscal impact on the City. Pursuant to conditions of approval, RREEF, the developer of the mall renovation project, must pay all City costs associated with the processing of the renovation plans. Pursuant to each agreement, the City has no obligation to pay Contractor from any source of funds other than funds deposited by RREEF (see Section 4c in each attached agreement).

**BACKGROUND**

On December 2, 2014, the City Council adopted Resolution No. 14-0026, approving the Manhattan Village Mall Renovation Project. Conditions of approval require the developer (RREEF) to fund the cost of City and its consultants ensuring that the conditions of approval are complied with, as well as monitoring of the mitigation measures as required by CEQA in the Mitigation Monitoring and Reporting Program. A lawsuit was filed challenging the City Council's approval of the Project and certification of the Environmental Impact Report. On November 2, 2016, the Los Angeles Superior Court ruled that the Council had acted correctly and complied with all applicable laws in approving the Project and certifying the EIR. Shortly after the judgment was entered, RREEF submitted plans, plan check fees and deposits, and entered into a reimbursement agreement with the City to pay for all costs associated with processing of the plans. To avoid any City expenditure of funds, the City Manager engaged the services of Willdan Engineering ("Willdan") to provide project management and compliance management services related to the Project and, at the request of RREEF, to coordinate and expedite review of plan checks and inspections.

**DISCUSSION**

Both of the attached agreements are “pass-through” agreements (i.e., the cost of all services performed by Willdan are passed through to RREEF). The City’s obligation to pay invoices submitted by Willdan is subject to there being sufficient funds available in RREEF’s deposit accounts to pay Willdan’s invoices. As stated in the Agreements, the City has no obligation to pay Willdan from any source of funds other than funds in RREEF’s deposit accounts. Thus, with no fiscal impact upon the City, the City Manager has the authority to execute these agreements.

Nevertheless, to keep the public informed about the progress of the project, and to document the agreements for record keeping, staff recommends that the City Council adopt the attached resolutions ratifying the approval of the agreements.

**Attachment:**

1. Resolution No. 17-0037 Ratifying the Approval of the Agreement to Provide Planning Services
2. Resolution No. 17-0038 Ratifying the Approval of the Agreement to Provide Plan Check and Inspection Services
3. Agreement to Provide Planning Services
4. Agreement to Provide Plan Check and Inspection Services