



# FINANCE COMMITTEE AGENDA

Tuesday, February 24, 2015

8:30 AM

Executive Conference Room, Level Three

Brea Civic & Cultural Center, 1 Civic Center Circle, Brea, California

**MEMBERS:** Council Members Cecilia Hupp and Steven Vargas

**ALTERNATE:** Mayor Marty Simonoff

Materials related to an item on this agenda submitted to the Finance Committee after distribution of the agenda packet are available for public inspection in the third floor lobby of the Civic and Cultural Center at 1 Civic Center Circle, Brea, CA during normal business hours. Such documents may also be available on the City’s website subject to staff’s ability to post documents before the meeting.

## CALL TO ORDER / ROLL CALL

1. Matters from the Audience

## CONSENT

2. Amendment No. 3 to Professional Services Agreement with Project Dimensions, Inc. for Additional Construction Management Services for the Tracks at Brea (Segment 3), Project 7873

[Staff Report](#)

[Amendment](#)

3. Amendment No. 3 to Professional Services Agreement with David Evans and Associates for Additional Design Work and Construction Administrative Services on the Tracks at Brea, Project 7873

[Staff Report](#)

[Amendment](#)

4. Amendment No. 3 to Professional Services Agreement with Ninyo and Moore for Additional Environmental and Geotechnical Services on the Tracks at Brea, Project 7873

[Staff Report](#)

[Amendment](#)

## DISCUSSION

5. Schedule next meeting: March 10, 2015

**NOTE:** This agenda is subject to amendments up to 72 hours prior to the meeting date.

**Special Accommodations**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 990-7757. Notification 48 hours prior to the meeting will enable City staff to make reasonable arrangements to ensure accessibility. (28 CFR 35.102.35.104 ADA Title II)

***NOTE: This agenda is subject to amendments up to 72 hours prior to the meeting date.***

**City of Brea**

**Agenda Item:**

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**COUNCIL COMMUNICATION**

**Date:** March 3, 2015

To: Honorable Mayor and City Council

From: City Manager

Subject: **AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DIMENSIONS, INC. FOR ADDITIONAL CONSTRUCTION MANAGEMENT SERVICES ON THE TRACKS AT BREA (SEGMENT 3), PROJECT 7873**

**RECOMMENDATION**

Approve Amendment No. 3 to professional services agreement.

**BACKGROUND**

The Tracks at Brea Project transforms an abandoned railroad right-of-way and other properties into a four-mile multipurpose biking trail and pedestrian path away from cars, traversing the City from east to west. Trail construction is primarily funded by grants, and so far, the Tracks at Brea has been awarded 23 grants totaling approximately \$14 million for the completion of the trail. Any additional funding beyond the grants would be brought before the City Council for approval.

**DISCUSSION**

The original agreement with Project Dimensions, Inc. (PDI) for construction management services on The Tracks at Brea Segment 3 soil remediation and rough grading in the amount of \$80,000 was approved by Council on September 17, 2013. The original scope of services included pre-construction coordination, on-site

**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DIMENSIONS, INC. FOR THE ADDITIONAL CONSTRUCTION MANAGEMENT WORK ON THE TRACKS AT BREA (SEGMENT 3), PROJECT 7873**

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construction management services during the estimated 90 working days, and post-construction services.

On September 16, 2014, the first amendment was approved by Council in the amount of \$70,000. Additional construction management services were necessary as a result of the City rejecting the original contractor bids. This was done because two of the grants required a previously undisclosed review by the National Advisory Council on Historic Preservation prior to expenditure of any federal funds. Thus, the construction manager assisted with two public works bid processes including handling requests for information and mandatory pre-bid meeting. Additionally, this project has required greater coordination with jurisdictional agencies such as Orange County Health Care Agency and utility companies including SoCal Gas, Southern California Edison and the City of Brea Water and Sewer Divisions.

The second amendment was approved by Council on December 16, 2014 in the amount of \$40,000. This amendment was a result of the remediation work encountering unforeseen complexities of the extent of soil contamination and related oversight of the clean-up tasks. This led to a longer construction period requiring additional coordination by the construction manager.

