

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director  
Prepared by: Joseph Fiss, Principal Planner



**DATE:** July 11, 2011 (CC Meeting of 7/20/2011)

**SUBJECT:** Consider Amendment No. 3 to Agreement for Professional Services with Parsons Transportation Group for Preliminary Engineering, Environmental Analysis, Design, and Right-of-Way Activities for the Installation of Soundwalls on SR-23

**BACKGROUND/DISCUSSION**

On March 18, 2009, the City Council awarded an agreement to provide professional services with Parsons Transportation Group for preliminary engineering, environmental analysis, design, and right-of-way activities for the installation of the soundwalls along the west side of State Route 23, north of Tierra Rejada Road. The \$257,932.94 agreement was finalized and executed on May 28, 2009. The term of the agreement (one year) and the scope of work were based on early discussions with Caltrans on what was needed for encroachment permits for the construction of the soundwalls.

On September 1, 2010, the City Council approved a budget amendment for a new total amount not to exceed \$294,416.56 to address aerially deposited lead (ADL) testing required by Caltrans to address the handling and disposition of dirt that will be hauled off the site when the footings for the soundwall are excavated, and for design of a soundwall overlap that was required by Caltrans for the soundwalls to be 224 feet longer than originally presented in the City's request for proposals and the associated noise study.

On March 20, 2011, the City Council approved another budget amendment for a new total amount not to exceed \$320,402.08 to address a procedural difference where Parsons assumed that a Permit Evaluation Engineering Report (PEER)-Noise Barrier

Scope Summary Report (NBSSR) would be prepared for the project, and submitted with the full Plans, Specifications, and Estimates (PS&E) and environmental document to the Caltrans Encroachment Permit office as a single submittal. The additional work required by Caltrans for a drainage analysis resulting in the number of plan sheets increasing from 26 to 36 sheets.

Just prior to permit approval, Caltrans added an additional requirement not anticipated in the original contract. Caltrans is now requiring additional stormwater Best Management Practices (BMPs) including a bioswale/storm drain to address an existing deficiency in the area not related to the soundwall project. This consists of design and construction of a bioswale on the west side of the southbound off-ramp at the bottom of the 2:1 slope. The device would require retrofitting the existing storm drain and would treat 3.6 acres of the northbound and southbound SR-23 travelled way. This requirement is now adding \$15,654.32 to the engineering design and permitting costs, and is expected to add an additional \$80,000 to the construction costs. Mayor Parvin and staff appealed this new requirement to the Caltrans District 7 Director, however, on June 24, 2011; the District Director denied this appeal. Staff is now requesting an amendment of the agreement to expand the scope of work to cover the additional study and engineering needed to obtain an encroachment permit to build the soundwall. Attached is Parson's Proposal for Additional Services for an additional agreement amount of \$15,654.32, for a new total amount of \$336,056.40.

### **FISCAL IMPACT**

The FY 2011-2012 budget includes \$1,736,481 for this project, of which \$1,600,000 is for construction and \$100,000 is for construction management. The additional design and engineering costs needed at this time can be funded from the existing City budget with a line item transfer from one of these funds. A budget amendment would, however, likely be needed in the future for the construction contract at the time it is awarded.

The funding source for this project has been the Carlsberg portion of the Citywide Traffic Mitigation Fund, which currently has a net balance of \$1,877,437.79. Staff estimates that there will be additional revenue to this fund of approximately \$780,000.00 as a result of the build-out of the Patriot Commerce Center, the Home Depot site, and the former Peach Hill Medical site. This additional money would not be collected until building permits are issued for these properties. There would likely be a deficit in the current funding source if the soundwall is built before the buildings identified above, but the final amount will be unknown until the soundwall construction bids are received. If the deficit remains, the Council would either need to defer the project, or authorize a loan from other available funds.

The following table shows the current and previously estimated total project costs for the soundwall. This differs from the current budgeted amount in that it includes the proposed increases, and the most recent Engineer's construction cost estimate.

