

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David A. Bobardt, Community Development Director
Prepared by: Tracy J. Oehler, Administrative Specialist 

DATE: January 27, 2014 (CC Regular Meeting of 02/05/2014)

SUBJECT: Consider Additional Professional Services Regarding Grimes Rock Mining Facility Expansion Final Environmental Impact Report (EIR) and Authorize the City Manager to Execute Amendment to Professional Services Agreement with Sohagi Law Group

BACKGROUND/DISCUSSION

An Agreement with the Sohagi Law Group for professional services regarding Grimes Rock Mining Facility Expansion Final EIR was executed by the City Manager on June 20, 2013, for a not-to-exceed amount of \$40,000.00. On June 28, 2013, the City Manager approved an additional \$4,777.80 for a total amount of \$44,777.80. On September 11, 2013, the City Council authorized an additional \$29,250.00 for a total amount of \$74,027.80 and on October 16, 2013, the City Council authorized an additional \$25,000.00 for a total amount of \$99,027.80. The City Council is now being asked to consider an amendment to the agreement for additional professional services increasing the compensation by \$4,200.00 to a new total not-to-exceed amount of \$103,227.80 for the final billing for legal and related traffic engineering services on the subject project.

FISCAL IMPACT

There is no additional appropriation requested at this time. The Planning Department's FY 2013/14 adopted budget includes \$170,000.00 in Special Professional Services (Expenditure Account 9103) from the General Fund (1000) for the Housing Element and General Plan Environmental Impact Report Land Use and Circulation Element Planning Services. The department will transfer \$4,200.00 from Special Professional Services (1000.6440.0000.9103) to Legal Services (1000.6440.0000.9122).

STAFF RECOMMENDATION

Approve the increase in compensation by \$4,200.00 with a new not-to-exceed amount of \$103,227.80 and authorize the City Manager to execute the amendment to the agreement for professional services, subject to final language approval of the City Manager.

Exhibit A – Amendment No. 3 to Professional Services

CC ATTACHMENT – EXHIBIT A

AMENDMENT NO. 3 TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND THE SOHAGI LAW GROUP FOR PROFESSIONAL SERVICES

This Amendment No. 3 to the Agreement between the City of Moorpark, a municipal corporation (“City”), and the Sohagi Law Group, a public limited company (“Consultant”) for professional services (“Agreement”), is made and entered into the ____ day of _____, 2014.

RECITALS

WHEREAS, on June 20, 2013, the City and Consultant entered into an Agreement to have the Consultant provide professional services regarding Grimes Rock Mining Facility Expansions Final EIR; and

WHEREAS, on September 17, 2013, the City and Consultant entered into an Amendment No. 1 to increase the compensation for services to be performed by Consultant by a total contract value of seventy-four thousand twenty-seven dollars and eighty cents (\$74,027.80); and

WHEREAS, on November 1, 2013, the City and Consultant entered into an Amendment No. 2 to increase the compensation for services to be performed by Consultant by a total contract value of seventy-four thousand twenty-seven dollars and eighty cents (\$99,027.80); and

WHEREAS, the City and Consultant now desire to increase the compensation for services to be performed by Consultant by a total contract value of one hundred thousand two hundred twenty-seven dollars and eighty cents (\$103,227.80), and document said agreement to amend by jointly approving Amendment No. 3 to the Agreement.

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

I. SCOPE OF WORK, is amended to include the additional professional services to be performed by Consultant as set forth in Exhibit C.

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

Compensation for the services to be performed by Consultant shall be in accordance with Exhibit C. Compensation shall not exceed the new total not-to-exceed amount of one hundred thousand two hundred twenty-seven dollars and eighty cents (\$103,227.80).

II. Remaining Provisions:

Except as revised by this Amendment No. 3, all of the provisions of the Agreement shall remain in full force and effect.

