

REPORT TO CITY COUNCIL

DATE: JANUARY 25, 2023

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: NATHAN HAMBURGER, CITY MANAGER

BY: JESSICA FORTE, PUBLIC WORKS DIRECTOR / CITY ENGINEER

SUBJECT: REQUEST FOR APPROVAL OF THIRD AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC., FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE KANAN ROAD/AGOURA ROAD ULTIMATE INTERSECTION IMPROVEMENTS PROJECT

This report seeks City Council approval of a third amendment to the contract with Kimley-Horn and Associates, Inc., (KHA) for additional engineering design services for the Kanan Road/Agoura Road Ultimate Intersection Improvements Project (Project).

KHA is currently under contract to complete design improvements of the intersection, coordinate aesthetic elements from the Agoura Village Specific Plan (AVSP), and provide the California Environmental Quality Act (CEQA) analysis for the Project. The CEQA analysis was also intended to analyze the change in the AVSP project description to remove the roundabout and to identify a signalized intersection as the preferred transportation alternative for the AVSP. The new signalized intersection design was planned as a “gateway” between the City and the Santa Monica Mountains.

On August 26, 2020, the City Council approved the final design alignment of the Project. The approved alignment provided for the proposed right-of-way (ROW) limits for the intersection design and conserved the two native oak trees on the northwest corner of the intersection. Later in November 2020, the design was further modified to save an additional mature oak tree on the southwest corner of the intersection.

On October 28, 2020, the City Council amended KHA’s design contract to complete the Project’s final design. Based on past project experience, an “advanced conceptual design phase” was included, breaking down the final design into two phases. The purpose of the conceptual design phase was to define critical elements in more detail, such as landscape/hardscape areas and activation options for each corner. This phase allowed the City to ensure the aesthetic elements of the project were designed to be consistent with the AVSP and the feedback received from City Council when the project was presented at its May 22, 2019, meeting.

On September 8, 2021, the City Council amended KHA's design contract to expand the Project's footprint to accommodate the various changes to the aesthetic elements, which included the Gateway Monument location and setting, Towers/Pilasters footprints, "activation" and expansion of the northwest corner, and undergrounding of overhead utilities along the east side of Kanan Road, between Agoura Road and southerly City limits. The additional services for these modifications and footprint expansion for aesthetic elements included design/engineering efforts, environmental studies, survey, and ROW documentation.

In June 2022, the Project reached its 95% design milestone and completed the CEQA Initial Study (IS) for the Project. After review of the IS, in consultation with the Community Development / Planning Department, and feedback received from the Public Works Subcommittee on June 14, 2022, a Mitigated Negative Declaration (MND) was determined to be the appropriate environmental document for the Project. Additional analysis for air quality, greenhouse gas, noise and construction quantitative modeling was required for the completion of the MND.

The change in scope and fee required to complete the environmental document with additional environmental analysis necessitate this Third Amendment and include the following tasks:

Task 1: Additional Civil Engineering Services

Development of additional renderings of the greenway path and curb ramps for the Northwest corner, preparation of two additional gateway monument concept designs, design coordination with third party utility relocations, and additional meetings/presentations.

Task 2: Additional Environmental Consulting Services

Completion of the Project's environmental document with additional biological, air quality, greenhouse gas, and noise resource analysis of expanded project area, and additional tribal consultation meetings to meet SB 18 requirements.

The next steps will be the approval of the CEQA compliance documentation, followed by approval of the Gateway Monument conceptual design. The Project design is estimated to be completed during the summer of 2023.

Design of the Project is funded using Measure R, and the funding agreement for the project is already in place between the City and the Los Angeles County Metropolitan Transportation Authority (Metro). Contingency funds approved by the Metro Board in July 2021 are sufficient to cover the costs associated with the additional services described above, no General Funds will be required.

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

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Approve a Third Amendment to the Agreement for Consultant services for Kanan Road / Agoura Road Intersection with Kimley-Horn and Associates, Inc.; and
2. Authorize the Mayor to sign the amendment to the agreement on behalf of the City Council.

