

REPORT TO CITY COUNCIL

DATE: AUGUST 13, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *GR*

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *mk*

SUBJECT: AMENDMENT TO AGREEMENT WITH RINCON CONSULTANTS, INC. FOR PHASE I ENVIRONMENTAL SUPPORT SERVICES FOR AGOURA ROAD WIDENING PROJECT

The purpose of this item is to seek City Council approval for an Amendment to the Agreement with Rincon Consultants, Inc. (Rincon) for Phase I environmental support consulting services for the Agoura Road Widening Project. Staff is requesting that the City Council approve an amendment in the amount of \$24,804 on a time-and-materials basis for a total agreement fee not-to-exceed \$87,217. The funds would come from Measure R.

On June 13, 2013, the City Council approved an agreement with Rincon for \$62,413 to provide Phase I environmental support services, such as sensitive plant and wildlife species surveys, regulatory permitting assistance (for permits from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, and the Regional Water Quality Control Board), and preparation of mitigation plans entailing habitat restoration. This work was done to comply with the mitigation plans outlined in the Mitigated Negative Declaration prepared for the Agoura Road Widening Project, adopted by the City Council in December 2012. At this time, additional work is needed to prepare the necessary mitigation due to the results of the species surveys, and to continue to coordinate with the permitting agencies to obtain final approval of the mitigation prior to construction of the Agoura Road Widening Project.

RECOMMENDATION

Staff respectfully recommends the City Council approve the Amendment to the Agreement for Consultant Services with Rincon Consultants, Inc. on a time-and-materials basis for a not-to-exceed fee of \$24,804.

Attachment: Amendment to Agreement for Consultant Services

AGREEMENT (AMENDMENT) ROUTING SLIP FOR

Rincon Consultants, Inc.

Consultant Name (\$25K and Over Amendment)

Attached, please find (check one of the following boxes):

- Note:** As all Amendment templates are customized, Outside Agency Amendment review and approval is required (Section 1) Complete Sections 1 and 2
- City Agreement Amendment Complete Sections 1 and 2 Special Amendment Complete Sections 1 and 2

Section 1 – Approve template and/or changes to insurance: Receive Department Head approval to amend agreement. Check with Risk Manager for insurance and/or template amendments. Risk Manager will authorize emailing City Attorney for amendment template review and approval. Attach City Attorney email response (approval) to this slip.

- | | |
|--|---|
| <input type="checkbox"/> _____ (Dept. Head Initials/Date)
Authorization to Amend Agreement | <input type="checkbox"/> _____ (Risk Manager Initials/Date)
Approval to Forward to City Attorney |
| <input type="checkbox"/> _____ (Risk Manager Initials/Date)
Insurance Amended (See Notes Below) | <input checked="" type="checkbox"/> <u>[Signature]</u> Staff Initials (From No. 1 Below)
City Attorney Email Approval Attached |
| <input type="checkbox"/> _____ (Risk Manager Initials/Date)
Approve Template (See Notes Below) | <input checked="" type="checkbox"/> <u>[Signature]</u> Staff Initials/Date
Other (See Notes Below) |

Section 2 – Signed Amendment received from Consultant. Sign/date and attach this routing slip to the proposed amendment and route to staff in the order listed below (i.e., 2-4). Submit the signed amendment, including the appropriate insurance and endorsement, with this completed routing slip, to the Risk Manager (insurance review/approval) who will forward to the City Clerk for final review/distribution. Amendments without the appropriate insurance attached will be returned to the department. A copy of the final amendment will be provided to the Consultant and the staff person (in Item No. 1 below)

1. Allie Cook 5/9/14
Prepared by (Staff Name/Date)
3. [Signature] 5/14/14
Risk Manager – Date
(Insurance Review/Approval)

2. Mike Kamins 5/14/14
Department Head – Date
(Authorization to forward to Risk Mgr/Clerk)
4. _____
City Clerk – Date
(Format Review/Final Distribution)

- FOR CITY CLERK USE ONLY -

Year: _____ Month/Day: _____

Amendment/Insurance Received: _____

To City Attorney for Signatures: _____

To City Manager/Mayor for Signatures: _____

City Attorney Email/Scope Attached: _____

Distributed to Consultant/Staff: _____

Laserfiche/Log/Index/File: By: _____

Insurance Logged: By: _____

Notes: RMCAMMENT:

- OK with new Amendment as long as same coverage is extended through life of amended agreement

**FIRST AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
WITH THE CITY OF AGOURA HILLS**

NAME OF CONSULTANT: Rincon Consultants, Inc.

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: John Dreher, Jr.