A third amendment is being requested because of the extension of the project completion date due to the need for additional unforeseen import soil, rain delays and coordination with the designer of the final trail improvements to minimize duplication of

**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DIMENSIONS, INC. FOR THE ADDITIONAL CONSTRUCTION MANAGEMENT WORK ON THE TRACKS AT BREA (SEGMENT 3), PROJECT 7873**

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work between the existing contractor and future contractor that will construct the final trail improvements. The amount of the amendment for Council consideration is \$18,100.

PDI has done an excellent job in keeping this soil remediation project progressively moving even with all the complexities and unforeseen challenges. They are very responsive and knowledgeable and work collaboratively with City staff, County officials and other consultants on this complex project. PDI brings many resources to the project including years of experience working on the City of Anaheim's trail construction and management of over 70 projects for the County of Orange.

**FISCAL IMPACT**

The not-to-exceed amount for construction management services in this amendment would bring the current \$190,000 agreement to \$208,100. The previous \$190,000 of construction management services is being provided by a combination of grants, including Land and Water Conservation Fund and Clean Transportation Fund from the Mobile Source Air Pollution Reduction. Based on the latest projected construction cost, an estimated savings of roughly \$70,000 is anticipated for the soil remediation project. The savings from construction can cover the additional \$18,100 needed for this amendment. Thus, there is no impact to the City's General Fund.

**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH PROJECT DIMENSIONS, INC. FOR THE ADDITIONAL CONSTRUCTION MANAGEMENT WORK ON THE TRACKS AT BREA (SEGMENT 3), PROJECT 7873**

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**SUMMARY**

The soil remediation and rough grading work for Segment 3 encountered unforeseen conditions that resulted in the extension of project completion due to rain delays, additional soil import and supplemental coordination by PDI with the designer to eliminate duplication and throw-away improvements between the soil remedial work and final trail construction. Staff is requesting that Council approve the third amendment with PDI in the amount of \$18,100 which will be compensated from the anticipated construction savings from the soil remediation and rough grading work. This will authorize the Deputy Public Works Director/City Engineer to pay PDI up to the estimated contract amount of \$208,100. There is no impact to the General Fund.

Respectfully Submitted:

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Tim O'Donnell, City Manager

Prepared by:

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Raul Y. Lising, P.E.  
Assistant City Engineer

Concurrence:

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Delfino R. Consunji, P.E.  
Deputy Director of Public Works/City Engineer

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Eric Nicoll  
Public Works Director

Attachment: Amendment No. 3 to PSA with Project Dimensions, Inc.

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT**

This Amendment No. 3 to Professional Services Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2015, by and between **Project Dimensions, Inc.** ("CONSULTANT") and the **CITY OF BREa** ("CITY").

**A. Recitals.**

(i) **On or about September 17, 2013**, CITY and CONSULTANT entered into an agreement for professional services, whereby CONSULTANT provides materials and soils testing for various capital improvement projects on an "as needed" basis ("Agreement", hereinafter.)

(ii) The parties hereto desire to amend the Agreement to increase the contract amount from \$190,000 to \$208,100.

**B. Amendment.**

NOW, THEREFORE, it is agreed by and between CITY and CONSULTANT as follows:

1. Notwithstanding any other provision therein, the term of the Agreement is hereby increased from \$190,000 to \$208,100. Except as amended by this Amendment No. 3, all other terms and conditions of the Agreement remain unchanged.

2. **The persons** executing this Amendment No. 3 warrant that they are authorized to execute this First Amendment and that this Amendment is binding on the parties hereto.

NOW, WHEREFORE, the parties have executed this Amendment No. 3 as of the date first set forth above.

CITY OF BREa  
A California municipal corporation

PROJECT DIMENSIONS, INC.  
A California corporation

\_\_\_\_\_  
Marty Simonoff, Mayor

\_\_\_\_\_  
George E. Peterson, President

Attest: \_\_\_\_\_

\_\_\_\_\_  
George E. Peterson, Secretary

(two signatures required if corporation)

**City of Brea**

**Agenda Item:**

**COUNCIL COMMUNICATION**

**Date:** March 3, 2015

To: Honorable Mayor and City Council

From: City Manager

Subject: **AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN WORK AND CONSTRUCTION ADMINISTRATIVE SERVICES ON THE TRACKS AT BREA, PROJECT 7873**

**RECOMMENDATION**

Approve Amendment No. 3 to the Professional Services Agreement (PSA) with David Evans and Associates, Inc. (DEA) to provide landscape architecture and engineering services for The Tracks at Brea trail project in an amount not to exceed an additional \$40,000.

