

REPORT TO CITY COUNCIL

DATE: APRIL 26, 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 FOURTH 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 fourth 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 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.

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. On January 25, 2023, the City Council amended KHA's design contract to complete the Project's environmental document.

On a separate schedule, the Community Development / Planning Department was in the process of updating the City's AVSP. The update of the AVSP was a collaborative effort involving an AVSP Citizens Advisory Group (CAG) together with 15 planning principles, used as a framework, to form recommendations for the AVSP update. The AVSP update includes the Project as a central element of the recommended revisions.

In February 2023, timing of the Project CEQA clearance and the AVSP update converged. Considering the two projects are intricately entwined, the appropriate approach to obtaining CEQA clearance for both projects was further examined. In consultation with the City Attorney, staff recommends integrating the AVSP update into the Kanan/Agoura Intersection Project's IS/MND, in order to achieve CEQA compliance.

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

Task 1: Project Update for 2021-2029 Housing Element

The City's Housing Element Update was completed prior to the Project's final draft IS/MND. The Project's environmental analysis required updates to specifically address the Project's consistency with the City's recent 2021-2029 Housing Element update, which included two housing opportunity sites adjacent to the Project site.

Task 2: AVSP Update

Integration of the AVSP update into the Project's IS/MND.

Task 3: Project Technical Report Updates

Updates to Air Quality and Greenhouse Gas Emissions Assessments and technical reports.

Task 4: Tribal Consultation

Preparation and distribution for tribal consultation initiation on the combined project scope.

Task 5: IS/MND

Recirculation of the public review IS/MND, responses to public comments in technical memorandum format and update of the Mitigation Monitoring and Reporting Program (MMRP).

Task 6: Project Management and Public Meetings/Hearings

Coordination and management of deliverables for CEQA compliance, preparation, attendance and presentation at additional meetings and public meetings/hearings.

The next steps will be the approval of the CEQA compliance documentation, followed by approval of the Gateway Monument conceptual design.

Environmental clearance 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.

Staff recommends a fourth amendment, in the amount of \$50,200, for a total contract amount of \$1,087,785. The cost for this amendment will be fully funded and included in the Measure R funding agreement.

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

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Approve a Fourth 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: Fourth Amendment to Kimley-Horn Kanan Road/Agoura Road Intersection Agreement

FOURTH 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: January 1, 2023

TERMINATION DATE: June 30, 2024

CONSIDERATION: Amendment Amount: \$50,200
Total Contract Price
Not to Exceed: \$1,087,785.00/yr

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

Kanan Road/Agoura Road Ultimate Intersection Improvements Project

THIS FOURTH AMENDMENT is made and entered into as of January 1, 2023, 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. On January 25 2023, the City and Consultant entered into the Third 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, 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).

e. The parties now desire to add scope of work, and increase the payment in the amount of Fifty Thousand Two Hundred Dollars and Zero Cents (\$50,200.00), 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 Fourth Amendment amount shall not exceed Fifty Thousand Two Hundred Dollars and Zero Cents (\$50,200.00), for additional design services for a total Agreement amount of One Million Eighty-Seven Thousand Seven Hundred Eight-Five Dollars and Zero Cents (\$1,087,785.00)."

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

CITY OF AGOURA HILLS

Chris Anstead,
Mayor

ATTEST:

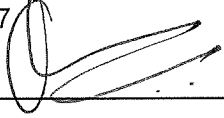
Kimberly M. Rodrigues, MMC
City Clerk
Date Approved by City
Council _____

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: _____ 

Print Name: Sri Chakravarthy

Title: Vice President / P.E. 73629

By: _____ 

Print Name: Nicole Dias

Title: Asst. Secretary / P.E. 86490

[Signatures of Two Corporate Officers Required]

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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:

Integration of the AVSP Update and Housing Element consistency analysis into the Kanan/Agoura Project IS/MND would require revisions to the document. State CEQA Guidelines § 15073.5 specifies that "a lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption." Further, State CEQA Guidelines § 15073.5 specifies that recirculation must comply with State CEQA Guidelines §§ 15072 and 15073, which address IS/MND noticing and public review requirements. Therefore, the following Scope of Services is to integrate the AVSP Update and Housing Element into the Kanan/Agoura Project IS/MND and to conduct IS/MND noticing and public review pursuant to State CEQA Guidelines §§ 15072 and 15073.

