

## REPORT TO CITY COUNCIL

**DATE: DECEMBER 11, 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: REQUEST TO APPROVE THE FIRST AMENDMENT TO THE PROFESSIONAL CONSULTANT SERVICES AGREEMENT WITH LARRY WALKER ASSOCIATES RELATED TO THE MALIBU CREEK WATERSHED COORDINATED INTEGRATED MONITORING PROGRAM**

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The City of Agoura Hills (City) currently administers the compliance monitoring program on behalf of the Malibu Creek Watershed (MCW) group, which consists of the cities of Calabasas, Hidden Hills, and Westlake Village, County of Los Angeles, and the Los Angeles County Flood Control District.

On January 21, 2016, the Los Angeles Regional Water Quality Board approved the Coordinated Integrated Monitoring Program (CIMP) which outlines the group's approach to meeting the following primary objectives:

- Assess the chemical, physical, and biological impacts of discharges from the Municipal Separate Storm Sewer Systems (MS4) on receiving waters.
- Assess compliance with receiving water limitations and water quality-based effluent limitations established to implement TMDL wet weather and dry weather waste load allocations.
- Characterize pollutant loads in MS4 discharges.
- Identify sources of pollutants in MS4 discharges.
- Measure and improve the effectiveness of pollutant controls implemented under the National Pollutant Discharge Elimination System (NPDES) Permit.

The City Council approved an agreement with Larry Walker Associates for professional consulting services related to the Malibu Creek Watershed CIMP on June 26, 2019. The agreement is currently set to expire on December 31, 2023. As such, the MCW group is recommending that the agreement with Larry Walker Associates be extended through December 31, 2027. The scope of work and terms of the agreement will remain the same as previously approved with the exception of an optional task to update the MCW Watershed Management Program in the event there are changes to water quality and/or regulations.

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

### **FISCAL IMPACT**

The City Council approved the second amendment to the Memorandum of Understanding (MOU) with the other watershed agencies on June 28, 2023, which included estimated costs for monitoring and reporting for a total of four (4) years. There is no additional fiscal impact to the City Council 2023/2024 adopted Budget as funds were appropriated for the City's fair-share cost in the Public Works Department's NPDES Compliance Account, 010-4525-5520.43.

### **RECOMMENDATION**

Staff respectfully recommends the City Council approve the First Amendment to the Professional Consultant Services Agreement with Larry Walker Associates for professional consulting services related to the Malibu Creek Watershed Coordinated Integrated Monitoring Program.

Attachment: Professional Consultant Services Amendment

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

NAME OF CONSULTANT:	Larry Walker Associates
RESPONSIBLE PRINCIPAL OF CONSULTANT:	Attn: Chris Minton
CONSULTANT'S ADDRESS:	720 Wilshire Blvd. Suite 101 Santa Monica, CA 90401
CITY'S ADDRESS:	City of Agoura Hills 30001 Ladyface Court Agoura Hills, CA 91301 Attn: City Manager
PREPARED BY:	Kelly Fisher
COMMENCEMENT DATE:	January 1, 2024
TERMINATION DATE:	June 30, 2027
CONSIDERATION:	Amendment Amount: \$3,068,544  Total Contract Price Not to Exceed: \$7,686,493

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
CITY OF AGOURA HILLS AND LARRY WALKER ASSOCIATES**

**Malibu Creek Watershed Coordinated Integrated Monitoring Program**

THIS FIRST AMENDMENT is made and entered into as of January 1, 2024, by and between the City of Agoura Hills, a municipal corporation (hereinafter referred to as "City"), and Larry Walker Associates, 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 January 1, 2020, the City and Consultant entered into that certain Agreement entitled "Agreement for Professional Consultant Services Related to the Malibu Creek Watershed Coordinated Integrated Monitoring Program", in the amount of Four Million Six Hundred Seventeen Thousand Nine Hundred Forty Nine Dollars and Zero Cents (\$4,617,949).

b. The parties now desire to add scope of work, extend the term of the agreement to June 30, 2027, increase the payment in the amount of Three Million Sixty Eight Thousand Five Hundred Forty Four Dollars and Zero Cents (\$3,068,544), 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, 2027 unless sooner terminated pursuant to the provisions of this Agreement."

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

**CITY OF AGOURA HILLS**

\_\_\_\_\_  
Illece Buckley Weber,  
Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC  
City Clerk  
*Date Approved by City Council* \_\_\_\_\_

APPROVED AS TO FORM:

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

**CONSULTANT**

Larry Walker Associates  
720 Wilshire Blvd., Suite 101  
Santa Monica, CA 90401  
Contact Name  
Chris Minton  
206-257-0610

By: Ashli Desai

Print Name: Ashli Desai

Title: President

By: Chris Minton

Print Name: Chris Minton

Title: Vice President

**[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.*

**Proposed Fee Schedule: CIMP and Necessary Reports for the Malibu Creek Watershed**

<b>Task No.</b>	<b>Task Description</b>	<b>2024</b>	<b>2025</b>	<b>2026</b>	<b>2027 [a]</b>	<b>Total</b>
1.0	Project Management, Coordination, & Meetings	\$ 56,008	\$ 55,111	\$ 56,762	\$ 14,411	\$ 182,292
2.0	Health and Safety Plan [b]	\$ -	\$ -	\$ -	\$ -	\$ -
3.0	Quality Assurance Project Plan [b]	\$ -	\$ -	\$ -	\$ -	\$ -
4.0	CIMP Monitoring	\$ 348,297	\$ 337,726	\$ 346,824	\$ -	\$ 1,032,847
5.0	Laboratory Analysis	\$ 225,141	\$ 208,337	\$ 214,240	\$ -	\$ 647,719
6.0	Data Management and QA/QC	\$ 37,197	\$ 35,623	\$ 36,692	\$ -	\$ 109,512
7.0	Reporting	\$ 138,028	\$ 142,169	\$ 146,434	\$ 60,668	\$ 487,298
8.0	CIMP Update	\$ 8,511	\$ -	\$ -	\$ -	\$ 8,511
9.0	EWMP Update [b]	\$ -	\$ -	\$ -	\$ -	\$ -
10.0	ROWD/WMP Adaptive Management	\$ -	\$ -	\$ 212,556	\$ -	\$ 212,556
11.0	As-Needed Regulatory Support	\$ 32,478	\$ 33,452	\$ 34,456	\$ -	\$ 100,386
<b>Subtotal &gt;&gt;&gt;&gt;</b>		<b>\$ 845,661</b>	<b>\$ 812,418</b>	<b>\$ 1,047,964</b>	<b>\$ 75,079</b>	<b>\$ 2,781,122</b>
<b>Optional Task</b>						
12.0	Full WMP Update [c]	\$ -	\$ -	\$ 287,422	\$ -	\$ 287,422
<b>Total With Optional Task &gt;&gt;&gt;&gt;</b>		<b>\$ 845,661</b>	<b>\$ 812,418</b>	<b>\$ 1,335,386</b>	<b>\$ 75,079</b>	<b>\$ 3,068,544</b>

[a] Includes completing the July 2026-December 2026 Semi-annual Report and conducting associated meetings.

[b] Efforts were completed prior to the 2023 contract amendment. As such, the additional budget under this amendment for these tasks is \$0.

[c] Includes optional additional efforts beyond the 2021 MS4 Permit required ROWD/WMP Adaptive Management to complete a full WMP update.