

REPORT TO CITY COUNCIL

DATE: MAY 25, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: APPROVE SECOND AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH m6 CONSULTING, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE PALO COMADO CREEK LINEAR PARK PROJECT

This report seeks City Council approval of a second amendment to the agreement with m6 Consulting, Inc. (m6) for additional engineering design services for the Palo Comado Creek Linear Park Project (Project). This agreement will provide final construction plans, specifications, construction cost estimates, and permits from Los Angeles County Flood Control District (LACFCD) and regulatory agencies.

On July 14, 2021, the City entered into an agreement with m6, in the amount of \$311,935, to provide final design services from the completed 35% preliminary design plans and environmental documents for the Project. The scope of work to complete the final design included preliminary design analysis and revisions, right-of-way plats and legal descriptions, LACFCD permit and agreement, environmental/regulatory permits, final design contract documents (plans, specifications, and estimates), and pre-construction services.

In February 2022, a first amendment to the m6 agreement, in the amount of \$30,425, was approved to provide engineering design services to include the following additional features in the Project: collection and water quality treatment of drainage from the southeast corner of the Agoura Road/Cornell Road intersection, pedestrian connectivity from northwest corner of the Agoura Road/Cornell Road intersection, and provide required LACFCD freeboard requirements to the existing channel walls. The first amendment also included additional design renderings to provide a more accurate depiction of the proposed park layout and of the west and east park sides and entrances for anticipated public presentations and outreach. This cost was within the allotted 10% design contingency for the project.

The Project design is nearing the 95% design milestone. At this point in the design, the raised concrete channel walls and cover, the trail alignments, and connection improvements have been detailed and have been submitted for permit review and land lease agreement preparation to LACFCD and regulatory agencies. To advance the Project to final design, preconstruction compliance studies and surveys are required by the project's CEQA Mitigated Negative Declaration. The additional surveys required are:

1. Habitat Assessment for potential special status wildlife species and special status plants;
2. Presence/Absence Survey of Crotch's Bumblebee;
3. Bat Roost Assessment Survey; and
4. Survey of trees onsite for contagious tree diseases.

Staff recommends a second amendment, in the amount of not to exceed \$25,200, for the surveys listed above and, secondary surveys should the sensitive wildlife or plant species be found present in the project area.

Staff continues to work with m6 to develop the Project's park and aesthetic elements. Hardscape finishes, landscape palates, and artistic renderings and installations will be presented in more detail in a future meeting prior to completion of the landscape and irrigation plans. Staff has attached the 95% design layout for the Linear Park for the Councils review of the trail alignment and connectivity to the adjoining public and commercial space.

Funds from the State Budget Act of 2019 are sufficient to cover the cost of this second amendment to the Linear Park Project.

The proposed amendment has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Approve the second amendment to the agreement for consultant services with m6 Consulting, Inc.; and
2. Authorize the Mayor to sign the second amendment to the agreement on behalf of the City Council.

Attachments: Second Amendment to the Agreement for Consultant Services for Design Services m6
Linear Park Design Layout and Features

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

NAME OF CONSULTANT: m6 Consulting, Inc.

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Robert Woodward, PE

CONSULTANT'S ADDRESS: 4165 E. Thousand Oaks Blvd,
Suite 355
Westlake Village, CA 91362

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

PREPARED BY: Charmaine Yambao

COMMENCEMENT DATE: July 14, 2021

TERMINATION DATE: June 30, 2023

CONSIDERATION: Amendment Amount: \$25,200.00
Total Contract Price
Not to Exceed: \$ 367,560.00 /yr

**SECOND AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND m6 CONSULTING, INC.**

Palo Comado Creek Linear Park Project

THIS SECOND AMENDMENT is made and entered into as of May 25, 2022, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and m6 Consulting, 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 July 14, 2021, the City and Consultant entered into that certain Agreement entitled "Agreement for Design Professional Consultant Services", in the amount of Three Hundred Eleven Thousand Nine Hundred Thirty-Five Dollars and Zero Cents (\$311,935.00).

b. On February 14, 2022, the City and Consultant entered into the First Amendment to that certain Agreement entitled "Agreement for Design Professional Consultant Services," to add scope of work, and increase the payment in the amount of Thirty Thousand Four Hundred Twenty-Five Dollars and Zero Cents (\$30,425.00).

c. The parties now desire to add scope of work, increase the payment in the amount of Twenty-Five Thousand Two Hundred Dollars and Zero Cents (\$25,200.00), 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 SECOND Amendment amount shall not exceed Twenty-Five Thousand Two Hundred Dollars and Zero Cents (\$25,200.00), for additional preconstruction compliance study and survey services for environmental mitigation measures and permitting for a total Agreement amount of Three Hundred Sixty-Seven Thousand Five Hundred Sixty Dollars and Zero Cents (\$367,560.00)."