TASK 1.0: KANAN/AGOURA ROAD ULTIMATE INTERSECTION IMPROVEMENT PROJECT UPDATE

The Kanan/Agoura Project environmental analysis commenced before the City completed their 2021-2029 Housing Element and the details concerning Sites A and B, which are adjacent to the Kanan/Agoura Project site, were known. Therefore, Kimley-Horn will integrate the Housing Element, and particularly concerning Sites A and B and their relationship to the Kanan/Agoura Project, as needed into the Kanan/Agoura Project IS/MND. It is preliminarily anticipated that the following sections will be revised to address the Housing Element:

- Incorporation by Reference: The City of Agoura Hills General Plan discussion will be updated concerning the Housing Element and Sites A and B's relevance to the Kanan/Agoura Project.
- Land Use: A Housing Element consistency analysis will be added to the Land Use Section.
- Population and Housing: This section will be updated to address Sites A and B.

TASK 2.0: AGOURA VILLAGE SPECIFIC PLAN UPDATE

Kimley-Horn will integrate the AVSP Update Project into the Kanan/Agoura IS/MND. It is preliminarily anticipated that the following sections will be revised to address the AVSP Update:

- Introduction: This section will be updated to add all relevant CEQA discussions regarding IS/MND recirculation.
- Incorporation by Reference: The AVSP UPDATE and its relevance to the AVSP UPDATE Project will be discussed here.

- Project Description: The AVSP UPDATE revisions and 15 Planning Principles will be discussed in the Project Description.
- Kimley-Horn will prepare new covers, dividers, and up to three exhibits to depict the key AVSP UPDATE Project components, as needed to support the environmental analyses.
- Cultural Resources: This section will be updated to include the tribal consultation discussed in Task 4.0 below.
- Land Use: An AVSP UPDATE consistency analysis will be added to the Land Use Section.
- Tribal Cultural Resources: This section will be updated to include the tribal consultation discussed in Task 4.0 below.
- Appendices: These will be updated to include tribal consultation correspondence, and the Air Quality and Greenhouse Gas Emissions Assessment updates discussed in Task 3.0 below.

TASK 3.0: KANAN/AGOURA PROJECT TECHNICAL REPORT UPDATES

Task 3.1: Air Quality Assessment Update

On December 2, 2022, the South Coast Air Quality Management District (South Coast AQMD) released the 2022 Air Quality Management Plan (2022 AQMP). This adoption occurred after Kimley-Horn's completion of the Kanan/Agoura Project's Air Quality Assessment. Therefore, Kimley-Horn will update the Air Quality Assessment to address the 2022 AQMP. The 2022 AQMP will be discussed in the Assessment's Regulatory Setting and evaluated in the AQMP consistency analysis. Kimley-Horn preliminarily anticipates the Air Quality Assessment's current impact conclusions will remain unchanged with incorporation of the 2022 AQMP analysis.

Task 3.2: Greenhouse Gas Emissions Assessment Update

On December 15, 2022, the California Air Resources Board (CARB) adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan). This adoption occurred after Kimley-Horn's completion of the Kanan/Agoura Project's Greenhouse Gas (GHG) Emissions Assessment. Therefore, Kimley-Horn will update the GHG Emissions Assessment to address the 2022 Scoping Plan. The 2022 Scoping Plan will be discussed in the Assessment's Regulatory Setting and evaluated in the GHG emissions reduction plan consistency analysis. Kimley-Horn preliminarily anticipates the GHG Emissions Assessment's current impact conclusions will remain unchanged with incorporation of the 2022 Scoping Plan analysis.

