

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

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

**BY:** Jessica Sandifer, Senior Management Analyst 

**DATE:** November 7, 2016 (CC Meeting of 11/16/2016)

**SUBJECT:** Consider Amendment No. 1 to Agreement with Phoenix Civil Engineering, Inc. for Construction Management Services for the Retaining Wall Project at Arroyo Vista Community Park and Resolution Amending the Fiscal Year 2016/17 Budget

**BACKGROUND**

A project is in process to replace a retaining wall at Arroyo Vista Community Park (AVCP). The retaining wall was installed at the top of the slope on the south side of the park, adjacent to three homes at the end of the cul-de-sacs on Honeyglen Court and Summerglen Court. The original retaining wall was constructed with wood beams and galvanized steel posts for support and over time, several wood beams had dislodged from the wall causing a significant amount of outward deformation. In December 2013, the City Council authorized a geotechnical investigation of the retaining wall area. The investigation concluded that the movement of the existing wall is due to a combination of factors, which include the initial design and degradation of the existing wall, as well as the creep-type soil movement of the fill soils above the wall. In September 2014, the City Council approved funding to hire a civil engineer to design the retaining wall options recommended by the geotechnical consultant. Staff contracted with Phoenix Civil Engineering (Phoenix) to complete the construction drawings and specifications for the project. In November 2015, the City Council approved the project plans and specifications and authorized staff to go out to bid on the project. In December 2015, the City Council approved an Agreement with Phoenix for Construction Management Services.

**DISCUSSION**

Staff recommended hiring a construction manager due to the size, type, complexity, and location of the retaining wall and the fact that we have limited City staff to provide daily project oversight and coordination. Phoenix has been providing construction

management services for the retaining wall. However, several construction deficiencies were discovered by Phoenix during the course of this project. This has resulted in Phoenix spending additional time on contractor oversight to ensure compliance with the design plans. Phoenix has also been required to repeat inspections on multiple occasions and spend additional time reviewing contractor submittals and general project coordination.

### **FISCAL IMPACT**

The original Agreement for construction management and materials testing services was \$33,396.00, which includes the costs for a sub-consultant to provide materials testing and a 10% contingency of \$3,306.00. The Amendment is requesting an additional \$14,032.00 for additional construction management and materials testing services. No additional contingency is being included. The new total agreement amount, including contingency is \$47,428.00.

Funding was not included in the Fiscal Year 2016/17 budget for these additional construction management services. Therefore, staff is requesting an appropriation of \$14,032.00 from the General Fund (1000) to complete this work.

### **STAFF RECOMMENDATION (ROLL CALL VOTE)**

1. Approve Amendment #1 to Agreement with Phoenix Civil Engineering, Inc. in the amount of \$14,032.00, and authorize the City Manager to sign the Agreement, subject to final language approval of the City Manager; and
2. Adopt Resolution No. 2016 - \_\_\_\_\_ amending the FY 2016/17 budget to appropriate \$14,032.00 from the General Fund (1000) Reserve to fund this work.

#### Attachments:

1. Amendment #1
2. Resolution No. 2016- \_\_\_\_\_

**ATTACHMENT 1**

**AMENDMENT NO. 1**

**TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN  
THE CITY OF MOORPARK AND PHOENIX CIVIL ENGINEERING, INC.  
FOR CONSTRUCTION MANAGEMENT SERVICES**

This Amendment No. 1 to the Professional Services Agreement between the City of Moorpark, a municipal corporation ("City"), and Phoenix Civil Engineering, Inc, a corporation ("Consultant"), for construction management services ("Agreement"), is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**RECITALS**

WHEREAS, on January 29, 2016 the City and Consultant entered into an Agreement to have the Consultant provide construction management services; and

WHEREAS, the City and Consultant now desire to amend the Agreement to increase the compensation for services to be performed by Contractor from thirty-three thousand three hundred ninety-six dollars (\$33,396.00), by a value of fourteen thousand thirty-two dollars (\$14,032.00), for a total contract value of forty-seven thousand four hundred twenty-eight dollars (\$47,428.00), which includes a contingency in the amount of three thousand thirty-six dollars (\$3,036.00), for continued construction management services, 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 construction management services, as set forth in Exhibits C and D. In the event there is a conflict between the provisions of Exhibits C and D and this Agreement, the language contained in this Agreement shall take precedence.

Consultant shall perform the tasks described and set forth in Exhibits C and D. 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 Exhibits C and D. Compensation shall not exceed the rates or contract value of forty-four thousand three hundred ninety-two dollars (\$44,392.00) as stated in Exhibit D, plus a contingency in the amount of three thousand thirty-six dollars (\$3,036.00), for a total contract value of forty-seven thousand four hundred twenty-eight dollars (\$47,428.00), 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 of this section in its entirety as follows:

“The City agrees to pay Contractor monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibits C and D, based upon actual time spent on the above tasks. This amount shall not exceed forty-four thousand three hundred ninety-two dollars (\$44,392.00) as stated in Exhibit D, plus a contingency in the amount of three thousand thirty-six dollars (\$3,036.00), for a total contract value of forty-seven thousand four hundred twenty-eight dollars (\$47,428.00), 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 Amendment to be executed the day and year first above written.