**BACKGROUND**

The Tracks at Brea trail project involves the development of approximately four miles of dual tread bicycle trail and a separate pedestrian path along abandoned railroad right of way, flood control channels, and city-owned property. Trail design and construction is primarily funded by grants, and so far the Tracks at Brea has been awarded 23 grants totaling over \$14 million for the design and construction of the trail. Any additional funding beyond the grants would be brought before the City Council for approval.

**DISCUSSION**

In 2013 a competitive Request for Proposal (RFP) process was conducted to select a landscape architecture firm with strong trail experience to design and prepare



**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN WORK AND CONSTRUCTION ADMINISTRATIVE SERVICES ON THE TRACKS AT BREA, PROJECT 7873**

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construction plans for Segment 3 (Brea Blvd. to State College) of The Tracks at Brea. DEA was selected for the design, and Council approved their Professional Services Agreement (PSA) on November 5, 2013. Council approved a first amendment to the PSA on June 17, 2014 when the design scope of Segment 3 expanded and conceptual plans were needed for Segment 2 (Brea Blvd. to Brea Canyon Channel). Council also approved a second amendment to the PSA on October 16, 2014 which added the design of concept plans for Segment 4 (State College to Birch St.) and construction oversight for Segment 6 (Kraemer Blvd. to Surveyor Ave.) to their scope of work.

Currently, there is a need to expand DEA's scope in two areas. Staff is requesting that DEA modify the trail construction plans for Segment 3 to include bid alternates. This is because the balance of grant funding available for Segment 3 is below the landscape architect's estimated construction cost. By calling out a prioritized list of bid alternates, Council will have options on constructing the Segment 3 trail all at once or in phases depending on the bids received when the public works bid process is conducted.

Secondly, staff recommends that DEA's scope include construction oversight services during construction. This services will be charged on a time and materials basis and the City will only be charged for the work that may be needed to respond to requests for information by the construction contractor and to assure the plans are being followed accurately.

**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN WORK AND CONSTRUCTION ADMINISTRATIVE SERVICES ON THE TRACKS AT BREA, PROJECT 7873**

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DEA has proven to be an excellent fit for The Tracks project. They are responsive, creative, knowledgeable, and work collaboratively with City staff and other consultants. So far they have met all deadlines and have exceeded expectations. DEA worked on The Tracks project in 2007 when they successfully completed the Master Plan for the trail, the Phase I environmental investigation and the Mitigated Negative Declaration. Their expertise was critical in originally determining the trail route, as well as identifying issues and opportunities to be considered in the development of the trail. As a large firm, DEA brings many resources to the project with 38 years' experience and 18 locations in seven states. Their multi-disciplinary staff includes landscape architects, engineers, surveyors and planners. DEA has designed trails for Los Angeles County, City of Burbank and City of Yucaipa among others. Based on the excellent work DEA has done to date, staff recommends that a third PSA amendment be approved to expand their scope of work and add \$40,000 to the agreement.

**FISCAL IMPACT**

The not to exceed amount for PSA Amendment Number 3 is \$40,000, which will bring the total PSA with David Evans and Associates to \$393,000. Grant funding is available to cover the recommended amendment from Land and Water Conservation Fund and Housing Related Parks grants. Thus, there is no impact to the City's General Fund.

**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN WORK AND CONSTRUCTION ADMINISTRATIVE SERVICES ON THE TRACKS AT BREA, PROJECT 7873**

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**COMMITTEE REVIEW**

The proposed amendment was reviewed by the Finance Committee on February 24, 2015 and they recommended...

**SUMMARY**

Council is requested to approve Amendment No. 3 to the Professional Services Agreement with David Evans and Associates in an amount not to exceed \$40,000 for the Tracks at Brea Trail project. The scope of work includes modifying construction plans to include bid alternates and providing construction administrative services during construction of Segment 3. Approval of this amendment brings the total PSA to \$393,000. DEA has demonstrated an excellent track record, performing extremely well in providing landscape design, engineering, and coordination on this very complex project. Since their services will be funded with grants, there is no impact to the City's General Fund.