		Previous Estimate	New Estimate
Engineering/Design (Current Agreement, including Amendment No. 1 and No. 2, Completed/Paid)	\$310,817.24		
Engineering/Design (Current Agreement, including Amendment No. 1 and No. 2, Remaining/Unpaid)	\$ 9,584.84		
<b>Subtotal (Current Agreement)</b>		<b>\$320,402.08</b>	<b>\$320,402.08</b>
Proposed Amendment No. 3	<b>\$15,654.32</b>		\$15,654.32
<b>Subtotal (Including Amendment No. 3)</b>			<b>\$336,056.40</b>
Construction Costs (Engineer's construction cost estimate based on future costs and contingencies)		\$1,633,000.00	\$1,633,000.00
Construction Management/Resident Engineer Inspections		\$100,000.00	\$100,000.00
Additional City Staff Time		\$40,000.00	\$40,000.00
Stormwater Best Management Practices (BMPs)	<b>\$80,000.00</b>		\$80,000.00
<b>Total Estimated Project Cost</b>		<b>\$ 2,093,402.08</b>	<b>\$ 2,189,056.40</b>

**STAFF RECOMMENDATION**

Authorize the City Manager to amend the agreement with Parsons Transportation Group for preliminary engineering, environmental analysis, design, and right-of-way activities for the soundwalls on SR-23, extending the agreement to May 30, 2013, and increasing the total amount by \$15,654.32 so as not to exceed \$336,056.40, subject to final language approval by the City Manager and City Attorney.

**ATTACHMENTS:**

1. Draft Amendment to Agreement for Professional Services
2. Proposal for Additional Services
3. Appeal Letter to Caltrans
4. Response Letter from Caltrans

**AMENDMENT NO. 3  
TO AGREEMENT  
BETWEEN THE CITY OF MOORPARK  
AND PARSONS TRANSPORTATION GROUP**

Original Agreement No.: 2009-078

Date of Original Agreement: May 28, 2009

Organization / Firm: Parsons Transportation Group

Amendment No.: 3

Effective Date of This Amendment: \_\_\_\_\_

Subject of Amendment: Additional consulting services provided by Parsons Transportation Group including Scope of Work Additions,

**RECITALS**

- A. Whereas the City of Moorpark ("City") and Parsons Transportation Group ("Consultant"), entered into an Agreement on May 28, 2009, setting forth the terms, conditions and scope of work for certain services to be provided to City by Consultant; and,
- B. Whereas Amendment No. 1 to this Agreement was approved by the City Council on September 1, 2010; and,
- C. Whereas Amendment No. 2 to this Agreement was approved by the City Council on March 2, 2011; and,
- D. Whereas City and Consultant find it necessary to amend the Agreement to authorize certain additional work as described herein.

NOW, THEREFORE, in consideration of the mutual covenants, benefits and premises herein stated, the parties hereto agree to AMEND the aforesaid Agreement as follows:

**I. Section 2 is amended as follows:**

2. Services

Additionally, Consultant shall Revise PS&E Storm Water Data Report; Update Plans: Bioswale and New Storm Drain Designs; and Update Cost Estimate and Caltrans Specifications, as identified in Exhibit "A", as attached and incorporated herein.

**II. Section 5 is amended to include:**

5. Payment

d) For furnishing services as specified in this Agreement, City shall pay and Consultant shall receive additional compensation of \$15,654.32 for Revise PS&E Storm Water Data Report; Construction Update Plans: Bioswale and New Storm Drain Designs; and Update Cost Estimate and Caltrans Specifications. Total compensation not to exceed \$336,056.40 as identified in Agreement No. 2009-078 and Exhibit A, as attached and incorporated herein.

**IV. Remaining Provisions**

All other provisions of the aforesaid Agreement shall remain in full force and effect.

**CITY OF MOORPARK:**

**PARSONS TRANSPORTATION GROUP:**

\_\_\_\_\_  
Steven Kueny, City Manager

\_\_\_\_\_  
Eric Spangler, PE, TE., Project Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Maureen Benson, City Clerk

\_\_\_\_\_

May 31, 2011

Mr. Joseph Fiss  
Principal Planner  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

**Subject: SR-23 Soundwall Project - Revised Proposal 3 for implementing Caltrans' Required Stormwater Best Management Practices (BMPs) in the City's soundwall project**

Dear Mr. Fiss,

Caltrans completed the SR-23 Stormwater BMP corridor study in February 2011. Caltrans prepared the study in response to a lawsuit a couple years ago that claimed Caltrans was not implementing enough permanent storm water quality treatment devices within their right-of-way. Please see the full report that I sent to you previously for the full background. Caltrans new policy is to make local agencies implement the devices identified in the report that fall within their project limits, regardless of whether their project triggers the need for them or not. Within our project limits, two BMPs are identified in the report: (1) one large infiltration basin between the southbound off-ramp and the southbound mainline, and (2) one bioswale on the west side of the southbound off-ramp at the bottom of the 2:1 slope.

