

## REPORT TO CITY COUNCIL

**DATE:** JUNE 23, 2010

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER *GR*

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER *NH*

**SUBJECT:** REQUEST TO APPROVE AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., RELATING TO THE COMPLETION OF THE PROJECT REPORT AND ENVIRONMENTAL DOCUMENTS FOR THE U.S. 101/PALO COMADO CANYON ROAD INTERCHANGE PROJECT

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At the City Council meeting of June 24, 2009, Kimley-Horn and Associates, Inc., was awarded the consultant services agreement to implement the Project Report and Environmental Documents for the U.S. 101/Palo Comado Canyon Road Interchange Project. The agreement is currently set to expire at the end of this current fiscal year. Due to some unforeseen circumstances involving the adjacent land being purchased by the City and Caltrans staff being forced to take furlough days, the project construction options and review time have been altered and delayed. Thus, staff is recommending that the agreement with Kimley-Horn and Associates, Inc., be extended through June 30, 2012, to allow for adequate time to complete the project.

The scope of work and financial terms of the agreement are not expected to change, and remain the same as approved previously. Since the initiation of this project, a new funding source has become available. The City has submitted a Memorandum of Understanding to the Los Angeles County Metro Board to utilize Measure R funds to complete this portion of the project, as well as the next planning phase and construction. This will not affect the terms of the agreement nor affect the progress of work, which is still expected to be complete by fiscal year 2011-12. Staff is satisfied with the work product from Kimley-Horn and Associates, Inc., up to this point and will continue to work towards completion of this phase of the project in order to reach the final planning stage in which plans, specifications, and estimates will be developed, along with all right-of-way certification.

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

### RECOMMENDATION

Staff recommends the City Council approve the amendment of the consultant service agreement with Kimley-Horn and Associates, Inc., for the implementation of the Project Report and Environmental Documents for the U.S. 101/Palo Comado Canyon Road Interchange Project, extending the termination date of the agreement to June 30, 2012.

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: Bill Dvorak, Senior Vice  
President  
CONSULTANT'S ADDRESS: 5550 Topanga Canyon Blvd.  
Suite 250  
Woodland Hills, CA 91367  
CITY'S ADDRESS: City of Agoura Hills  
30001 Ladyface Court  
Agoura Hills, CA 91301  
Attn: City Manager  
PREPARED BY: Nathan Hamburger  
COMMENCEMENT DATE: July 1, 2009  
TERMINATION DATE: June 30, 2012  
CONSIDERATION: Contract Price  
Not to Exceed: \$838,815

**ADDITIONAL SERVICES** *(Describe Services, Amount, and Approval):*

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**Date:** \_\_\_\_\_ **Amount: \$** \_\_\_\_\_ **Authorized By:** \_\_\_\_\_  
*(Not to Exceed 10% of Contract Price)* **City Manager**

## FIRST AMENDMENT TO AGREEMENT

This FIRST AMENDMENT TO AGREEMENT ("Amendment") is made and entered into as of the 1<sup>st</sup> day of July, 2010, by and between the City of Agoura Hills, a municipal corporation ("City") and Kimley-Horn and Associates, Inc. ("Consultant") and with respect to the following recitals:

A. Both parties agree to extend the term of original agreement which commenced July 1, 2009, and set to terminate on June 30, 2012.

B. Such extension shall be at the same price and conditions as set forth in the original agreement which commenced on July 1, 2009.

C. The City and Consultant now wish to modify the Agreement to extend the term of the Consulting Agreement for the U.S. 101/Palo Comado Canyon Road Interchange.

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 July 1, 2009, and shall remain and continue in effect until June 30, 2012 or upon the completion of all tasks described herein related to the U.S. 101/ Palo Comado Canyon Road Interchange Project unless sooner terminated pursuant to the provisions of 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**

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William D. Koehler  
Mayor

ATTEST:

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Kimberly M. Rodrigues, MMC  
City Clerk

APPROVED AS TO FORM:

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Craig A. Steele,  
City Attorney

**Kimley-Horn & Associates, Inc.**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**[\*Signatures of Two Corporate Officers Required]**