Respectfully submitted,

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Tim O'Donnell, City Manager

Prepared by:

  

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**AMENDMENT NO. 3 OF PROFESSIONAL SERVICES AGREEMENT WITH DAVID EVANS AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN WORK AND CONSTRUCTION ADMINISTRATIVE SERVICES ON THE TRACKS AT BREA, PROJECT 7873**

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Concurrence:

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David Crabtree  
Community Development Director

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Delfino Consunji  
City Engineer

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Eric Nicoll  
Public Works Director

Attachment: Amendment No. 3 to PSA with David Evans and Associates, Inc.

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT**

This Amendment No. 3 to Professional Services Agreement is made and entered into this \_ day of \_\_\_\_\_, by and between **David Evans and Associates, Inc.** ("CONSULTANT") and the **CITY OF BREa** ("CITY").

**A. Recitals.**

(i) **On or about November 5, 2013**, CITY and CONSULTANT entered into an agreement for professional services, whereby CONSULTANT provides landscape design and engineering services for The Tracks at Brea project ("Agreement," hereinafter).

(ii) **On or about June 17, 2014**, CITY and CONSULTANT entered into an amendment for the professional services agreement, whereby CONSULTANT provides additional landscape design and engineering services for The Tracks at Brea project ("Amendment No. 1," hereinafter).

(iii) **On or about October 16, 2014**, CITY and CONSULTANT entered into a second amendment for the professional services agreement, whereby CONSULTANT provides additional landscape design and engineering services for The Tracks at Brea project ("Amendment No. 2," hereinafter).

(iv) The parties hereto desire to amend Agreement, whereby CONSULTANT provides additional landscape design and construction administrative services for The Tracks at Brea project, thus increasing the contract amount from \$353,000 to \$393,000 ("Amendment No. 3," hereinafter).

**B. Amendment.**

NOW, THEREFORE, it is agreed by and between CITY and CONSULTANT as follows:

1. Notwithstanding any other provision therein, the term of the Agreement is hereby increased from \$353,000 to \$393,000. Except as amended by this Amendment No. 3, all other terms and conditions of the Agreement remain unchanged.

2. **The persons** executing this Amendment No. 3 warrant that they are authorized to execute this Second Amendment and that this Amendment is binding on the parties hereto.

NOW, WHEREFORE, the parties have executed this Amendment No. 3 as of the date first set forth above.

**CITY OF BREA**  
A California municipal corporation

**CONSULTANT**

\_\_\_\_\_  
Marty Simonoff, Mayor

\_\_\_\_\_  
Kim Rhodes, Vice President

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Rob Bathke, P.E, Associate

**City of Brea**

**Agenda Item:**

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**COUNCIL COMMUNICATION**

**Date:** March 3, 2015

**To:** Honorable Mayor and City Council

**From:** City Manager

**Subject: AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH NINYO AND MOORE FOR ADDITIONAL ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE TRACKS AT BREA, PROJECT 7873**

**RECOMMENDATION**

Approve amendment to the Professional Services Agreement.

**BACKGROUND**

The Tracks at Brea trail project involves the development of approximately four miles of dual tread bicycle trail and a separate pedestrian path along abandoned railroad right of way, flood control channels, and city-owned property. Trail design and construction is primarily funded by grants, and so far the Tracks at Brea has been awarded 23 grants totaling over \$14 million for the completion of the trail. Any additional funding beyond the grants would be brought before the City Council for approval.

**DISCUSSION**

The first step in the development of this trail on the segments once used as railroad rights of way is soil remediation and rough grading, which was combined into one construction project to save costs. Currently, that construction is nearing completion on Segment 3 (Brea Boulevard west to State College. As a part of the soil remediation work, a separate contractor is required to provide oversight to ensure that the cleanup

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH NINYO AND MOORE FOR ADDITIONAL ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE TRACKS AT BREA, PROJECT 7873**

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meets the standards of both the City and the local regulatory agency, which is Orange County Health Care Agency (OCHCA). Ninyo and Moore has been retained to provide the necessary oversight and has performed exceptionally well to date.

A competitive bid process was conducted and 9 firms submitted proposals to provide geotechnical services to the City for the trail. After evaluation that included interviews, reference checks, and cost analysis of the proposals, Ninyo and Moore rose to the top. They began working for Brea in August 2012, and have already prepared two Remedial Action Plans for soil cleanup and attended a community meeting to provide technical expertise in addition to their oversight work on the construction.

