



COUNCIL AGENDA: 11/30/04

ITEM: 2.3

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Ralph G. Tonseth

**SUBJECT:** SECOND AMENDMENT TO  
CONSULTANT AGREEMENT  
BETWEEN THE CITY OF SAN  
JOSÉ AND BROWN BUNTIN  
ASSOCIATES, INC.

**DATE:** 11/08/04

Approved

Date

11/18/04

**COUNCIL DISTRICT:** Citywide

## RECOMMENDATION

Approval of a Second Amendment to the Agreement with Brown Buntin Associates, Inc. for Airport Noise Consultant Services at the Norman Y. Mineta San José International Airport, increasing the maximum compensation by \$51,500, from \$59,225 to \$110,725.

## BACKGROUND

The Airport's Noise Monitoring Center, a section within the Environmental Programs Division of the Norman Y. Mineta San José International Airport continues to provide the Quarterly Noise Report to the State of California per California Department of Transportation, Title 21, The California Noise Standard. This report is a requirement of state regulations and requires specialized personnel and services that the Airport does not provide. The report cannot be performed by current Division staffing or other City Departments due to the complex technical nature of the report.

## ANALYSIS

Brown Buntin Associates, Inc. is a well-respected member in the Noise Acoustics Field and mainly in the field of Airport Acoustics, and the firm has a long history and knowledge of the Airport's and the City of San José's issues. Their work in San José's Master Plan Environmental Impact Report and updates, and their expert analysis and reporting in the conversion of the Airport Curfew Program is evidence of their contribution to the Airport and the City of San José.

Brown Buntin Associates, Inc. entered into a Consultant Agreement with the City of San José in 2003 for \$51,500 that was later amended to \$59,225 in 2004-2005, an increase of \$7,725. The actual compensation required for the agreement is \$110,225, the original compensation of \$51,500 plus an additional \$59,225 to cover expenses in 2004-2005. The first amendment to the Consultant Agreement incorrectly listed the required compensation.

The cost to produce the State Quarterly Reports and reports as needed by the Airport Noise Monitoring Center for 2004-2005 is estimated at \$59,225.00 (for a total not-to-exceed maximum cost of \$110,725.00).

### PUBLIC OUTREACH

Not applicable.

### COORDINATION

Preparation of this memorandum and the Third Amendment has been coordinated with the City Manager's Budget Office and City Attorney's Office.

### COST IMPLICATIONS

1. AMOUNT OF RECOMMENDATION: \$51,500

2. AGREEMENT AMOUNT:

Original Agreement	\$ 51,500
First Amendment	\$ 7,725
Second Amendment	<u>\$ 51,500</u>
TOTAL	\$110,725

3. SOURCE OF FUNDING: 523 – Airport Maintenance and Operations Fund

4. FISCAL IMPACT: The project has been reviewed and determined that it has no impact on the General Fund Operating Budget. Funding is available for the Third Amendment in the Airport Maintenance and Operations Fund.

**BUDGET REFERENCE**

Fund #	Appn #	Appn. Name	RC #	Total Appn	Amt. for Contract	Capital and Operating Budget Page	Last Budget Action (Date, Ord. No.)
523	0802	Airport Non-Personal/ Equipment	211120		\$51,500	2004-2005 Adopted Operating Budget Page VIII-2	10/27/04 Ord. 27267
523	0802	Airport Non-Personal/ Equipment	211120		\$7,725	2004-2005 Adopted Operating Budget Page VII-11	10/27/04 Ord. 27267
523	0802	Airport Non-Personal/ Equipment	211120		\$51,500	2003-2004 Adopted Operating Budget Page 9	
		<b>Total</b>			<b>\$ \$110,225</b>		

**CEQA**

Resolution Nos. 67380 and 71451, PP 04-297.

*Ralph G. Tonseth*

RALPH G. TONSETH  
 Director of Aviation  
 Airport Department

RGT:JL

