

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: The Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director *SL*

BY: Jessica Sandifer, Management Analyst *JSS*

DATE: February 7, 2014 (CC Meeting of February 19, 2014)

SUBJECT: Consider Amendment to Agreement with Penfield and Smith for Additional Civil Engineering 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 (Penfield) to design the recreational trail system at Arroyo Vista Community Park (AVCP) and prepare construction plans and specifications. On December 18, 2013, the City Council approved an amendment to the Agreement for boundary survey services.

DISCUSSION

During the design process for the AVCP recreational trail improvements, the project civil engineer presented an opportunity to address several drainage issues in Parking Lots A and C, the inclusion of a Class II bicycle lane at the entrance to AVCP, and additional parking on the north side of the access road.

The vehicular entrances at Parking Lots A and C tend to pond during rain events and staff feels that these issues should be addressed prior to repaving the parking lots later this year, or proceeding with the future recreational trail improvements. The ponding has caused the pavement at both locations to erode and has created pot holes and other pavement problems. Penfield will include a field survey and a set of grading and drainage plans to correct the drainage within these two areas.

The proposed bicycle trail extension from the pedestrian bridge to Arroyo Vista Recreation Center (AVRC) will ultimately connect to the Class II bicycle lanes on both

sides of the access road leading to and from the park. The bicycle lanes currently stop and start on the west side of the median island, directly adjacent to Parking Lot A. However, due to the fact that there is not room on either side of the median island for a Class II bicycle lane, bicyclists are forced to merge and enter vehicular traffic to access the park. Staff feels that this portion of the access road should be improved with a class II bicycle lane and included in the overall design of the recreational trail system to provide a safe route of travel for bicyclists through the park.

In addition, during the boundary survey that Penfield and Smith performed earlier this year, it was discovered that the existing wood rail fence on the north side of the park is not on the actual property line of the park. The property line is variable, but extends approximately eighteen feet to the north of the existing fence at several locations. In order to define the actual property line of the park, staff will move the existing fence to park boundary. The additional area created by the realignment of the fence provides an opportunity to add approximately twelve improved parking spaces adjacent to the access road north of Parking Lot C. This is the location where the proposed bicycle path intersects the pedestrian bridge. Penfield will design and prepare construction drawings for the improved parking area and include this revision to the plans and specifications for the recreational trail system at AVCP.

FISCAL IMPACT

The total cost for the agreement with Penfield & Smith is \$78,465.00. The cost of the amendment is \$15,563.00 plus a reimbursable expense budget of \$3,000 for a total new contract amount of \$97,028.00. 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. 2 with Penfield & Smith for Additional Civil Engineering Services related to the entrance of the access road and parking lot C at Arroyo Vista Community Park, and authorize City Manager to sign the amendment subject to final language approval of the City Manager and City Attorney; and
2. Adopt Resolution No. 2014-_____.

Attachment:

- 1 – Agreement
- 2 - Resolution

ATTACHMENT 1

**AMENDMENT NO. 2
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
PENFIELD & SMITH FOR ADDITIONAL CIVIL ENGINEERING SERVICES FOR THE
RECREATIONAL TRAIL SYSTEM AT ARROYO VISTA PARK**

This Amendment No. 2 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Penfield & Smith, a California corporation, ("Consultant") for additional civil engineering services for the recreational trail system at Arroyo Vista Community Park ("Agreement"), is made and entered into the _____ day of _____, 2014.

RECITALS

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

WHEREAS, on _____, the City and Consultant entered into Amendment No.1 to the agreement for boundary survey services for the recreational trail system at AVCP; 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 eighteen thousand five hundred and sixty-three dollars (\$18,563.00), and document said agreement to amend by jointly approving Amendment No.2 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, boundary survey services, and additional civil engineering services relevant to the entrance to the access road and parking lot C, as set forth in Exhibit B, Exhibit C, Exhibit D, and Exhibit E. In the event there is a conflict between the provisions of Exhibit B, Exhibit C, Exhibit D, and Exhibit E and this Agreement, the language contained in this Agreement shall take precedence.

Consultant shall perform the tasks described and set forth in Exhibit B, Exhibit C, Exhibit D, and Exhibit E.

Compensation for the services to be performed by Consultant shall be in accordance with Exhibit B, Exhibit C, Exhibit D, and Exhibit E. Compensation is increasing fifteen thousand five hundred and sixty-three dollars (\$15,563) for the additional civil engineering services plus three thousand dollars (\$3,000) for

reimbursable expenses from seventy eight thousand four hundred and sixty-five dollars (\$78,465) to ninety seven thousand and twenty-eight dollars (\$97,028) and shall not exceed the rates or total contract value of ninety seven thousand and twenty-eight dollars (\$97,028) as stated in Exhibit B, Exhibit C, Exhibit D, and Exhibit E 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 as set forth in Exhibit B, Exhibit C, Exhibit D, and Exhibit E and this Agreement based upon actual time spent on the above tasks. This amount shall not exceed ninety seven thousand and twenty-eight dollars (\$97,028) 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. 2, 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



Penfield & Smith

1327 Del Norte Road, Ste 200
Camarillo, CA 93010

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

www.penfieldsmith.com

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W.O. 21211.01

January 8, 2014

City of Moorpark
Parks, Recreation and Community Services Department
799 Moorpark Avenue
Moorpark, CA 93021
Attn: Jessica Sandifer, Management Analyst

**Subject: Cost Proposal for Additional Services
Arroyo Vista Community Park
Access Improvement and Pathway Project**

Dear Ms. Sandifer and Mr. Laurentowski,

Penfield & Smith is pleased to submit this Cost Proposal for additional civil engineering services for survey, design and engineering of Parking Lot C and the Western Entrance Road of Arroyo Vista Community Park (AVCP), located at 4550 Tierra Rejada Road, Moorpark, California.