CITY OF MOORPARK

THE SOHAGI LAW GROUP

By: _____
Steven Kueny, City Manager

By: _____
Margaret Moore Sohagi

Attest:

Maureen Benson, City Clerk

Exhibit C – Retainer Agreement for Additional Professional Services

LAW OFFICES

THE SOHAGI LAW GROUP

A PROFESSIONAL LAW CORPORATION

FEDERAL ID #: 20-5793439

11999 San Vicente Blvd., Suite 150
Los Angeles, CA 90049

TELEPHONE
310-475-5700

FACSIMILE
310-475-5707

STATEMENT OF ACCOUNT WITH:

Steve Kueny, City Manager
City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

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December 31, 2013

**Grimes Rock Mining Facility Expansion Final
EIR**

Our Account No: 394.001
Invoice No: 13092

Expenses

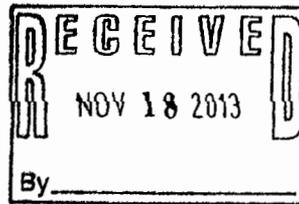
	<u>Qty/Price</u>	<u>Amount</u>
11/11/2013 Linscott, Law & Greenspan Engineers; Invoice 14026-00103.	1 5,051.16	5,051.16
Total Expenses		<u>\$5,051.16</u>
For Current Services Rendered	0.00	\$5,051.16
Previous Balance		\$33,613.47
12/18/2013 Payment - Thank You. Check No. 147403		(\$33,613.47)
Total payments and adjustments		<u>(\$33,613.47)</u>
Balance Due		<u><u>\$5,051.16</u></u>

Linscott, Law & Greenspan, Engineers

Engineers & Planners • Traffic • Transportation • Parking

2 Executive Circle, Suite 250, Irvine, CA 92614
 t 949.825.6174 • f 949.825.5939 • www.llyengineers.com

Pasadena • Irvine • San Diego • Woodland Hills



THE SOHAGI LAW GROUP
 Ms. Margaret Sohagi, Esq
 11999 San Vicente Blvd.
 Suite 150
 Los Angeles, CA 90049

Invoice number 14026-00103
 Date 11/11/2013
 Project 1-13-4026 Grimes Rock, Inc. EIR PEER Review

For professional services rendered from October 1, 2013 to October 31, 2013

For description of services see page 2

TRAFFIC ENGINEERING SERVICES

LABOR

	Hours	Rate	Billed Amount
Principal Engineer	5.25	245.00	1,286.25
Senior Transportation Engineer	6.00	173.00	1,038.00
Engineering Associate II	7.00	110.00	770.00
Word Processor/Secretary	0.50	70.00	35.00
Engineering Aide I	6.50	53.00	344.50
Labor subtotal	25.25		3,473.75

EXPENSE

	Cost Amount	Multiplier	Billed Amount
Mileage Reimbursement	77.41		77.41
Expense subtotal	77.41		77.41

SUBCONTRACTOR

	Cost Amount	Multiplier	Billed Amount
OutsideProfSvs	1,500.00		1,500.00
Subcontractor subtotal	1,500.00		1,500.00

Invoice total **5,051.16** *ex-9*

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
14026-00102	10/11/2013	1,434.50		1,434.50			
14026-00103	11/11/2013	5,051.16	5,051.16				
Total		6,485.66	5,051.16	1,434.50	0.00	0.00	0.00



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Billing Description Attachment
Project Name: Grimes Rock, Inc. EIR PEER
LLG Reference: 1-13-4026-1
Traffic Engineering Services

Description of consulting services: October 1, 2013 through October 31, 2013

Participate in a conference call with the project team on October 3, 2013 regarding the County responses to the City of Moorpark comments. Coordinate with traffic count sub-consultant to conduct truck license plate surveys (7:30 AM to 11:30 AM) at three locations over two typical weekday conditions. Obtain and review the truck license plate survey data. Highlight the Moorpark threshold criteria discrepancies between the Grimes project traffic study and the Moorpark Civic Center Campus project traffic study which were both prepared by KOA. Prepare a draft memorandum summarizing the Additional Review of Grimes Rock Mining Project. Transmit the draft memorandum to the project team for review. Based on project team comments, provide additional clarification and prepare/submit final memorandum. Continue coordination with the project team.

City Traffic Counters

302 N. First Ave
 Suite 4
 Arcadia, CA 91006

Invoice

Date	Invoice #
10/16/2013	202123

Bill To
Linscott, Law & Greenspan Donald Rodriguez 600 South Lake Avenue Suite 500 Pasadena, CA 91106

Back-up
COPY

P.O. No.	Terms	Project
1-13-4026-1	Net 30	

Quantity	Description	Rate	Amount
1	Conduct hourly license plate survey in the City of Moorpark. 4 hours.	220.00	220.00
2	Conduct hourly license plate survey 4.5 hours.	240.00	480.00
1	Conduct hourly license plate survey 5 hours includes training.	260.00	260.00
2	Conduct hourly license plate survey 5.5 hours includes training.	270.00	540.00
Thank you for your business.		Total	\$1,500.00