

REPORT TO REDEVELOPMENT AGENCY

DATE: APRIL 28, 2010

TO: HONORABLE CHAIR AND MEMBERS OF THE REDEVELOPMENT AGENCY

FROM: GREG RAMIREZ, EXECUTIVE DIRECTOR

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

SUBJECT: APPROVAL OF AMENDMENT TO AGREEMENT WITH COTTON, SHIRES AND ASSOCIATES, INC., FOR GEOTECHNICAL CONSULTING SERVICES FOR THE CITY'S AFFORDABLE HOUSING PROJECTS

The purpose of this item is to seek Redevelopment Agency approval for a contract amendment to the Professional Services Agreement with Cotton, Shires and Associates, Inc., (CSA) for geotechnical services related to the City's two proposed affordable housing project sites – at Easterly Road (Agoura High School) and Agoura Road (Gateway 1). The original Agreement for \$40,350 was approved by the Redevelopment Agency on March 25, 2009.

Staff is requesting that the Redevelopment Agency approve an amendment with CSA for a not-to-exceed fee of \$32,500, resulting in a total contract amount of \$72,850. This amount is to be allocated from the Redevelopment Agency Housing Set-Aside Fund.

CSA has conducted preliminary surficial and subsurface geotechnical investigation of the two proposed sites. Recent changes to the project site plans, including grading and retaining walls, has necessitated additional subsurface testing. The additional work is to further determine potential physical constraints to developing the sites, and provide recommendations on site grading, foundation types, and other items, all in order to complete the preliminary geotechnical investigation for the projects.

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

RECOMMENDATION

Staff recommends the Redevelopment Agency approve the attached Amendment to the Professional Services Agreement with Cotton, Shires and Associates, Inc., in the not-to-exceed amount of \$32,500.

Attachment:

Amendment to Agreement (with Exhibits A and B)

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

NAME OF CONSULTANT: Cotton, Shires & Associates, Inc.

RESPONSIBLE PRINCIPAL OF CONSULTANT: Attn: Michael B. Phipps

CONSULTANT'S ADDRESS: 330 Village Lane
Los Gatos, CA 95030-7218

CITY'S ADDRESS: City of Agoura Hills
Redevelopment Agency
30001 Ladyface Court
Agoura Hills, CA 91301
Attn: Executive Director

PREPARED BY: Allison Cook

COMMENCEMENT DATE: April 28, 2010

TERMINATION DATE: April 28, 2011

CONSIDERATION: Contract Price
Not to Exceed: \$32,500

**FIRST AMENDMENT TO AGREEMENT FOR
CONSULTANT SERVICES BETWEEN THE CITY OF
AGOURA HILLS REDEVELOPMENT AGENCY AND
COTTON, SHIRES AND ASSOCIATES, INC.**

This FIRST AMENDMENT TO AGREEMENT (“Amendment”) is made and entered into as of the 28th day of April, 2010, by and between the City of Agoura Hills Redevelopment Agency, a municipal corporation (“Agency”) and Cotton, Shires and Associates, Inc. (“Consultant”) and with respect to the following recitals:

A. On March 26, 2009, the Agency and Consultant entered into an Agreement for geotechnical consultant services in an amount not to exceed \$40,350, with a termination date of December 31, 2009. The Agreement was to provide geotechnical investigation of the City’s two proposed affordable housing project sites. The Gateway 1 Project site is located along Agoura Road, and consists of a portion of Parcel 7, Rancho Las Virgenes. The Agoura High School Project site is located at the northeast corner of the high school property, Easterly Road and Fountain Place.

B. The Consultant commenced work on a preliminary geotechnical investigation at each site during 2009 based on initial site concept plans provided by the Agency. Since that time, changes have been made to the concept plans for both sites, requiring supplemental geotechnical investigation.

C. The Agency and Consultant now wish to modify the Agreement to extend the termination date to April 28, 2011, and to provide the supplemental scope of work outlined in Exhibit A herein, which is a supplement to the Agreement’s Exhibit A, for an additional \$32,500, for a total contract price not to exceed \$72,850.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS, PROMISES, COVENANTS, AND CONDITIONS HEREINAFTER CONTAINED, THE PARTIES DO AGREE HEREBY AS FOLLOWS:

SECTION 1. The Agreement is hereby amended to read as follows:

1. TERM. This Agreement shall commence on April 28, 2010, and shall remain and continue in effect until tasks described herein are completed, but in no event later than April 28, 2011, unless sooner terminated pursuant to the provisions of this Agreement.

2. PAYMENT. The Agency agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as 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 tasks outlined in Exhibit A. Any terms in Exhibit B other than the payment rates and schedule of payment are null and void. This amount shall not exceed \$72,850 (“Contract Price”) for the Term of the Agreement unless additional payment is approved as provided in this Agreement.

SECTION 2. All other provisions of the Agreement remain unchanged.

SECTION 3. The Recitals are incorporated herein as though set forth in full.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date first written above.

**CITY OF AGOURA HILLS
REDEVELOPMENT AGENCY**

Harry Schwarz
Chair

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

APPROVED AS TO FORM:

Craig A. Steele,
Agency Attorney

COTTON, SHIRES AND ASSOCIATES, INC.

By: _____
Name:
Title:

By: _____
Name:
Title:

[*Signatures of Two Corporate Officers Required]

EXHIBIT A

SUPPLEMENTAL SCOPE OF WORK

EXHIBIT B

PAYMENT RATES AND SCHEDULE