TASK 4.0: ASSEMBLY BILL 52 AND SENATE BILL 18 TRIBAL CONSULTATION

The City will prepare and distribute the AB 52 and SB 18 Native American letters needed for tribal consultation initiation. Should the City receive a request for consultation, the City would be required to enter a consultation process. This task assumes one Kimley-Horn Staff will be available for conference calls with the City and participating tribe (as necessary) and provide supporting email correspondence. Kimley-Horn assumes that the mitigation measures in the Kanan/Agoura Project IS/MND Cultural Resources section will remain the same. Up to 3 hours are assumed for completion of this task. Additional services (e.g., consultation or meetings) will be provided on a time-and-materials basis. The City-provided noticing results (e.g., AB 52 and SB 18 recirculation letters and subsequent responses from consulting tribes) will be incorporated into the IS/MND.

TASK 5.0: RECIRCULATED PUBLIC REVIEW IS/MND

Task 5.1: Administrative Recirculated Public Review IS/MND

Kimley-Horn will review the remaining IS/MND sections not specified above in Tasks 1.0 through 3.0 to confirm only minor (e.g., editorial) changes are needed. Should it be determined through this initial review that more than minor changes are needed to integrate the AVSP UPDATE Project and Housing Element, Kimley-Horn will consult with City before proceeding with the major changes. The IS/MND will be reformatted for recirculation. Preliminarily, it is assumed the IS will confirm the AVSP UPDATE Project would not have a significant effect on the environment, and an MND is the appropriate CEQA document.

Task 5.2: Recirculated Public Review IS/MND Completion

Kimley-Horn will respond to one reconciled set of City comments on the Recirculated Administrative Public Review IS/MND. Kimley-Horn will provide the City with a redline copy that reflects the proposed edits and addresses the City's comments, and a check copy for approval prior to finalizing.

TASK 6.0: RESPONSES TO COMMENTS TECHNICAL MEMORANDUM (TM) AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)

Task 6.1: Administrative Responses to Comments TM

Kimley-Horn will respond to written comments received on the recirculated IS/MND during the public review period. Kimley-Horn will prepare responses to relevant environmental issues and will present them in a TM. It is noted that the extent of public/agency comments that will result from the public review process is presently unknown. Kimley-Horn has budgeted conservatively, assuming up to 20 hours for completion of the Administrative Responses to Comments. Should the level of comments and responses exceed the assumed effort, Kimley-Horn will provide additional services on a time-and-materials basis.

Task 6.2: Responses to Comments TM Completion

Kimley-Horn will respond to one reconciled set of City comments on the Administrative Responses to Comments. Kimley-Horn will provide the City with a redline copy that reflects the proposed edits and addresses the City's comments, and a check copy for approval prior to finalizing/reproduction.

Task 6.3: Mitigation Monitoring and Reporting Program (MMRP)

Kimley-Horn will update the MMRP, as needed, for the recirculated IS/MND.

TASK 7.0: PROJECT MANAGEMENT AND MEETINGS/HEARINGS

Task 7.1: Project Management

Kimley-Horn will be responsible for Project Management, including overall Team coordination and ongoing consultation with the City. The Project Manager will review the deliverables for CEQA compliance. The Project Manager will coordinate with all technical and support staff, toward completion of the AVSP UPDATE Project IS/MND. This task assumes a 6-month Project schedule.

Task 7.2: Meetings/Hearings

The Project Manager and one additional staff will attend the meetings/hearings and conference calls and represent the Team, as appropriate. The meetings are assumed to be virtual, unless otherwise noted. This Task assumes up to 36 hours meeting/hearing attendance (see below), including preparation, attendance, and follow-up, as appropriate. Should the City determine that additional time beyond the assumed is required, services will be provided on a time and materials (T&M) basis.

Assumed Meetings/Hearings: 6 Progress Calls (1 per month) and 3 Public Hearings (in-person)

PRELIMINARY SCHEDULE

Kimley-Horn are prepared to begin work upon receipt of Authorization to Proceed. We anticipate completion of the Administrative Recirculated Public Review IS/MND (Task 5.1) within eight (8) weeks of receipt of all requested data and Project information. A date-specific schedule will be provided under separate cover upon receipt of the Authorization to Proceed.