CONSULTANT'S ADDRESS: 180 North Ashwood Avenue
Ventura, CA 93003

CITY'S ADDRESS: City of Agoura Hills
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: City Manager

PREPARED BY: Allison Cook

COMMENCEMENT DATE: August 14, 2014

TERMINATION DATE: December 31, 2016

CONSIDERATION: Amendment Amount: \$24,804
Total Contract Price
Not to Exceed: \$87,217

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND RINCON CONSULTANTS, INC.**

Agoura Road Widening Project Environmental Support Services Phase I

THIS FIRST AMENDMENT is made and entered into as of August 14, 2014, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Rincon Consultants, Inc., a Corporation, (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On June 13, 2013, the City and Consultant entered into that certain Agreement entitled "Agreement for Consultant Services Between the City of Agoura Hills and Rincon Consultants, Inc." in the amount of sixty two thousand four hundred thirteen dollars and zero cents (\$62,413.00).

b. The parties now desire to add to the scope of work, to increase the payment in the amount of twenty four thousand eight hundred and four dollars and zero cents (\$24,804.00), and to amend the Agreement as set forth in this Amendment.

2. Section 4 of the Agreement entitled "PAYMENT" at paragraph "a" is hereby amended to read as follows:

"The City agrees to pay Consultant monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The First Amendment amount shall not exceed twenty four thousand eight hundred and four dollars and zero cents (\$24,804.00) for additional regulatory permit support and permit tracking, supplemental biological support, and agency coordination for a total Agreement amount of eighty seven thousand two hundred seventeen dollars and zero cents (\$87,217.00)."

3. Exhibit A to the Agreement is hereby amended by adding thereto the items set forth on Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

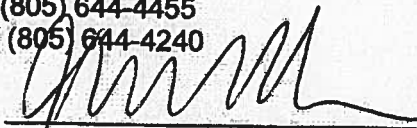
4. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to Agreement to be executed the day and year first above written.

CITY OF AGOURA HILLS

Rincon Consultants, Inc.
John Dreher, Jr.
Tel. (805) 644-4455
FAX (805) 644-4240

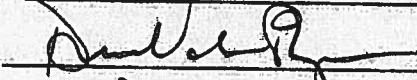
William D. Koehler,
Mayor

By: 
Print Name: Michael Giaketsis

ATTEST:

Title: President

Kimberly M. Rodrigues, MMC
City Clerk
Date Approved by City Council

By: 
Print Name: Dianne Under Plegua

Title: Vice-President / CFO

APPROVED AS TO FORM:

[Signatures of Two Corporate Officers Required]

Candice K. Lee,
City Attorney

ATTACHMENT A

Attached hereto and incorporated herein is the additional scope of work and associated cost as provided by the Consultant.



Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

805 644 4455
FAX 644 4240

info@rinconconsultants.com
www.rinconconsultants.com

June 16, 2014
Project #: 13-01004

City of Agoura Hills
Planning and Community Development
Attn: Allison Cook, Principal Planner
30001 Ladyface Court
Agoura Hills, CA 91301
ACook@ci.agoura-hills.ca.us

**Subject: Amendment 1 for Environmental Support Services for the Agoura Road
Widening Street Improvement Project, Agoura Hills, Los Angeles, California**

Dear Ms. Cook:

The following amendment is for additional environmental services provided to support the permit application and negotiation process for this project, specifically Tasks 2 and 3 of our May 21, 2013 proposal. As you are aware, a higher degree of senior level support and coordination has been necessary than what was provided for in our original proposal. In addition, we are proposing to add subtasks 3b and 3c to assist with restoration and mitigation coordination moving forward. Therefore, at this time, we would like to request a budget amendment for costs extended and projected in the pursuit of the project permits and restoration activities. The following is a summary of the additional support efforts that have been and are projected to be provided.

Task 2 - Regulatory Permits

As mentioned above, extensive additional coordination time has been needed in order to respond to agency questions, specifically in response to the addition of the retaining wall to avoid listed species and SHPO's request for additional cultural, Native American and historical resources assessments. The following lists the unanticipated efforts provided to finalize the permit applications, each of which required senior level support.

- *Additional agency field meetings*
- *Section 106 consultation and support, including preparation of a SHPO response letter for ACOE to respond to additional SHPO requests and avoid further studies*
- *Coordination with MRT regarding receipt of approval by ACOE as in-lieu fee program*
- *Providing additional project materials for CDFW that they had previously declined or that had been provided, but they requested be augmented (i.e. disturbance map with LOW), as well as additional project materials, and maps showing inclusion of the wetland in Feature A they had previously declined jurisdiction over.*



Task 3a - Permit Tracking and Agency Coordination

Typically coordination with CDFW to finalize negotiations for a SAA takes one round of review and edits, and 4-8 hours of coordination time. As you are aware, CDFW requested a 3:1 mitigation ratio for both permanent and temporary impacts. Rincon has worked with the City to try and have the areas of temporary impact reduced to the standard accepted level of 1:1 which could save the City \$200,000 or more in in-lieu fees. Additionally, Rincon worked with CDFW to minimize the SAA conditions to more closely reflect the language in the MND, also reducing potential mitigation costs. The following lists the unanticipated efforts associated with agency coordination and finalization of the permit applications, which also required senior level support.