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 SECOND Amendment to Agreement to be executed the day and year first above written.

CITY OF AGOURA HILLS

Deborah Klein Lopez,
Mayor

ATTEST:


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

APPROVED AS TO FORM:

Candice K. Lee,
City Attorney

CONSULTANT

m6 Consulting, Inc.
4165 E. Thousand Oaks Blvd, Suite 355
Westlake Village, CA 91362
Robert Woodward, PE
805-379-1015

By: 

Print Name: NASOUD MAHMOUD

Title: PRINCIPAL

By: 

Print Name: ROBERT WOODWARD

Title: PRINCIPAL

[Signatures of Two Corporate Officers Required]

ATTACHMENT A

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

The additional studies and surveys are required for advancing the project to final design and for environmental construction requirements.

The tasks are divided into primary and secondary tasks. The secondary tasks will be required only if the primary tasks identify suitable habitat for, or the presence of, sensitive wildlife or plant species. The additional scope of work is for final design, engineering and architectural design services, as outlined and specified below.

PRIMARY RESOURCE SURVEY TASKS

(1) Habitat Assessment - Mitigation Measure BIO-1

One (1) habitat assessment will be conducted to determine the potential for special status wildlife species and special status plants to occur within the work area and a 200-foot buffer around the work area. The biologist will complete a report of findings and, if suitable habitat is identified, provide an overview of required avoidance, minimization, and mitigation measures, and explain the correct reporting requirements during construction activities. The biologist will also identify suitable wildlife relocation areas in the habitat assessment, should small mammals and/or reptiles be discovered during construction.

(2) Crotch's Bumblebee Presence/Absence Survey - Mitigation Measure BIO-6

Within one (1) year prior to grading and/or vegetation removal, a qualified entomologist familiar with the species behavior and life history will conduct a survey to determine the presence/absence of Crotch's bumblebee. Survey will be conducted during the flying season when the species is most likely to be detected above ground, between March 1 to September 1. Survey results, including negative findings, will be submitted to the City prior to implementing Project-related ground-disturbing activities and/or vegetation removal where there may be impacts to Crotch's bumblebee. At minimum, a survey report will provide the following:

- A description and map of the survey area, focusing on areas that could provide suitable habitat for Crotch's bumble bee;
- Field survey conditions that should include name(s) of qualified entomologist(s) and brief qualifications; date and time of survey; survey duration; general weather conditions; survey goals, and species searched;
- Map(s) showing the location of nests/colonies; and
- A description of physical (e.g., soil, moisture, slope) and biological (e.g., plant composition) conditions where each nest/colony is found. A sufficient description of biological conditions, primarily impacted habitat, should include native plant composition (e.g., density, cover, and abundance) within impacted habitat (e.g., species list separated by vegetation class; density, cover, and abundance of each species).

Assumptions:

- One (1) survey will be conducted.
- No Crotch's Bumblebee will be detected, and no avoidance plan will be required.
- If Crotch's Bumblebee is detected an avoidance plan can be developed under a separate authorization.

(3) Bat Roost Assessment Survey - Mitigation Measure BIO-13

A bat survey will be conducted by a bat specialist prior to construction to identify the potential for bat roosting sites. Survey results, including negative findings will be submitted to the City prior to implementing ground disturbing activities and/or vegetation removal where there may be impacts to bats.

(4) Tree Survey - Mitigation Measure BIO-15

The trees on site will be surveyed, identified, counted, and inspected for contagious tree diseases including but not limited to thousand canker fungus (*Geosmithia morbida*), Polyphagous Shot Hole Borer (*Euwallacea fornicates*), and goldspotted oak borer (*Agrilus coxalis*).

Assumptions:

- No diseased trees will be identified and therefore no infectious tree disease management plan will be required.

Should a tree need to be removed from the Project's boundary during construction, an infectious tree disease management plan will be developed and implemented prior to the removal of the tree. To avoid the spread of infectious tree diseases, diseased trees should not be transported from the Project site without being treated using best available management practices relevant for each tree disease observed.

(5) Team Coordination/Project Management/Administration

m6 will coordinate with Envicom Corp., the City, contractors, and the Resource Agencies, as necessary. It is not possible to identify all of the specific tasks that will be involved in this task; however we envision they could include among other tasks:

- Preparation for and attendance at site meetings;
- Coordination and liaison with project team and contractors;
- General coordination and liaison with City and Trustee Resource Agencies; and
- Administrative tasks.

The specific tasks and level of effort associated with environmental support, management, and administration cannot be determined at this time. A not-to-exceed budget has been established for this task.

Assumptions:

- We will document all time billed against the established budget and will not exceed the allowance without prior authorization.