Attachment: Third Amendment to Kimley-Horn Kanan Road/Agoura Road Intersection Agreement

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

NAME OF CONSULTANT:	Kimley-Horn and Associates, Inc.
RESPONSIBLE PRINCIPAL OF CONSULTANT:	Attn: Sri Chakravarthy, P.E., T.E.
CONSULTANT'S ADDRESS:	660 S. Figueroa Street, Ste 2050 Los Angeles, CA 90017
CITY'S ADDRESS:	City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301 Attn: City Manager
PREPARED BY:	Charmaine Yambao
COMMENCEMENT DATE:	July 1, 2022
TERMINATION DATE:	June 30, 2024
CONSIDERATION:	Amendment Amount: \$65,220 Total Contract Price Not to Exceed: \$1,037,585.00/yr

**THIRD AMENDMENT TO AGREEMENT BETWEEN
CITY OF AGOURA HILLS AND KIMLEY-HORN AND ASSOCIATES, INC.**

Kanan Road/Agoura Road Ultimate Intersection Improvements Project

THIS THIRD AMENDMENT is made and entered into as of July 1, 2022, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Kimley-Horn and Associates, 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 February 11, 2015, the City and Consultant entered into that certain Agreement entitled "Agreement for Design Professional Consultant Services between the City of Agoura Hills and Kimley-Horn and Associates, Inc.", in the amount of Two Hundred Ninety-Nine Thousand Nine Hundred Eighty-Six Dollars and Zero Cents (\$299,986.00).

b. On October 28, 2020, the City and Consultant entered into the First Amendment to that certain Agreement entitled "Agreement for Design Professional Consultant Services between the City of Agoura Hills and Kimley-Horn and Associates, Inc." to add additional design services, extend the term of the agreement to June 30, 2022, and increase the payment in the amount of Four Hundred Sixty-Five Thousand One Hundred Seventy-Nine Dollars and Zero Cents (\$465,179.00).

c. On September 8, 2021, the City and Consultant entered into the Second Amendment to that certain Agreement entitled "Agreement for Design Professional Consultant Services between the City of Agoura Hills and Kimley-Horn and Associates, Inc." to add scope of work and increase the payment in the amount of Two Hundred Seven Thousand Two Hundred Dollars and Zero Cents (\$207,200.00).

d. The parties now desire to add scope of work, extend the term of the agreement to June 30, 2024, increase the payment in the amount of Sixty-Five Hundred Two Hundred Twenty Dollars and Zero Cents (\$65,220.00), and to amend the Agreement as set forth in this Amendment.

2. Section 1 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than June 30, 2024 unless sooner terminated pursuant to the provisions of this Agreement."

3. 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 Third Amendment amount shall not exceed Sixty-Five Hundred Two Hundred Twenty Dollars and Zero Cents (\$65,220.00), for additional design services for a total Agreement amount of One Million Thirty-Seven Thousand Five Hundred Eight-Five Dollars and Zero Cents (\$1,037,585.00)."

4. 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.

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

CITY OF AGOURA HILLS

Chris Anstead, Mayor

ATTEST:

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

APPROVED AS TO FORM:

Candice K. Lee,
City Attorney

CONSULTANT

Kimley-Horn and Associates, Inc.
660 S. Figueroa Street, Suite 2050
Los Angeles, CA 90017
Sri Chakravarthy, Vice President
213-261-4037

By: _____
DocuSigned by:
Sri Chakravarthy
D019A05180DD4E0...

Print Name: Sri Chakravarthy

Title: Vice President, P.E. 73629
DocuSigned by:

By: _____
Greg Kyle
D2567079B38E41F...

