

REPORT TO REDEVELOPMENT AGENCY

DATE: OCTOBER 13, 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 AMENDMENTS TO AGREEMENTS WITH COTTON, SHIRES AND ASSOCIATES, INC. FOR GEOTECHNICAL CONSULTING SERVICES FOR THE CITY'S AFFORDABLE HOUSING PROJECTS AT GATEWAY 1, GATEWAY 2 AND THE AGOURA HIGH SCHOOL SITES

The purpose of this item is to seek Redevelopment Agency approval for amendments to two Professional Services Agreements with Cotton, Shires and Associates, Inc. (CSA) for geotechnical services related to the City's affordable housing project sites. These amendments are described further below.

Amendment to Agreement - Gateway 1 and Agoura High School

A second amendment to the Professional Services Agreement with CSA is being requested for geological services related to the City's Agoura High School affordable housing project on Easterly Road, and the City's Gateway 1 affordable housing project on Agoura Road. The original Agreement for \$40,350 was approved by the Redevelopment Agency on March 25, 2009.

On April 28, 2010, the Agency and Consultant amended the agreement to extend the termination date to April 28, 2011, and to provide a supplemental scope of work to address site plan design changes for an additional \$32,500, for a total contract price not to exceed \$72,850.

Staff is requesting that the Redevelopment Agency approve a second amendment for a not-to-exceed fee of \$26,950, resulting in a total contract amount of \$99,800. This amount is to be allocated from the Redevelopment Agency Housing Set-Aside Fund.

Cotton, Shires and Associates, Inc. has conducted surficial and subsurface geotechnical investigation of the two proposed sites. Changes to the site plan of each site, including a headwall and roadway widening at the Agoura High School site, and unit layout and oak tree preservation at Gateway 1, warrant additional exploratory work. The additional work is to further

determine potential physical constraints to developing the sites, and provide recommendations on site grading, foundation types, pavement options for oak tree preservation, and other items, all in order to complete the preliminary geotechnical investigation for the projects. The work would be conducted out of CSA's Thousand Oaks office.

The amendment has been reviewed and approved as to form by Agency Counsel.

Amendment to Agreement - Gateway 2

A first amendment to the Professional Services Agreement with CSA for geotechnical services related to the City's Gateway Church Site 2 affordable housing project is being requested. The Gateway 2 site is located to the west of the Gateway 1 site, along Agoura Road. The original Agreement for \$16,900 was approved by the Redevelopment Agency on December 18, 2009.

Staff is requesting that the Redevelopment Agency approve an Amendment with CSA for a not-to-exceed fee of \$7,040, resulting in a total contract amount of \$23,940. This amount will be allocated from the Redevelopment Agency Housing Set-Aside Fund.

CSA has conducted surficial and subsurface geotechnical investigation of the site. Changes to the site plan, and consideration of pavement treatments near oak trees, necessitate additional geotechnical work. The additional work is to further determine potential physical constraints to developing the sites, and provide recommendations on site grading, foundation types, pavement options for oak tree preservation, and other items, all in order to complete the preliminary geotechnical investigation for the project. The work would be completed out of CSA's Thousand Oaks office.

The amendment has been reviewed and approved as to form by Agency Counsel.

RECOMMENDATION

Staff recommends the Redevelopment Agency approve:

1. The attached second amendment to the Professional Services Agreement with Cotton, Shires and Associates, Inc. for the Gateway 1 and High School affordable housing projects sites in the not-to-exceed amount of \$26,950.
2. The attached first amendment to the Professional Services Agreement with Cotton, Shires and Associates, Inc. for the Gateway 2 affordable housing project site in the not-to-exceed amount of \$7,040.

Attachments:

1. Second Amendment to Agreement for Gateway 1 and High School sites (with Exhibit A)
2. First Amendment to Agreement for Gateway 2 site (with Exhibit A)

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

NAME OF CONSULTANT: Cotton, Shires & Associates

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: October 14, 2010

TERMINATION DATE: October 13, 2011

CONSIDERATION: Contract Price
Not to Exceed: \$26,950

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

This SECOND AMENDMENT TO AGREEMENT (“Amendment”) is made and entered into as of the 13th day of October, 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. On April 28, 2010 the Agency and Consultant modified the Agreement to extend the termination date to April 28, 2011, and to provide a supplemental scope of work for an additional \$32,500, for a total contract price not to exceed \$72,850.

D. The Agency and Consultant now wish to modify the Agreement to incorporate additional tasks resulting from design changes as outlined in the additional scope of work in Exhibit A herein, which is a supplement to the Agreement’s Exhibit A, for an additional \$26,950, for a total contract price not to exceed \$99,800.

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:

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 of the Agreement for the supplemental tasks outlined in Exhibit A, 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 \$99,800 (“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 Second 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

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

NAME OF CONSULTANT: Cotton, Shires & Associates

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: October 14, 2010

TERMINATION DATE: October 13, 2011

CONSIDERATION: Contract Price
Not to Exceed: \$7,040

**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 13th day of October, 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 December 18, 2009, the Agency and Consultant entered into an Agreement for geotechnical consultant services in an amount not to exceed \$16,900, with a termination date of December 31, 2010. The Agreement was to provide geotechnical investigation of the City’s Gateway Church Site 2 affordable housing project. The Gateway Church Site 2 Project site is located along Agoura Road, to the west of the Gateway Church Site 1, and consists of a portion of Parcel 7, Rancho Las Virgenes.

B. The Consultant commenced work on a preliminary geotechnical investigation at the site during 2010 based on initial site concept plans provided by the Agency. Since that time, changes have been made to the concept plans for the site, requiring supplemental geotechnical investigation.

C. The Agency and Consultant now wish to modify the Agreement to extend the termination date to October 13, 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 \$7,040, for a total contract price not to exceed \$23,940.

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 October 14, 2010, and shall remain and continue in effect until tasks described herein are completed, but in no event later than October 13, 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 of the Agreement for the supplemental tasks outlined in Exhibit A, 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 \$23,940 (“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