

## REPORT TO CITY COUNCIL

**DATE: MAY 10, 2023**

**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 THIRD AMENDMENT TO THE AGREEMENT FOR CONSULTANT SERVICES WITH m6 CONSULTING, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE PALO COMADO CREEK LINEAR PARK PROJECT**

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This report seeks City Council approval of a Third Amendment to the Agreement for Consultant Services, 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.

At the City Council meeting on July 14, 2021, the City Council awarded 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.

In May 2022, a second amendment to the m6 agreement, in the amount of \$25,200, was approved to provide additional environmental compliance studies and surveys required by the project's CEQA Mitigated Negative Declaration for permit review by regulatory agencies.

The Project design is nearing the final design contract documents milestone. At this point in the design, the Project's civil and drainage plans have been reviewed by the LACFCD and regulatory agencies for final construction permits and use agreement. The

undergrounding of utilities is included as part of the Project. To advance the final design of the utility undergrounding, additional topographic surveys are required on Cornell Road just north of the Project area to underground utilities along Cornell Road, between Agoura and Roadside Roads. Staff recommends a third amendment, in the amount of not to exceed \$10,000, for additional survey services for the final design of utility undergrounding.

Additionally, the third amendment shall extend the design agreement with m6 to September 30, 2023, to allow for final processing of LACFCD construction permits and coordination of final design of utility undergrounding with Project contract documents. At completion of Project's final contract document, the Project is considered ready for public bid on construction.

In February 2023, the Public Works Subcommittee provided guidance to staff on the Project's park elements and aesthetic features (such as, seating, bike racks and repair stations, lighting and water bottle fill stations). 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 to City Council prior to completion of contract documents.

Funds from the State Budget Act of 2019 are sufficient to cover the cost of this third 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 Third Amendment to the Agreement for Consultant Services with m6 Consulting, Inc.; and
- 2. Authorize the Mayor to sign the Third Amendment to the Agreement for Consultant Services on behalf of the City Council.

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

THIRD 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: September 30, 2023

CONSIDERATION: Amendment Amount: \$10,000.00  
Total Contract Price  
Not to Exceed: \$ 377,560.00/yr

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

**Palo Comado Creek Linear Park Project**

THIS THIRD AMENDMENT is made and entered into as of May 10, 2023, 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. On May 25, 2022, the City and Consultant entered into the Second 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 Twenty-Five Thousand Two Hundred Dollars and Zero Cents (\$25,200.00).

d. The parties now desire to add scope of work, extend the term of the agreement to September 30, 2023, increase the payment in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), 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 September 30, 2023 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 Ten Thousand Dollars and Zero Cents (\$10,000.00), for additional final design services for a total Agreement amount of Three Hundred Seventy-Seven Thousand Five Hundred Sixty Dollars and Zero Cents (\$377,560.00).”

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**

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

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

Print Name: ROBERT WOODWARD

Title: PRINCIPAL ENGINEER / CEO

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

Print Name: MASOUD MAHMOUD

Title: PRINCIPAL ENGINEER / CFO

[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 final design of the project.

### Task 3: Right-of-Way and Legals

Task 3.1a – Additional Topographic survey required for undergrounding of utilities adjacent and within Cornell Road and Agoura Road.

### Task 5: Final Design – Contract Documents (Plans, Specifications and Estimates)

Task 5.9 – Coordination of topographic survey for purposes of undergrounding utilities. The public utilities shall use survey for their final design to be included as part of Contract Document Package.