The approval of the corridor study coincided with the submittal of the PS&E storm water data report for our project. Hence Caltrans is requiring our soundwall project to implement the devices identified in the new corridor study.

Parsons successfully negotiated the project out of implementing the large infiltration basin since it would cost approximately \$300,000 to construct. The bioswale would cost about \$80,000 to construct, per the corridor study. Therefore Caltrans is requiring that the project implement this bioswale. The device would require retrofitting the existing storm drain system and would treat 3.6 acres of the northbound and southbound SR-23 travelled way. Please see the attached page from the corridor study for more details on the required bioswale. The City's soundwall project does not trigger the need for the device, but is required to implement it anyway.

Including the bioswale in the project will require designing the storm drain realignment and bioswale, updating the PS&E storm water data report, and updating the cost estimate and specifications. Plan sheets that will change will include:

- Storm Drain sheets
- Landscape Planting sheets
- Contour grading sheets

- Layout sheets
- Stage Construction Plans

Please see the attached fee proposal. Parsons is requesting and \$15,654.32 for this effort. Our effort has been and will continue to be as efficient as possible. Please let me know if this is acceptable. Do not hesitate to call me at (626) 440-2519 if you have any questions. Thank you very much.

Sincerely,



Eric Spangler, P.E., T.E.  
Project Engineer



**CITY OF MOORPARK - SR23 Soundwalls at Tierra Rejada Road - Amendment 3: Storm Water BMP Proposal  
 PARSONS Fee Proposal - May 2011**

TASK No.	TASK DESCRIPTION	Project Engineer Eric Spangler		Water Resources Ryan Hansen		Assistant Engineer JiHye Shin		HOURS BY ACTIVITY	PARSONS TOTAL LABOR	SUBCONSULTANT	TASK TOTAL
		\$158.52	\$139.90	\$88.47							
1	INCLUSION OF CALTRANS REQUIRED STORM WATER BMP										
1.1	Revise PS&E Storm Water Data Report	8	16				24	\$3,506.56			\$3,506.56
1.2	Update Plans: Bioswale & New Storm Drain Design	40		40			80	\$9,879.60	\$1,000.00		\$10,879.60
1.3	Update Cost Estimate and Caltrans Specifications	8					8	\$1,268.16			\$1,268.16
	HOURS :	56	16	40			112				
	LABOR :	\$6,877.12	\$2,238.40	\$3,538.80				\$14,654.32	\$1,000.00		\$15,654.32

# Lynn Capouya, Inc.

LANDSCAPE ARCHITECTS

17992 MITCHELL SOUTH #110, IRVINE, CA 92614 p: 949.756.0150 f: 949 756.1635 design@lcapouya.com

## ADDITIONAL SERVICES PURCHASE ORDER

**date:** April 25, 2011

**to:** Mr. Eric Spangler, PE  
PARSONS  
100 W. Walnut Street, 2nd Floor  
Pasadena, CA 91124

**re:** SR-23 Soundwall Project, City of Moorpark

LYNN CAPOUYA, INC. LANDSCAPE ARCHITECTS will provide the following additional services beyond the contract scope pursuant to the terms of the original agreement.

Description of Additional Services:	<u>HOURS</u>
1. Revise Planting Plan	8
2. Revise Cost Estimate	2
<b>TOTAL HOURS:</b>	<u><u>10</u></u>

### Authorized Per:

- Phone conversation with: on
- Meeting with: on
- Transmitted documents: Mr. Eric Spangler on April 25, 2011

**Requested Date of Completion:** TBD

**Estimated Cost of Additional Services:** \$1,000.00

Senior Draftsman	10 /hours @ \$100.00	<u>\$1,000.00</u>
	10 TOTALS	<u><u>\$1,000.00</u></u>

- Time being of the essence, we will begin your work at the first opportunity based on our initial request.
- Please execute and return this order to our office at your earliest convenience as receipt of the form and any revised documents will serve as required written authorization to proceed as required per our agreement.

Time of completion for the additional work will be three (3) working days following receipt of the authorized purchase order and all data required to complete the work.

Respectfully submitted,

Authorized by:

Lynn Capouya, President  
LYNN CAPOUYA, INC.  
A California Corporation

Name, Title

Date

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# MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

June 15, 2011

Michael Miles  
District Director  
Caltrans, District 7  
100 S. Main Street  
Los Angeles, CA 90012

Subject: City of Moorpark Soundwall Project  
SR-23 North of Tierra Rejada Road

Dear Mr. Miles,

On May 20, 2011 I sent you a letter (copy attached) regarding reconsideration of a last-minute Caltrans requirement for a bioswale as part of a locally-funded soundwall project on the State Route 23 Freeway, within Moorpark City limits. As of today, I have not received a response.