- Vegetation removal and ground disturbance will be completed within one continuous effort. If required, follow up surveys would be provided under separate authorization.

SECONDARY RESOURCE SURVEY TASKS

These secondary tasks will be required only if the primary tasks discussed above identify suitable habitat for, or the presence of, sensitive wildlife or plant species.

(6) Burrowing Owl Surveys - Mitigation Measure BIO-9

To reduce impacts to potential burrowing owls, Envicom will adhere to California Department of Fish and Wildlife (CDFW's) Staff Report on Burrowing Owl Mitigation and will have a qualified biologist conduct multiple burrowing owl surveys prior to ground disturbing activities, if there is suitable habitat requiring them. Survey efforts will be conducted prior to any Project activities that will disturb soil, vegetation, or any sheltering habitat for burrowing owls. Four (4) surveys will be conducted, at least three (3) weeks apart, between February 15 and July 15, with at least one (1) visit after June 15.

Assumptions:

- Surveys will be conducted only if the initial habitat assessment indicates the presence of suitable habitat.
- No Burrowing Owl will be detected and no mitigation plan will be required.
- Should Burrowing Owl be found, a mitigation plan for submittal to the CDFW be completed under a separate authorization.

(7) Bat Emergence Surveys

If bats are detected in the area, a mitigation plan will be prepared to include specific measures that would need to be implemented prior to the beginning of construction. Bat Emergence surveys will be conducted outside of the winter season, preferably during the maternity season (April - July). This is done to determine the species, size of the roost, and exit and entry points into the area. These surveys will aid in determining how the bats are using the site and the mitigation measures that will be required in order to carefully plan work and avoid negative impacts on roosting and foraging bats. Mobile acoustic and infra-red surveys along transects (30 minutes after sunset) will be conducted.

(8) Vegetation Removal Bat Monitoring

If bats are not detected and a tree needs to be removed, but the bat specialist determines that roosting bats have the potential to be present at any time of year and could potentially roost in the trees at the Project's location, trees should be pushed down using heavy machinery. Once the tree is pushed to the ground, the qualified bat specialist will inspect the tree to identify if any remaining active roosts are within the tree.

(9) Pre-construction Bat Survey

If a bat maternity roost is found, to the extent feasible, work should be scheduled between October 1 and February 28, outside of the maternity roosting season. If maternity roosts are found and the City determines that impacts are unavoidable, a qualified bat specialist

will conduct a preconstruction survey to identify trees proposed for disturbance that could disturb the roosting habitat. Trees and structures with maternity roosts should not be disturbed until the end of the maternity season. The biologist will flag the roosts and accompany the construction leads to the site to explain the findings and discuss mitigation measures. Work should not occur within 100 feet of or directly under or adjacent to an active roost. Work should not occur between 30 minutes before sunset and 30 minutes after sunrise.

Assumptions:

- Assumes vegetation removal will be completed within one (1) day.
- Vegetation removal bat monitoring assumes one (1) day.

The breakdown of additional costs as described above is as follows:

PRIMARY RESOURCE SURVEY TASKS	
Task	Cost
Habitat Assessment - Mitigation Measure BIO-1 Environmental Specialist: 21 hours @ \$175.00 per hour	\$3,675.00
Crotch's Bumblebee Presence/Absence Survey - Mitigation Measure BIO-6 Environmental Specialist: 19 hours @ \$175.00 per hour	\$3,325.00
Bat Roost Assessment Survey - Mitigation Measure BIO-13 Environmental Specialist: 18 hours @ \$175.00 per hour	\$3,150.00
Tree Survey - Mitigation Measure BIO-15 Environmental Specialist: 11 hours @ \$175.00 per hour	\$1,925.00
Team Coordination/Project Management	\$3,325.00
Primary Survey Tasks SUBTOTAL	\$15,400
SECONDARY RESOURCE SURVEY TASKS	
Task	Cost
Burrowing Owl Surveys - Mitigation Measure BIO-9 Environmental Specialist: 25 hours @ \$175.00 per hour	\$4,375.00
Bat Emergence Surveys Environmental Specialist: 17 hours @ \$175.00 per hour	\$2,975.00
Vegetation Removal Bat Monitoring Environmental Specialist: 7 hours @ \$175.00 per hour	\$1,225.00
Pre-construction Bat Survey Environmental Specialist: 7 hours @ \$175.00 per hour	\$1,225.00
Secondary Survey Tasks SUBTOTAL	\$9,800.00
Total Additional Cost	\$25,200.00

Park Layout



Park Features

- 1 Butterfly Gardens
- 2 Bioswales
- 3 Seating and Gathering Areas
- 4 Play Areas
- 5 Monument Art and Educational Opportunities