

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director 

BY: Jessica Sandifer, Management Analyst 

DATE: December 6, 2013 (CC Meeting of December 18, 2013)

SUBJECT: Consider Amendment to Agreement with Penfield and Smith for Boundary Survey Services for Arroyo Vista Community Park and Resolution Amending the Fiscal Year 2013/14 Budget to Fund the Work from the Transportation System Management Fund (2001)

BACKGROUND

On November 20, 2013, City Council approved an agreement with Penfield and Smith to design the recreational trail system at Arroyo Vista Community Park (AVCP) and prepare construction plans and drawings.

DISCUSSION

Staff will be applying for a grant from the Land and Water Conservation Fund to partially fund this project. A condition of the grant application requires that the City make a permanent dedication of the project area for use only as park land and memorialize that dedication on a Section 6(f) boundary map. Required items that must be identified and located within the Section 6(f) boundary include easements, rights-of-way or any reversionary interests that may exist. Penfield and Smith has prepared a quote to perform a boundary survey and plot the affected easements within the Section 6(f) boundary area. Additional funding is needed to perform this work.

However, staff is uncertain if the required items previously mentioned are currently available from existing title reports or other documentation. Staff will exhaust all resources prior to contracting with Penfield and Smith to complete the boundary map. However, due to the fact that the grant submission deadline of February 4, 2014 is rapidly approaching, and an opportunity to request funding and prepare an Amendment for this work may not be feasible prior to the deadline, staff is requesting that the City Council approve the funding and Amendment with Penfield and Smith at this time. This

will allow some flexibility in determining the extent of services required by Penfield and Smith, if any, or a combination of services if all or a portion of the information is obtainable from documents already available to the City.

FISCAL IMPACT

The cost of the boundary survey and easement plotting is \$7,500. A budget amendment is needed from the Traffic Systems Management Fund (2001) to fund this work.

STAFF RECOMMENDATION (ROLL CALL VOTE)

1. Approve Amendment No. 1 with Penfield & Smith for Boundary Survey Services at Arroyo Vista Community Park and authorize City Manager to sign the amendment agreement subject to final language approval of the City Manager and City Attorney; and
2. Adopt Resolution No. 2013-_____.

Attachment:

- 1 – Agreement
- 2 - Resolution

ATTACHMENT 1

AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND PENFIELD & SMITH FOR BOUNDARY SURVEY SERVICES

This Amendment No. 1 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Penfield & Smith, a California corporation, ("Consultant") for boundary survey services ("Agreement"), is made and entered into the _____ day of _____, 201__.

RECITALS

WHEREAS, on December 2, 2013, the City and Consultant entered into an Agreement to for Civil Engineering Services for the Recreational Trail Improvements at Arroyo Vista Community Park; and

WHEREAS, the City and Consultant now desire to amend the Agreement to increase the compensation for services to be performed by Consultant by a total contract value of seven thousand five hundred dollars (\$7,500.00), and document said agreement to amend by jointly approving Amendment No.1 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 2, SCOPE OF SERVICES, is amended by replacing this section in its entirety as follows:

"City does hereby retain Consultant, as an independent contractor, in a contractual capacity to provide civil engineering services and boundary survey services, as set forth in Exhibit B and Exhibit C. In the event there is a conflict between the provisions of Exhibit B and Exhibit C and this Agreement, the language contained in this Agreement shall take precedence.

Consultant shall perform the tasks described and set forth in Exhibit B and Exhibit C. Consultant shall complete the tasks according to the schedule of performance which is also set forth in Exhibit B and Exhibit C.

Compensation for the services to be performed by Consultant shall be in accordance with Exhibit B and Exhibit C. Compensation is increasing seven thousand five hundred dollars (\$7,500) from seventy thousand nine hundred sixty-five dollars (\$70,965) to seventy-eight thousand four hundred sixty five dollars (\$78,465) and shall not exceed the rates or total contract value of seventy-eight thousand four hundred sixty-five dollars (\$78,465) as stated in Exhibit B and Exhibit C, without a written Amendment to the Agreement executed by both parties. Payment by City to Consultant shall be in accordance with the provisions of this Agreement."