As I mentioned in my earlier letter, I am appealing for you to reconsider this requirement for a bioswale so that we can begin construction of this soundwall.

Since the City would like to begin this project as soon as possible, I would appreciate a response so that we can finalize the permitting and proceed. Please call me at (805) 390-5377 so that we may discuss this.

Sincerely,

Janice S. Parvin  
Mayor  
City of Moorpark

C: Honorable Senator Tony Strickland  
Honorable City Council  
Steven Kueny, City Manager  
David A. Bobardt, Community Development Director  
Dave Klotzie, City Engineer/Public Works Director

Attachment: May 20, 2011 Letter

JANICE S. PARVIN  
Mayor

KEITH F. MILLHOUSE  
Mayor Pro Tem

ROSEANN MIKOS, Ph.D.  
Councilmember

DAVID POLLOCK  
Councilmember

MARK VAN DAM  
Councilmember

**CC ATTACHMENT 3**



# MOORPARK

799 Moorpark Avenue Moorpark, California 93021 (805) 517-6200

May 20, 2011

Michael Miles  
District Director  
Caltrans, District 7  
100 S. Main Street,  
Los Angeles, CA 90012

Subject: City of Moorpark Soundwall Project  
SR-23 North of Tierra Rejada Road

Dear Mr. Miles:

This letter is provided requesting reconsideration of a last-minute Caltrans requirement for a bioswale as part of a locally-funded soundwall project on the State Route 23 freeway, within Moorpark City limits. The City of Moorpark has spent almost two years in the design review process with Caltrans staff for a 1,700-foot long, 14-foot high soundwall located just north of Tierra Rejada Road on the west side of the SR-23 freeway. The wall is intended to block freeway noise from the residences in the Serenata development. It is being fully funded by the City using project mitigation funds from the Serenata development. It was not included with the other recently constructed soundwalls on the SR-23 freeway as part of the recent freeway widening project because the homes in the Serenata development did not exist when the environmental review for the freeway widening was prepared. Because the soundwall is being proposed on the edge of the shoulder within the Caltrans right-of-way, Caltrans review and permits are required.

After having spent almost two years and receiving 100% approval of the Noise Barrier Scope Summary Report (NBSSR), Caltrans staff has added a requirement for a bioswale as part of the project. We find this requirement to be wholly unreasonable for a project that is fully locally funded, has no nexus between the impacts of this soundwall and the need for a bioswale, and in which we had spent approximately two years attempting to get a permit for a relatively small soundwall project that would greatly improve the quality of life for our residents. We hope that you will concur so that this long-delayed project can move forward.

As background, the design and permitting process began in May of 2009, when the City entered into a contract with Parsons Transportation Group to provide engineering, environmental analysis, design, and permitting activities for this soundwall project, referred to by Caltrans as a Noise Barrier Scope Summary Report (NBSSR). Original direction by Caltrans staff back in 2009 was that the project would go through a shortened permit process (referred to as a Permit Evaluation Engineering Report (PEER)-NBSSR. This PEER-NBSSR was to be submitted concurrently with the full Plans, Specifications, and

JANICE S. PARVIN  
Mayor

KEITH F. MILLHOUSE  
Mayor Pro Tem

ROSEANN MIKOS, Ph.D.  
Councilmember

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MARK VAN DAM  
Councilmember

Estimate (PS&E) and the environmental document to the Caltrans Encroachment Permit office as a single submittal. Ultimately, Caltrans staff changed their mind and determined that a full NBSSR, with all the milestone submittals (65%, 95%, & 100%) was necessary, with full Caltrans oversight through their design office rather than through the encroachment permit office. This change in procedure has greatly prolonged the schedule for this project and added approximately \$36,000.00 in additional design costs.

During the review process, Caltrans staff requested an Aerially Deposited Lead (ADL) study and new stormwater infiltration basins. These basins would have increased the soil disturbance area by over one acre and would have added about \$200,000.00 to \$300,000.00 to the project. Not surprisingly on a relatively new freeway, no significant Aerially Deposited Lead deposits were found, and Parsons was able to convince Caltrans staff that there was not a need for the infiltration basins. Caltrans also required the addition of an access gate in the middle of the northern wall, and although Parsons proposed that the three street light poles along the off ramp be placed behind the new wall, Caltrans insisted that the three light poles be placed in the new wall (on the barrier). These two issues alone caused several additional months of delays.

