



## REPORT TO CITY COUNCIL

**DATE:** MARCH 23, 2016

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER 

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER  
ALLISON COOK, ASSISTANT DIRECTOR OF PLANNING 

**SUBJECT:** AMENDMENT TO AGREEMENT WITH ESA FOR OAK TREE SERVICES FOR CITY-INITIATED PROJECTS

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The purpose of this item is to seek City Council approval for an Amendment to the Agreement between the City and ESA Associates (ESA) for City-initiated projects for the current fiscal year. On July 8, 2015, the City entered into two separate agreements with ESA for Fiscal Year 2015-2016: (1) an Agreement for Consultant Services to provide oak tree services on a time-and-materials basis for City-initiated projects at a total not-to-exceed fee of \$22,500; and (2) an Agreement for Consultant Services to provide oak tree services for reimbursable (non-City-initiated) projects on a time-and-materials basis at a total not-to-exceed fee of \$65,000. This Amendment seeks to increase the budget for the Agreement related to City-initiated projects. Additionally, staff is requesting an Amendment to the Agreement for Consultant Services with ESA for reimbursable projects (non-City-initiated projects) as part of a separate item on this same City Council agenda.

Since July 2015, ESA has spent considerable time on monitoring oak trees during construction of the Agoura Road Widening Project. There has also been an increase in oak tree related public contact and inquiries, which is not reimbursable from application fees and trust accounts. For these reasons, staff is recommending that the ESA Agreement be amended to increase the budget by \$55,557.50 for a total not-to-exceed Agreement fee of \$78,057.50. This figure was determined based on the number of hours anticipated to complete the oak tree required monitoring for the Agoura Road Widening Project and the assumption that public inquiries and contact will remain at the same level through the end of the current fiscal year. The Amendment would be paid through Planning Department funds (\$8,000) and project specific capital funds for the Public Works Department (\$47,557.50).

This Amendment has been reviewed by the City Attorney and approved as to form.

## **RECOMMENDATION**

Staff respectfully recommends the City Council approve the Amendment to Agreement between the City of Agoura Hills and ESA Associates for Oak Tree Services for City Initiated Projects on a time-and-materials basis for a not-to-exceed fee of \$55,557.50.

Attachment:

1. Amendment to Agreement between the City of Agoura Hills and ESA Associates for Oak Tree Services for City-Initiated Projects.

CONSULTANT SERVICES  
WITH THE CITY OF AGOURA HILLS

NAME OF CONSULTANT: ESA Associates

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Greg Ainsworth

CONSULTANT'S ADDRESS: 21650 Oxnard Street, Suite 1680  
Woodland Hills, CA 91367

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

PREPARED BY: Allison Cook

COMMENCEMENT DATE: March 10, 2016

TERMINATION DATE: March 9, 2017

CONSIDERATION: Amendment Amount: \$55,557.50  
Total Contract Price  
Not to Exceed: \$ 78,057.50

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
CITY OF AGOURA HILLS AND ESA ASSOCIATES FOR OAK TREE SERVICES FOR  
CITY INITIATED PROJECTS**

THIS FIRST AMENDMENT is made and entered into as of March 10, 2016, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and ESA Associates (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 July 8, 2015, the City and Consultant entered into that certain Agreement entitled "Agreement for Consultant Services between the City of Agoura Hills and ESA Associates for Oak Tree Services for City Initiated Projects" in the amount of twenty two thousand five hundred dollars and zero cents (\$22,500.00).

b. The parties now desire to increase the payment in the amount of fifty five thousand five hundred fifty seven dollars and fifty cents (\$55,557.50), and to amend the Agreement as set forth in this Amendment.

2. Section 5 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. The First Amendment amount shall not exceed fifty five thousand five hundred fifty seven dollars and fifty cents (\$55,557.50), for a total Agreement amount not to exceed seventy eight thousand fifty seven dollars and fifty cents (\$78,057.50)."

3. 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**

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Harry Schwarz,  
Mayor

ESA Associates  
21650 Oxnard Street, Suite 1680  
Woodland Hills, CA 91367  
Greg Ainsworth  
(818) 703-8600 Tel  
(818) 703-5118 FAX

By: \_\_\_\_\_  
  


ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC  
City Clerk

*Date Approved by City Council* \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee,  
City Attorney

Print Name: Bobbette Biddulph

Title: Senior Vice President

By: 

Print Name: Deanna Heuser

Title: VP

[Signatures of Two Corporate Officers Required]

## **ATTACHMENT A**

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

Allison Cook  
City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301

**Subject: Budget Amendment for Arborist Services for City-Initiated and Non-City-Initiated Projects**

Dear Allison:

Based on our communication, ESA will continue to provide on-call arborist consulting for various City-Initiated and Non-City-Initiated projects for the City of Agoura Hills. This Amendment acknowledges that the City-Initiated projects Agreement will increase by \$8,000 for Planning and \$47,557.50 for Public Works, which equals a total increase of \$55,557.50. In addition, the budget for Non-City-Initiated projects will be increased by \$12,000.

Through the duration of the contract term, Greg Ainsworth will serve as ESA's Lead Arborist and Project Manager and will continue to remain the City's point of contact for all arborist-related requests. Specifically, ESA will assist the City in implementing the Oak Tree Ordinance for all City-initiated work. This will include reviewing oak tree reports and associated Oak Tree Permit Applications. ESA's team will ensure that enforcement of the City's Oak Tree Ordinance is properly implemented. The Lead Arborist will conduct plan check reviews to verify that oak tree impacts and encroachments described and depicted in tree reports and site plans are accurately disclosed, and will provide recommendations to City staff on methods that can minimize impacts to protected oak trees during the construction and operation phases of the project and will communicate any concerns, issues, or inadequacies that were reported. All correspondence will be provided in the form of letters, memorandums, illustrations, and/or exhibits to communicate plan check and oak tree report and oak tree permit application recommendations to staff. The Lead Arborist will continue to be responsible for managing the work of oak tree contractors on City projects. This will include reviewing all conditions of approval and field verification of oak trees that are planned to be removed or encroached. An ESA arborist(s) will be available to monitor construction sites, verify protective fence installation, and provide site checks on construction sites for the City as needed.

ESA will continue to provide services to City staff for private development projects similarly to the services described for City-initiated work. The Lead Arborist/Project Manager will review oak tree reports and oak tree permit applications for private projects for compliance with City ordinances, policies, and guidelines and will make recommendations as to the adequacy of oak tree reports and oak tree applications for proposed developments. The arborist will create, develop, and devise special measures to mitigate the construction impacts to oak trees associated with land development.

Sincerely,



Greg Ainsworth  
Director/Senior Arborist