II. Section 5, PAYMENT, is amended by replacing paragraph two in its entirety as follows:

“The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B and Exhibit C, based upon actual time spent on the above tasks. This amount shall not exceed seventy-eight thousand four hundred sixty-five dollars (\$78,465) for the total term of the Agreement unless additional payment is approved as provided in this Agreement.”

III. Remaining Provisions:

Except as revised by this Amendment No. 1, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK

PENFIELD & SMITH

By: _____
Steven Kueny, City Manager

By: _____
Hady Izadpanah, Principal Engineer

Attest:

Maureen Benson, City Clerk



EXHIBIT C

Penfield & Smith

1327 Del Norte Road, Ste 200
Camarillo, CA 93010

tel 805-981-0706
fax 805-981-0251

www.penfieldsmith.com

Santa Barbara
Camarillo
Santa Maria
Lancaster

Civil Engineering
Land Surveying
Land Use Planning
Construction
Management & Inspection
Traffic & Transportation
Engineering
Transportation Planning
Structural Engineering
Water Resources
Engineering
GIS

W.O. 21211.02A

December 2, 2013

Jessica Sandifer
City of Moorpark
Parks, Recreation, & Community Services Department
799 Moorpark Avenue
Moorpark, CA 93021

via email: jsandifer@moorparkca.gov

**Subject: Proposal for Compiled Boundary & Easements
Arroyo Vista Community Park Access Improvements**

Dear Ms. Sandifer,

As requested, Penfield & Smith is pleased to submit this proposal for boundary and easement compilation of the Arroyo Vista Community Park Access Improvements and Pathway Project in Moorpark, CA.

UNDERSTANDING OF PROJECT REQUIREMENTS

It is our understanding that you require that the boundary and easements of record be plotted for the above-referenced property as specified in the project's grant. The project is located at APN's 506-0-010-280 and 506-0-010-640 and is referred to as Arroyo Vista Community Park Access Improvements and Pathway Project.

SCOPE OF WORK

- Provided that the project boundary is depicted on a map filed in the County (Record of Survey, Parcel Map, or Tract Map), Penfield & Smith will compute basic site boundary geometry without establishing junior/senior rights or adjoining title interest. *Resolving boundary issues, such as conflicting descriptions and map mis-closures, are beyond the scope of this proposal. This proposal does not include a boundary establishment survey, setting monuments, or recording maps or records of any kind.*
- As easements of record are required to be plotted, a current preliminary title report will need to be obtained to determine level of complexity and effort. Based on the report, we will contact you if a revision of our scope and fee is required.
- Perform field survey to search for and recover a sufficient number of existing record monuments and record map boundary evidence. The monuments

will be tied to the project control survey, and will be used to orient the boundary to the project mapping datum.

- The record map boundary will be added to the AutoCAD drawing base map with the topographic data collected from the aerial survey. A note about how the boundary was computed will be added to the title sheet.

This notification is included to alert you to the possibility that a mandatory State Law requirement may affect the cost of your survey under certain conditions. During the course of our work, the absence of sufficient record monuments or discovery of material discrepancies (i.e. dimensional differences from record, monuments of a different type or character, etc.) may trigger the requirement to file a Record of Survey with the County Surveyor. This is defined under § 8762 California Business & Professions Code (Professional Land Surveyors Act) which governs the practice of licensed surveyors. Replacing lost or missing corners also requires the aforementioned Record of Survey Map unless the licensed surveyor determines that filing a Corner Record form with the County is allowable. An offer by any surveyor to disregard this filing requirement, or failure to meet the filing requirement, is a direct violation of the PLS Act, and subjects the licensed surveyor to disciplinary action by the State. It may also invalidate the work performed by that surveyor and expose you to risk if there was a reliance upon their survey. The licensed surveyor would discuss which record would be required. Although we do not know with certainty that your survey will be affected, based on the location and/or property description, this potential exists and must be disclosed.

SERVICES NOT INCLUDED

- Sub-surface utility detection or potholing services.
- Setting boundary or right-of-way monuments.
- Preparing and filing Corner Records or maps of any kind.
- Services not listed herein.