Adjustments to Ninyo and Moore's scope of work is necessary as more clean import soil is needed than originally anticipated. This requires an evaluation of the import soil including field sampling, laboratory testing, data analysis and project coordination. Ninyo and Moore provided a proposal requesting \$40,000 to complete these final tasks for the soil remediation on Segment 3.

Ninyo and Moore has become very familiar with The Tracks at Brea project. Their past work for the City has been timely, thorough, and responsive. Staff has also received positive feedback from OCHCA and other cities regarding their work. Their past experience with The Tracks at Brea project will prove to be more cost effective than utilizing a new consultant who will have no knowledge of Brea's soil cleanup needs.



**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH NINYO AND MOORE FOR ADDITIONAL ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE TRACKS AT BREA, PROJECT 7873**

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Ninyo and Moore's familiarity with the local regulatory agency processes has been instrumental in moving The Tracks project forward. For all of the above reasons, staff recommends expanding Ninyo and Moore's PSA to include necessary additional work.

As an experienced firm with environmental and geotechnical expertise, Ninyo and Moore's proposal provides excellent value to the City and avoids the additional cost and project delay of bringing a new consulting firm up to speed on the project.

**FISCAL IMPACT**

The not to exceed amount for environmental and geotechnical services in this amendment would bring the current \$294,500 PSA to \$334,500. The funding for their PSA and amendments is provided by a combination of grants including the U.S. Environmental Revolving Loan Fund, the Clean Transportation Fund from the Mobile Source Air Pollution Reduction and the Housing Related Parks grant can cover the additional \$40,000 requested. Thus, there is no impact to the General Fund.

**COMMITTEE REVIEW**

The proposed amendment was reviewed by the Finance Committee on February 24, 2015 and they recommended...

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH NINYO AND MOORE FOR ADDITIONAL ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE TRACKS AT BREA, PROJECT 7873**

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**SUMMARY**

Council is requested to approve the Third Amendment to the Professional Services Agreement (PSA) with Ninyo and Moore to provide environmental and geotechnical services for The Tracks at Brea project. This amendment would add \$40,000 to the PSA, bringing the total amount to \$334,500.

Respectfully Submitted,

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Tim O'Donnell, City Manager

Prepared by:

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Kathie DeRobbio  
Economic Development Manager

Concurrence:

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David Crabtree  
Community Development Director

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT WITH NINYO AND MOORE FOR ADDITIONAL ENVIRONMENTAL AND GEOTECHNICAL SERVICES FOR THE TRACKS AT BREA, PROJECT 7873**

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Delfino Consjuni  
City Engineer

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Eric Nicoll  
Public Works Director

Attachment: Amendment No. 3 to Professional Services Agreement  
with Ninyo and Moore

**AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT**

This Amendment No. 3 to Professional Services Agreement is made and entered into this\_ day of \_\_\_\_\_, by and between **Ninyo and Moore** (“CONSULTANT”) and the **CITY OF BREA** (“CITY”).

**A. Recitals.**

(i) **On or about May 7, 2013**, CITY and CONSULTANT entered into an agreement for professional services, whereby CONSULTANT provides construction management for The Tracks at Brea project (“Agreement”, hereinafter.)

(ii) The parties hereto desire to amend the Agreement to increase the contract amount from \$294,500 to \$334,500.

**B. Amendment.**

NOW, THEREFORE, it is agreed by and between CITY and CONSULTANT as follows:

1. Notwithstanding any other provision therein, the term of the Agreement is hereby increased from \$294,500 to \$334,500. Except as amended by this Amendment No. 3, all other terms and conditions of the Agreement remain unchanged.

2. **The persons** executing this Amendment No. 3 warrant that they are authorized to execute this Third Amendment and that this Amendment is binding on the parties hereto.

NOW, WHEREFORE, the parties have executed this Amendment No. 3 as of the date first set forth above.

CITY OF BREA  
A California municipal corporation

CONSULTANT

\_\_\_\_\_  
Marty Simonoff, Mayor

\_\_\_\_\_  
Norman Eke, Sr Vice President, Ninyo & Moore

(two signatures required if corporation)