CITY OF MOORPARK

PHOENIX CIVIL ENGINEERING, INC.

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

\_\_\_\_\_  
Jon Turner, Principal Engineer

Attest:

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



**Exhibit D**

**Phoenix Civil Engineering, Inc.**

4532 Telephone Road, Ste. 113 Ventura, Ca 93003 805 658.6800  
info@phoenixcivil.com www.phoenixcivil.com

Ms. Jessica Sandifer  
City of Moorpark  
Parks, Recreation and Community Services Department  
799 Moorpark Ave.  
Moorpark, CA 93021

November 6, 2016

**City of Moorpark – Arroyo Vista Community Park Wall Services During Construction– Request for Fee Amendment**

Dear Jessica,

I am pleased to provide you with this fee amendment proposal for continued engineering services during construction associated with the AVCP Wall Project. This scope of work addresses the need to perform additional work by Phoenix Civil Engineering, Inc. (Phoenix) and Fugro Consultants Inc. (Fugro). There has been substantially more time devoted to coordination (onsite and offsite), submittal review, RFI review and construction observation with this contractor. This was not anticipated due to the scope and length of the construction project. Based on our current rate of expenditures we are requesting an additional \$11,832 for Phoenix and \$2,200 for Fugro to cover the remainder of the construction phase services.

Based on our discussions, I have developed the following task in our proposal. The task numbering is consistent with the previous tasks listed in the proposal.

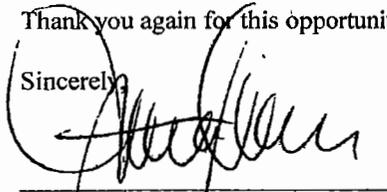
**Construction Services During Construction Additional Fee Request**

- |  |          |
|--|----------|
| <input type="checkbox"/> Task 102: Submittal Review                              | \$620    |
| <input type="checkbox"/> Task 103: Response to Requests for Information          | \$620    |
| <input type="checkbox"/> Task 104: Project Coordination/Construction Observation | \$12,792 |

Our original approved project fee was for \$30,360. This amendment is for \$14,032. The proposed total revised contract amount is \$44,392. Our services will be billed on a monthly basis in accordance with the project professional services agreement.

Thank you again for this opportunity.

Sincerely,




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Jon Turner, PE  
Principal Engineer

## ATTACHMENT 2

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION OF CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING THE FISCAL YEAR 2016/17 BUDGET BY APPROPRIATING \$14,032.00 FROM THE GENERAL FUND (1000) FOR ADDITIONAL CONSTRUCTION MANAGEMENT AND SPECIAL MATERIALS TESTING AND INSPECTION SERVICES FOR THE ARROYO VISTA COMMUNITY PARK RETAINING WALL PROJECT (CIP 7856)

WHEREAS on December 18, 2013, the City Council adopted Resolution No. 2013-3256, which allocated \$15,800 from the General Fund to obtain a geotechnical evaluation of a retaining wall at Arroyo Vista Community Park (AVCP); and

WHEREAS, on September 17, 2014, the City Council adopted Resolution No. 2014-3321, which allocated \$26,610 from the General Fund for additional geotechnical and civil engineering services to prepare plans and specifications for the retaining wall project; and

WHEREAS, on December 16, 2015, the City Council adopted Resolution No. 2015-3467, which allocated \$33,396.00 for Construction Management and Materials Testing and Inspection Services for the retaining wall project; and

WHEREAS, on June 15, 2016, the City of Moorpark adopted the Operating and Capital Improvement Projects budget for Fiscal Year (FY) 2016/17; and

WHEREAS, a staff report has been presented to the City Council requesting funding for additional construction management and material testing services for the project; and

WHEREAS, an aggregate budget amendment of \$14,032.00 is requested to fund the additional construction management and material testing services from the General Fund (1000); 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 \$14,032,000 from the General Fund (1000) , 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 16th day of November, 2016.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

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

Exhibit A – Budget Amendment

**EXHIBIT A**

**BUDGET AMENDMENT FOR  
GENERAL FUND (1000)  
FOR CONSTRUCTION MANAGEMENT SERVICES FOR AVRC RETAINING WALL PROJECT  
FY 2016/17**

**FUND BALANCE ALLOCATION:**

Fund Title	Fund-Account Number	Amount
GENERAL FUND	1000-5500	\$ 14,032.00
Total		\$ 14,032.00

**EXPENDITURE APPROPRIATION:**

Account Number	Current Budget*	Revision	Amended Budget
1000.7800.7856.9601	\$ 7,285.46		\$ 7,285.46
1000.7800.7856.9613	\$ 135,800.00		\$ 135,800.00
1000.7800.7856.9650	\$ 33,396.00	\$ 14,032.00	\$ 47,428.00
			\$ -
			\$ -
			\$ -
Total	\$ 176,481.46	\$ 14,032.00	\$ 190,513.46

*\*current budget numbers do not reflect final adjustments of FY 2015/16 continuing appropriations*

Finance Approval: 