UNDERSTANDING OF PROJECT REQUIREMENTS AND SCOPE OF WORK

In accordance with our existing contract, Penfield & Smith has been asked by City Staff to survey, design and engineer improvements of Parking Lot C to improve existing poor drainage conditions and modify the layout and alignment of the Western Entrance to improve traffic, bicycle and pedestrian flow. We propose the following Scope of Work.

SCOPE OF WORK

- Attend meetings, establish preliminary design and project management;
- Conduct a field topographic survey and prepare base mapping;
- Prepare and submit Design Development Plans for city review; and,
- Prepare and submit 90% and 100% Plans and Specifications at a scale of 1"=20'. The Plans and Specifications will be suitable for competitive bidding.

SERVICES NOT INCLUDED

The following services and all other services not specifically listed herein are excluded:

1. Reimbursable expenses, such as photocopies, postage, shipping/delivery, mileage, prints, maps/documents.
2. Governmental and public agency fees, cost of bonds and taxes.
3. Title Company reports, services and fees.
4. Services by consultants other than P&S.
5. Services beyond the Scope of Work detailed above.

CLIENT TO PROVIDE

Client or co-consultant at Client's direction shall provide the following items to Penfield & Smith:

1. Access to the site to perform engineering investigation.
2. Support with Public Agency documentation signature and fees.
3. All project related reports and historical documents necessary to perform our services.
4. Landscape, Lighting, and Electrical Engineering services for the project.

PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials (T&M), not-to-exceed (NTE) basis and shall be billed monthly at the rates then in effect. 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, not including reimbursable expenses, will be as follows:

Survey and Construction Documents	\$13,663.00
Bidding and Construction Phase Services	To be Included with Original Contract

ADDITIONAL SERVICES

Services performed outside the scope of this agreement require written approval prior to performance of the work. Design changes by Owner/Client or designee after the start of design shall be considered additional services. Any work requested by Owner/Client that is outside the scope of this agreement will be identified by Penfield & Smith as such, and a fixed fee or not-to-exceed amount will be agreed upon prior to the start of the additional work. Compensation for additional services shall be in accordance with Exhibit "A", Penfield & Smith's Billing Rate Schedule currently in effect.

TIME OF PERFORMANCE

We propose to have the 90% Construction Documents for these additional services delivered to the City on January 17, 2014, such that the City can review and meet a grant application

City of Moorpark
January 8, 2014
Page 3

deadline of February 3, 2014 of the original project. The 100% Construction Documents will be delivered to the City by February 3, 2014.

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 221. If the proposal is satisfactory, please issue an Agreement directing us to initiate the work. Our current fee schedule is attached.

Thank you for considering Penfield & Smith for this project.

Sincerely,

PENFIELD & SMITH

Scott Meckstroth, PE.
RCE 63337
Senior Engineer/Project Manager

Glen H. Pace, P.E.
RCE 61468
Principal Engineer

Enclosures

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Penfield & Smith

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tel 805-981-0706
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W.O. 21211.01

January 30, 2014

City of Moorpark
Parks, Recreation and Community Services Department
799 Moorpark Avenue
Moorpark, CA 93021
Attn: Jessica Sandifer, Management Analyst

**Subject: Cost Proposal for Additional Services
Arroyo Vista Community Park
Access Improvement and Pathway Project
Extra Parking Near Northern Boundary**

Dear Ms. Sandifer and Mr. Laurentowski,

Penfield & Smith is pleased to submit this Cost Proposal for additional civil engineering services for design and engineering of additional parking near the northern boundary of the Park, as illustrated in the attached figure.

UNDERSTANDING OF PROJECT REQUIREMENTS AND SCOPE OF WORK

In accordance with our existing contract, Penfield & Smith has been asked by City Staff to design and engineer additional improvements for parking. We propose the following Scope of Work.

SCOPE OF WORK

Prepare a scale plan view layout of the proposed parking; prepare a typical section; layout additional parking; and, prepare fine grading plans and details. This additional work will be incorporated within the original design.

SERVICES NOT INCLUDED

The following services and all other services not specifically listed herein are excluded:

1. Reimbursable expenses, such as photocopies, postage, shipping/delivery, mileage, prints, maps/documents.
2. Governmental and public agency fees, cost of bonds and taxes.
3. Title Company reports, services and fees.
4. Services by consultants other than P&S.
5. Services beyond the Scope of Work detailed above.