Print Name: Greg S. Kyle

Title: Sr. Vice President

[Signatures of Two Corporate Officers Required]

ATTACHMENT A

ADDITIONAL SCOPE OF SERVICES FOR
THIRD AMENDMENT TO AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC
FOR
KANAN ROAD/AGOURA ROAD ULTIMATE INTERSECTION IMPROVEMENTS PROJECT

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

The Consultant's services shall include, but not be limited to the following:

TASK 1: CIVIL ENGINEERING SERVICES

Sub-Task 1.1: Field Investigation and Data Compilation

No major additional effort.

Sub-Task 1.2: Plans, Specifications and Opinion of Probable Cost (PS&E)

Consultant performed additional civil engineering and landscape architecture design services during the development of the PS&E Package including:

- Two additional renderings of the directional curb ramps and greenway path which requires updating CAD, SketchUp, Lumion, and Photoshop designs
- Two additional gateway monument designs (Concept D1 and D2) and additional views of monument from the southbound and northbound directions with offset and aligned locations

Consultant will attend up to three additional meetings with the City, Public Works Subcommittee, Planning Commission, City Council, or Councilmembers. Consultant has assumed up to 3 hours for each meeting which includes meeting notes, agenda, and presentation development.

Sub-Task 1.3: Storm Water Pollution Prevention Plan (SWPPP)

No major additional effort.

Sub-Task 1.4: Construction Support

No major additional effort.

Sub-Task 1.5: Third Party Utility Relocation

Consultant developed additional packages and coordination with the Los Angeles County Fire Department and Las Virgenes Municipal Water District including:

- Development of Fire Department Hydrant Relocation Plans for the Los Angeles Fire Department
- Coordination with the Las Virgenes Municipal Water District for water vent relocation

TASK 2: ENVIRONMENTAL CONSULTING SERVICES

Sub-Task 2.1: Biological Resources

Sub-Consultant Rocks Biological Consulting (RBC) provided additional analysis of the new expanded project area in the northeast and northwest corners of the Kanan Road and Agoura Road intersection. Changes to the Project Description including additional modeling for biological and aquatic resource database. Effort included updating the summary of key constraints memorandum.

Sub-Task 2.2: Cultural Resources Assessment

No major additional effort.

Sub-Task 2.3: Initial Study

No major additional effort.

Sub-Task 2.4: Convert SEIR to IS/MND

In June 2022, the City of Agoura Hill's Public Works Subcommittee approved of the change in the CEQA documentation for the Project. A Mitigated Negative Declaration (MND) was determined to be the most appropriate document for this project. Prior to this decision, a Supplemental Environmental Impact Report (SEIR) was drafted for the Project. Given the SEIR is completed, additional effort is required to convert the document from SEIR to MND. The conversion of the document from SEIR to MND required the following tasks:

- Reformatting and restructuring of entire document
- Addition of CEQA guidelines and statutory language for MND requirements
- Development of regulatory framework summaries and analysis of framework
- Development of tables for air quality, greenhouse gas, noise, and construction quantitative modeling results

Sub-Task 2.5: Additional Environmental Consulting Services

Consultant performed additional environmental consulting services during the development of the Supplemental Environmental Impact Report (SEIR) including:

- Additional rounds of review:
 - Two rounds of review for the updated project description by City Public Works And Community Development Departments
 - Two rounds of review for the draft Initial Study by City Public Works And Community Development Departments
- Expanding the project area in the southeast corner by approximately 1,000 square feet required changes to the Project Description including revisions to 12 figures and additional modeling for air quality, greenhouse gas, and noise
- Attend three additional tribal cultural consultation meetings to meet SB 18 requirements and
- One additional participation from Sub-Consultant David Brunzell

TASK 3: RIGHT-OF-WAY DOCUMENTATION AND COORDINATION SERVICES

No major additional effort.

**TASK 4: ADDITIONAL TRAFFIC ANALYSIS AND PRELIMINARY
ENGINEERING LAYOUTS**

No major additional effort.

SCHEDULE

Consultant will provide design services as expeditiously as practicable to meet the mutually agreed upon schedule.