



**CITY OF HUNTINGTON BEACH**  
**INTER-DEPARTMENT COMMUNICATION**  
**COMMUNITY & LIBRARY SERVICES**  
**DEPARTMENT**

**TO:** Honorable Mayor and City Council Members

**VIA:** Al Zelinka, City Manager

**FROM:** Chris Slama, Director of Community & Library Services

**DATE:** February 2, 2023

**SUBJECT:** SUPPLEMENTAL COMMUNICATION REGARDING ITEM #25  
APPROVE AMENDMENT NO. 1 TO AGREEMENT BETWEEN  
THE CITY OF HUNTINGTON BEACH AND RDG PLANNING &  
DESIGN, INC. (FORMERLY KNOWN AS RDG IA INC., DBA RDG  
ART STUDIO) FOR THE DESIGN, FABRICATION AND  
INSTALLATION OF A PUBLIC ART WORK FOR CENTRAL PARK

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Attached is the signed Agreement for the above noted RCA.

Changes to posted Agreement are as follows:

1. Item 1. – Name Change: Owner name of RDG IA, Inc. dba RDG Art Studio is changed to: RDG Planning & Design, Inc.
2. Item 4 – Hold Harmless: added “surface material” to last sentence. Any damage to the Sculptures from positioning (including damages caused by the company installing the base *surface material*) remains the responsibility of the City.

**SUPPLEMENTAL  
COMMUNICATION**

Meeting Date: 2/7/2023

Agenda Item No.: #25 (23-097)

AMENDMENT NO. 1 TO AGREEMENT BETWEEN  
THE CITY OF HUNTINGTON BEACH AND  
RDG PLANNING & DESIGN, INC. (FORMERLY KNOWN AS RDG IA Inc., dba  
RDG ART STUDIO)  
FOR  
THE DESIGN, FABRICATION AND INSTALLATION OF A PUBLIC ART WORK  
FOR CENTRAL PARK

THIS AMENDMENT is made and entered into by and between the CITY OF HUNTINGTON BEACH, a California municipal corporation, hereinafter referred to as "City," and RDG PLANNING & DESIGN, INC. (FORMERLY KNOWN AS RDG IA Inc., dba RDG ART STUDIO), hereinafter referred to as "Consultant."

WHEREAS, City and Consultant are parties to that certain agreement, dated December 8, 2020, entitled "Professional Services Contract Between the City of Huntington Beach and RDG Art Studio for The Design, Fabrication and Installation of a Public Art Work for Central Park" which agreement shall hereinafter be referred to as the "Original Agreement"; and

City and Consultant wish to amend the Original Agreement to change the company name to RDG Planning & Design, Inc.

City and Consultant further wish to amend the Original Agreement to amended the Scope of Service, increase the amount of compensation to be paid to Consultant, and add additional Hold Harmless language.

NOW, THEREFORE, it is agreed by City and Consultant as follows:

1. NAME CHANGE

Owner name of RDG IA, INC. dba RDG ART STUDIO is changed to:  
  
RDG PLANNING & DESIGN, INC.

2. SCOPE OF SERVICE

Section 1 entitled SCOPE OF SERVICE of "Original Agreement" is hereby amended to include Sculpture Edging Design, Fabrication and installation.

3. ADDITIONAL COMPENSATION

Section 4 entitled COMPENSATION of the "Original Agreement" is hereby amended as follows:

In consideration of the services to be performed under the Original Agreement, City agrees to pay Consultant at the rates specified in Exhibit B which is attached hereto and incorporated by reference into this Agreement. City further agrees to pay Consultant an additional sum not to exceed Thirty Five Thousand Dollars (\$35,000.00). The additional sum shall be added to the original sum of Three Hundred Thousand Dollars (\$300,000.00), for a new contract amount not to exceed Three Hundred Thirty Five Thousand Dollars (\$335,000.00).

4. HOLD HARMLESS

Section 8 entitled HOLD HARMLESS of the "Original Agreement" is hereby amended to include the following language:

"The City of Huntington Beach, California will accept liability of both public art sculptures ("Sculptures") when they are positioned, and are securely fastened to the footing. Any damage to the Sculptures from positioning (including damages caused by the company installing the base surface material) remains the responsibility of the City.

5. REAFFIRMATION

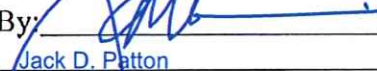
Except as specifically modified herein, all other terms and conditions for the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their authorized officers on \_\_\_\_\_, 2023.

CONSULTANT,

RDG PLANNING & DESIGN, INC.


CITY OF HUNTINGTON BEACH, a  
municipal corporation of the State of  
California

By:   
\_\_\_\_\_  
Jack D. Patton  
print name  
ITS: (circle one) ~~Chairman/President/Vice President~~  
Principal, and Director


\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

AND

By:   
\_\_\_\_\_  
G.W. Justin Platts  
print name  
ITS: (circle one) ~~Secretary/Chief Financial Officer/Asst.~~  
Secretary - Treasurer Principal, and Director

INITIATED AND APPROVED:

  
\_\_\_\_\_  
Director of Community & Library Services

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Manager

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney *me*