CLIENT TO PROVIDE

Client or co-consultant at Client's direction shall provide the following items to Penfield & Smith:

1. Access to the site to perform engineering investigation.
2. Support with Public Agency documentation signature and fees.
3. Landscape, Lighting, and Electrical Engineering services for the project.

PROPOSED FEE AND METHOD OF PAYMENT

Our proposed services will be performed on a time and materials (T&M), not-to-exceed (NTE) basis and shall be billed monthly at the rates then in effect. 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, not including reimbursable expenses, will be as follows:

Construction Documents for Added Parking	\$1,900.00
Bidding and Construction Phase Services	To be Included with Original Contract

ADDITIONAL SERVICES

Services performed outside the scope of this agreement require written approval prior to performance of the work. Design changes by Owner/Client or designee after the start of design shall be considered additional services. Any work requested by Owner/Client that is outside the scope of this agreement will be identified by Penfield & Smith as such, and a fixed fee or not-to-exceed amount will be agreed upon prior to the start of the additional work. Compensation for additional services shall be in accordance with Exhibit "A", Penfield & Smith's Billing Rate Schedule currently in effect.

TIME OF PERFORMANCE

We propose to have the 100% Construction Documents for these additional services delivered to the City by February 3, 2014, such that the City can review and meet a grant application deadline of February 3, 2014 of the original project.

City of Moorpark
January 30, 2014
Page 3

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 221. If the proposal is satisfactory, please issue an Agreement directing us to initiate the work. Our current fee schedule is attached.

Thank you for considering Penfield & Smith for this project.

Sincerely,

PENFIELD & SMITH

Scott Meckstroth, PE.
RCE 63337
Senior Engineer/Project Manager



Glen H. Pace, P.E.
RCE 61468
Principal Engineer

Enclosures

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ATTACHMENT 2

RESOLUTION NO. 2014-_____

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2013/2014 BUDGET BY APPROPRIATING \$18,563.00 FROM THE TRAFFIC SYSTEM MANAGEMENT FUND (TSM) (2001) TO FUND ADDITIONAL CIVIL ENGINEERING SERVICES AND REIMBURSABLE EXPENSES FOR THE RECREATIONAL TRAIL SYSTEM AT ARROYO VISTA COMMUNITY PARK (CAPITAL IMPROVEMENT PROJECTS 7712, 7713, 7852)

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

WHEREAS, the adopted budget included appropriation in CIP 7712 of \$75,000.00 from the General Fund (1000) and in CIP 7713 of \$442,444.00 from the TSM Fund (2001) and \$132,556 in TDA Article 3 (2602) Fund ; and

WHEREAS, on October 2, 2013, the conceptual plan was approved by the City Council and a budget amendment of \$85,000.00 was approved from the TSM Fund (2001) and appropriated equally to each project (7712, 7713, 7852); and

WHEREAS, on November 20, 2013, the City Council approved an agreement with Penfield and Smith for Civil Engineering services to design the project; and

WHEREAS, on December 8, 2013, the City Council approved Amendment No. 1 to the agreement with Penfield & Smith for a boundary survey and authorized a budget increase of \$7,500.00; and

WHEREAS, a staff report has been presented to the City Council requesting approval of Amendment No. 2 and additional appropriation to fund additional civil engineering services relative to the entrance to the access road and parking lot C at Arroyo Vista Community Park (Project 7852); and

WHEREAS, a budget adjustment in the aggregate amount of \$18,563.00 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 items.

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

SECTION 1. A budget amendment in the amount of \$18,563.00 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 19th day of February , 2014.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A – Budget Amendment

EXHIBIT A

BUDGET AMENDMENT FOR

**Traffic System Management Fund (2001) for Civil Engineering Services and reimbursable expenses for the Arroyo Vista Recreational Trail System
2013/14**

FUND ALLOCATION FROM:

Fund	Account Number	Amount
Traffic System Management Fund	2001-5500	\$ 18,563.00
Total		\$ 18,563.00

DISTRIBUTION OF APPROPRIATION TO EXPENSE ACCOUNTS:

Account Number	Current Budget	Revision	Amended Budget
1000.7800.7712.9613	\$ 75,000.00	\$ -	\$ 75,000.00
2001.7800.7712.9601	\$ 28,333.00	\$ 1,000.00	\$ 29,333.00
2001.7800.7713.9601	\$ 28,333.00	\$ 16,563.00	\$ 44,896.00
2001.7800.7713.9642	\$ 442,444.00	\$ -	\$ 442,444.00
2602.7800.7713.9642	\$ 132,556.00	\$ -	\$ 132,556.00
2001.7800.7852.9103	\$ 300.00	\$ -	\$ 300.00
2001.7800.7852.9232	\$ 2,893.00		\$ 2,893.00
2001.7800.7852.9601	\$ 32,641.00	\$ 1,000.00	\$ 33,641.00
2001.7800.7852.9642	\$ 923,500.00	\$ -	\$ 923,500.00
Total	\$ 1,666,000.00	\$ 18,563.00	\$ 1,684,563.00

Approved as to Form: 