

OFFICE OF THE CITY ATTORNEY
DAWN MCINTOSH, City Attorney
411 West Ocean Boulevard, 9th Floor
Lona Beach, CA 90802-4664

1 THIRD AMENDMENT TO AGREEMENT NO. 35243

35243

2
3 THIS THIRD AMENDMENT TO AGREEMENT NO. 35243 is made and
4 entered, in duplicate, as of February 7, 2023, for reference purposes only, pursuant to
5 minute orders adopted by the City Council of the City of Long Beach at its meeting on
6 March 5, 2019 and November 17, 2020, by and between KIMLEY-HORN AND
7 ASSOCIATES, INC., a North Carolina corporation ("Consultant"), with a place of business
8 at 1100 West Town and Country Road, Suite 700, Orange, California 92868, and the CITY
9 OF LONG BEACH, a municipal corporation ("City").

10 WHEREAS, City and Consultant (the "Parties") entered into Agreement No.
11 35243 (the "Agreement") whereby Consultant agreed to provide on-call environmental,
12 planning, affordable housing, and community engagement consultant services; and

13 WHEREAS, the Parties entered into a First Amendment to the Agreement to
14 extend the term to March 5, 2022; and

15 WHEREAS, the Parties entered into a Second Amendment to add \$15,000
16 to the Agreement for a total not to exceed amount of \$140,000 and extend the term to
17 March 5, 2023; and

18 WHEREAS, the Parties desire to add \$200,000 to the Agreement for a total
19 not to exceed amount of \$340,000 and extend the term one (1) additional one-year period;

20 NOW, THEREFORE, in consideration of the mutual terms, covenants, and
21 conditions herein contained, the Parties agree as follows:

22 1. Section 1.A. of the Agreement is hereby amended to read as follows:

23 "A. Consultant shall furnish specialized services more particularly
24 described in Exhibit "A", attached to this Agreement and incorporated by this
25 reference, in accordance with the standards of the profession, and City shall pay for
26 these services in the manner described below, not to exceed Three Hundred Forty
27 Thousand Dollars (\$340,000), at the rates or charges shown in Exhibit "B".

28 2. Section 2 of the Agreement is hereby amended to read as follows:

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1 "2. TERM. The term of this Agreement shall commence at midnight on
2 March 6, 2019, and shall terminate at 11:59 p.m. on March 5, 2024, unless sooner
3 terminated as provided in this Agreement, or unless the services or the Project is
4 completed sooner."

5 3. Except as expressly modified herein, all of the terms and conditions
6 contained in Agreement No. 35243 are ratified and confirmed and shall remain in full force
7 and effect.

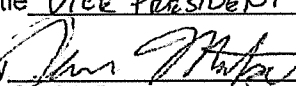
8 IN WITNESS WHEREOF, the Parties have caused this document to be duly
9 executed with all formalities required by law as of the date first stated above.

KIMLEY-HORN, AND ASSOCIATES, INC.,
a North Carolina corporation

12 _____, 2023

By 
Name CHAD PHILLIPS
Title VICE PRESIDENT

14 _____, 2023

By 
Name Jason Matin
Title Senior Vice President

EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER.

"Consultant" 

CITY OF LONG BEACH, a municipal
corporation

19 March 10, 2023

By Linda J. Jakem
City Manager

"City"

22 This Third Amendment to Agreement No. 35243 is approved as to form on
23 February 28, 2023.

DAWN MCINTOSH, City Attorney

By 
Deputy

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



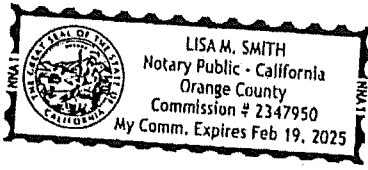
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Orange)
On 2-27-2023 before me, Lisa M. Smith, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Chad Phillips and Jason Matson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
Title or Type of Document: Third Amendment to Agreement Document Date: 2-27-23
Number of Pages: 3 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)
Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____

Signer's Name: _____
 Corporate Officer — Title(s): _____
 Partner — Limited General
 Individual Attorney in Fact
 Trustee Guardian or Conservator
 Other: _____
Signer Is Representing: _____