ASSUMPTIONS

Our estimate and scope is based on the following assumptions:

1. A sufficient number of boundary monuments of record still exist in the immediate site vicinity to compile the boundary. If monuments have been destroyed, disturbed or were never set, additional field and office work will be required and a corresponding fee adjustment may be necessary.
2. We will have access to and around your lot and the project area in question.

PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials basis and shall be billed

monthly at the rates then in effect (prevailing wages to apply). Charges for "time" include professional, technical and clerical support services provided by Penfield & Smith. "Materials" include all reimbursable expenses, such as photocopies, postage, shipping/delivery, mileage, plots, prints, maps/documents and outside consultant fees. Based on our understanding of your requirements and our experience with similar projects, we estimate that the fee required for our services will be approximately as follows, not including reimbursable expenses.

| | |
|--|----------------|
| Compiled Boundary & Easements | \$6,500 |
| Current Preliminary Title Report | \$1,000 |
| Total | \$7,500 |

TIME OF PERFORMANCE

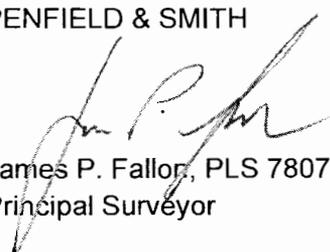
Based on our current workload, we estimate that the boundary compilation can be completed in approximately 15 business days from receiving your authorization to proceed and receipt of the title report. Note that time does not include review time by Client or permitting agency.

AUTHORIZATION

Should you require additional information or wish to discuss this proposal further, please give me a call. My direct line is 805-981-0706 extension 136. If the proposal is satisfactory, please contact me to arrange for issuance of the necessary authorization documents. Our current fee schedule is attached. Thank you for considering Penfield & Smith for this project.

Thank you for considering Penfield & Smith for this project.

Regards,
PENFIELD & SMITH


James P. Fallon, PLS 7807
Principal Surveyor


Benjamin P. Hardin, PLS 8552
Associate Surveyor

ATTACHMENT 2

RESOLUTION NO. 2013-_____

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2013/2014 BUDGET BY APPROPRIATING \$7,500.00 FROM THE TRAFFIC SYSTEM MANAGEMENT FUND (2001) FOR BOUNDARY SURVEY SERVICES

WHEREAS, on June 19, 2013, the City of Moorpark adopted the Operating and Capital Improvement budget for Fiscal Year 2013/14; and

WHEREAS, on November 20, 2013, the City Council approved an Agreement with Penfield and Smith for Civil Engineering Services for the Arroyo Vista Community Park Recreational Trail Improvements; and

WHEREAS, a staff report has been presented to the City Council requesting additional appropriation to fund boundary survey services at Arroyo Vista Community Park; and

WHEREAS, a budget adjustment in the aggregate amount of \$7,500.00 from the Traffic System Management Fund (2001) is requested for this work; and

WHEREAS, Exhibit "A", attached hereto and made a part hereof, describes said budget amendment and the resultant impact to the budget line item.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. A budget amendment in the amount of \$7,500.00 from the Traffic System Management Fund (2001) as more particularly described in Exhibit "A", attached hereto, is hereby approved.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 18th day of December, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Budget Amendment

EXHIBIT A

BUDGET AMENDMENT FOR

Traffic System Management Fund (2001) for Boundary Survey Services
2013/14

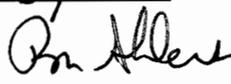
FUND ALLOCATION FROM:

| Fund | Account Number | Amount |
|--------------------------------|----------------|-------------|
| Traffic System Management Fund | 2001-5500 | \$ 7,500.00 |
| Total | | \$ 7,500.00 |

DISTRIBUTION OF APPROPRIATION TO EXPENSE ACCOUNTS:

| Account Number | Current Budget | Revision | Amended Budget |
|---------------------|----------------|-------------|----------------|
| 2001.7800.7852.9103 | \$ 300.00 | \$ - | \$ 300.00 |
| 2001.7800.7852.9232 | \$ 2,893.00 | | \$ 2,893.00 |
| 2001.7800.7852.9601 | \$ 25,141.00 | \$ 7,500.00 | \$ 32,641.00 |
| Total | \$ 28,334.00 | \$ 7,500.00 | \$ 35,834.00 |

Approved as to Form:



12/10/2013