Also significant as part of the review process, Caltrans staff determined that the wall needed to be lengthened by over 200 feet, even though it was entirely City-funded and the design was based on a noise study conducted by a City-hired consultant using Caltrans criteria, and subsequently accepted by Caltrans in the NBSSR. This additional wall length has added to both the design cost and construction cost by over \$200,000.00 and represented delay in the review process. The total construction cost is now estimated at \$1,633,000.00, plus construction management at \$350,000, and design costs at \$320,000.00, totaling over \$2.3 million even without the additional costs of the now requested bioswale.

Finally, on April 8, 2011, after nearly two years of working with Caltrans staff, we received 100 percent approval of the NBSSR and were hopeful that Caltrans was just about ready to issue permits for this project. However, we still needed final approval of our Stormwater Data Report. On April 18, 2011, we were advised that Caltrans staff determined that the stormwater report needed to go to the State Water Quality Control Board for review. Then, on April 19, 2011, Caltrans staff advised us that this project now required a bioswale on the site, based on a new Caltrans SR-23 BMP Corridor Study that had only recently been approved. This requirement adds another two-month delay, another round of PS&E submittal, another round of SWDR submittal, additional construction costs, and additional design costs. The preliminary cost estimate for this bioswale is approximately \$78,000.00 for construction plus an additional \$11,000.00 for design.

Adding the bioswale at the 11<sup>th</sup> hour is wholly unreasonable for a project that is fully locally funded, has no nexus between the impacts of this soundwall and the need for a bioswale, and in which we had spent approximately two years attempting to get a permit for a

Michael Miles  
May 20, 2011  
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relatively small soundwall project that would greatly improve the quality of life for our residents.

On behalf of the City of Moorpark, I am appealing for you to reconsider this requirement for a bioswale so that we can begin construction of this soundwall. Please contact me at (805) 390-5377 so that we may discuss the matter.

Sincerely,



Janice S. Parvin  
Mayor  
City of Moorpark

C: Honorable Senator Tony Strickland  
Honorable City Council  
Steven Kueny, City Manager  
David A. Bobardt, Community Development Director  
Dave Klotzle, City Engineer/Public Works Director

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7

100 MAIN STREET, SUITE 100  
LOS ANGELES, CA 90012-3606  
PHONE (213) 897-0362  
FAX (213) 897-0360  
TTY 711  
www.dot.ca.gov



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**RECEIVED****JUL - 5 2011****CITY OF MOORPARK**

June 24, 2011

The Honorable Janice S. Parvin  
Mayor, City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93201

Dear Mayor Parvin:

This is in response to your letter regarding the soundwall project on State Route 23 (SR 23), in the City of Moorpark.

When the City of Moorpark (City) decided to construct the soundwall on SR 23, from 0.1 miles to 0.5 miles north of Tierra Rejada Road undercrossing, a kick-off meeting was held July 23, 2009 between the City and the California Department of Transportation (Caltrans). In this meeting, Caltrans policies and procedures were explained in detail for these types of projects ranging from one to three million dollars. Based on this meeting, the City agreed to develop a condensed Noise Barrier Scope Summary Report (NBBSR) with the required supporting information. In spirit of cooperation, Caltrans agreed to process the NBBSR and the Plans, Specifications Estimate (PS&E) simultaneously.

On the issue of construction of a bioswale in the project, to improve the water quality in different waterways, Caltrans NPDES MS4 permit issued by the State Water Resources Control Board requires Caltrans to reduce the pollutants in these waterways. To comply with this requirement, Caltrans has decided to implement approved Best Management Practices (BMPs) in all the projects within its right of way. Caltrans has prepared Stormwater Corridor Studies to identify locations for such BMPs. Within the limits of this project, two BMPs, one infiltration basin and one bioswale have been identified. Considering the size and type of the project, Caltrans has already made a concession not to require the infiltration basin in this project, but to construct only one bioswale. We believe that the construction of one bioswale will not be an unrealistic burden on the project and will comply with the NPDES permit requirements for this project.

The Honorable Janice S. Parvin  
June 24, 2011  
Page 2

If you have any questions or would like to discuss this further, please do not hesitate to call Sam Ekrami, Deputy District Director, Program and Project Management at, 213-897-0362.

Sincerely,



*for* MICHAEL MILES  
District Director

c: The Honorable Tony Strickland Senator, 19<sup>th</sup> District  
Steven Kueny, City Manager  
David A. Bobardt, Community Development Director  
Dave Klotze, City Engineer/Public Works Director