- *Response to multiple rounds of CDFW questions regarding SAA negotiations, providing additional requested materials, and an effort to reduce the compensatory mitigation requirements*
- *Coordination regarding the project changes (i.e. addition of the retaining wall to avoid Lyon's pentachaeta)*
- *Revisions to the jurisdictional delineation to add in wetlands requested by ACOE*

Task 3b - Supplemental Biological Support Regarding Special Status Plant Species and Client/Agency Coordination

This task involves management, organization, and coordination with the City and the resource agencies over the course of the mitigation effort.

Federal and state endangered plant species were discovered during pre-construction surveys in the Project vicinity. Depending on final design considerations, it may not be possible to avoid these populations. Per the Final MND, if the plants cannot be avoided, then a restoration plan is to be prepared that is acceptable to the City and CDFW and/or USFWS as applicable.

Rincon would prepare a Special Status Species Restoration Plan. The plan will identify receiver locations, either within the area of the Agoura Road right-of-way (potentially within grading disturbance areas) or within other suitable areas as designated by the City. The plan will also identify the number of plants to be established, the methods of cultivation, and both short term and long term maintenance and monitoring requirements. The plan will include measures necessary for the establishment of self-sustaining populations to ensure the long-term survivability of the species in the vicinity. A Draft Plan will be sent to the City, for review and comment. After receipt of comments, a Final Plan will be prepared for City of Agoura Hills approval.

Based on the provided site locations, federal and state endangered plant species are not located within Army Corps of Engineers jurisdiction; therefore a permit from USFWS through the ESA Section 7 consultation process will not be necessary. Because no federal jurisdiction is present, an "incidental take" permit for Lyon's Pentachaeta is not required. Similarly, the rare plants are not located within CDFW's jurisdiction regarding Streambed



Alteration Agreements and CDFW approval is not required, though a certain level of coordination with CDFW is recommended as part of this task. Rincon will coordinate with the above agencies as appropriate.

Preparation, and coordination of the Restoration Plan is estimated to require 40 to 54 hours of staff time. The amount of time needed to coordinate with the City, USFWS and CDFW can vary depending on the nature of the Plan, the current workloads of agency staff, and the level of interest in these particular species. Because an incidental take permit under either the federal or state ESA is not required, specific approval from these agencies of the Restoration Plan is also not required. Therefore, for the purpose of this proposal, Rincon proposes to limit our coordination time to no more than 54 total hours of staff time. An additional \$381.00 is included to cover mileage, and printing expenses for in person meetings with the City or resource agencies.

Task 3c - Ongoing Coordination with In-Lieu Organization

We anticipate that in-lieu fees mitigation will be sufficient for satisfying mitigation requirements of the above permits; however, additional coordination with the in-lieu fee organization (MRT) and wildlife agencies may be required. Therefore, we have budgeted an additional 42 hours to continue to manage and coordinate activities with MRT, and review programs establishment and success. The MRT's formal In-Lieu Fee Program is approved by ACOE, RWQCB, CDFG, and USFWS.

COST AND SCHEDULE

We are requesting a budget amendment of \$24,804 to cover additional unanticipated costs associated with Tasks 2 and 3, regulatory permitting and coordination. A breakdown of hours and personnel is provided in the Table below.

Table 1 - Budget Amendment 1

**City of Agoura Hills
 Agoura Road Widening Improvement Project**

Amendment 1

June 18, 2014

Tasks	Cost	Hours						
			Principal I	Supervising Biologist I	Senior Archaeologist / Biologist	Biologist I	GIS Specialist	Clerical
Task 2. Regulatory Permit Support	\$8,468	81	\$180	\$145	\$120	\$85	\$85	\$65
Task 3a. Permit Tracking and Agency Coordination	\$4,365	39		22.75	8.25	25.5	21.75	2.5
Task 3b. Supplemental Biological Support Regarding Special Status Plant Species and Client/Agency Coordination	\$6,510	54	10		30		10	4
Task 3c. Ongoing Coordination with In-Lieu Organization	\$5,080	42	10		16	16		
Direct Expenses								
Mileage - (Includes miles for up to five meetings in the City of Agoura)	\$181							
Document Production	\$200							
SUBTOTAL	\$24,804	216	20.00	40.25	54.25	63.00	31.75	6.50



*Amendment 1
Agoura Road Widening Street Improvement Project
June 18, 2014*

We sincerely appreciate our working relationship and appreciate the opportunity to support you on this important project. Please feel free to call us at (805) 644-4455 if you have any questions or need any additional assistance on this or other projects.

Sincerely,
RINCON CONSULTANTS, INC.

Amber Bruno
Biologist/ Project Manager

John Dreher, Jr.
Principal