

**TO:** Andrew P. Powers, City Manager

**FROM:** Jay T. Spurgin, Public Works Director

**DATE:** February 14, 2017

**SUBJECT: Westlake Boulevard Sidewalk Project (CI 5337)**

**RECOMMENDATION:**

1. Receive Westlake Boulevard Sidewalk (CI 5337) project update and provide comments on design alternatives.
2. Approve Fourth Amendment to Professional Services Agreement No. 10687-2014 with MNS Engineers, Inc. of Thousand Oaks, CA, in the amount of \$16,888, for additional engineering services for the Westlake Boulevard Sidewalk project, increasing agreement not-to-exceed amount to \$204,525.
3. Approve expenditure in the amount of \$16,888 from A/C #136-5310-631-8300 (CI 5337, TDA Article 3 expenditures/Westlake Boulevard Sidewalk Project).

**FINANCIAL IMPACT:**

**No Additional Funding Requested.** \$16,888 is included in the adopted FY 2016-17 Street Capital Budget. Total estimated project cost is \$1,449,600.

**BACKGROUND:**

The Westlake Boulevard Sidewalk Project consists of constructing new sidewalks, crosswalks, and bike lanes along the east side of Westlake Boulevard between Triunfo Canyon Road and Agoura Road, and on the west side between Hampshire Road and the 101 Freeway. Most of the improvements will be within Caltrans right-of-way (State Route 23) (Attachment #1), encompassing a total length of 4,200 lineal feet.

The City received a Federal Highway Safety Improvement Program (HSIP) grant in the amount of \$534,200 for the design and construction of the Westlake Boulevard Sidewalk Project. On November 25, 2014, City Council approved a professional services agreement with MNS Engineers, Inc. (MNS) in the amount of \$98,963 for engineering and design services. Three amendments have been processed to date for additional environmental work required by Caltrans, design enhancements, and public outreach support. The total authorized amount for design services currently is \$187,637.

MNS completed preparation of draft design plans in summer 2015, and prepared two sidewalk alignment alternatives to address concerns regarding removal of existing mature trees. Alternative No. 1, a traditional straight sidewalk alignment constructed next to the existing curb would have resulted in the removal of 12 trees, including two landmark sycamore trees. Alternative No. 2, the preferred alternative, featured a meandering sidewalk alignment with a parallel Decomposed Granite (DG) walking path and benches and would have resulted in the removal of only six Aleppo Pine trees. Alternative No. 2 could only be considered if the City could obtain the necessary easements from the adjoining HOAs.

There are also five dead trees that would be removed as part of this project regardless of the alternative selected, to provide a healthier growing environment for other existing trees.

Initial design concept plans were shared with the HOA's boards and conceptual approval was received in August 2015.

Design concepts were presented at a community meeting at Westlake Elementary School in September 2015 and the residents at the meeting preferred the meandering sidewalk option.

Based on the input received from the public, and from City Council and Traffic Commission in the fall of 2015, staff proceeded with final design of the meandering sidewalk option. Easement documents forwarded to HOAs for the meandering sidewalk with request to process by May 2016. Several of the HOAs requested a revocable license agreement in lieu of the permanent easement.

Staff met with the HOA property managers to discuss the term revocable license agreement versus regular permanent easement.

Property managers for several of the HOAs informed the City that they would not approve the City's proposed draft revocable license.

Staff updated the City Council Capital Facilities Sub-Committee in early December 2016, with sub-committee support. Staff renegotiated terms and conditions for approving permanent easements with the HOAs with the exception of Westlake Lake Management Association (WLMA). Northshore HOA, Westlake Bay HOA, and Village Glen HOA approved providing a permanent easement to the City for meandering the sidewalk and installing the DG walking path per the proposed plans.

**DISCUSSION/ANALYSIS:**

The City and the impacted residents along the proposed project prefer the meandering sidewalk alternative from both an aesthetic and environmental standpoint. The Westlake Bay, Northshore, and Village Glen HOAs have approved the required permanent easements needed to install the sidewalk and DG walking path on their property and to meander around the existing trees, avoiding their removal when possible. WLMA requested the City to process a revocable license agreement in place of the permanent easement documents. For legal and other public policy reasons, the City cannot approve a revocable license agreement requested by the HOA for installing the meandering sidewalk on their properties. Because WLMA did not approve the required easements for the meandering sidewalk on their property, the City will need to redesign a short segment of the meandering sidewalk and replace it with the straight sidewalk alternative within the existing Caltrans right-of-way on this parcel. This change will not result in removing any additional trees (Attachment #2).

The City plans to obtain temporary construction easements from the HOAs to plant a number of new replacement trees on their properties to be maintained by the HOAs. The City also plans to install a bus turnout in front of the Carl's Jr. Restaurant on Westlake Boulevard if the property owner provides the City a permanent easement. If the property owner is not able to provide the required easement to the City, the bus turnout will be eliminated. The City will also be processing a maintenance agreement with Caltrans that will establish the maintenance responsibilities for the sidewalk and the green bike lane striping on Westlake Boulevard.

**Professional Services Agreement**

MNS will be providing engineering services for the additional work required for completing the design of the project. The additional work includes: revising the project design from meandering to straight sidewalks along WLMA's property, addition of bike box on Triunfo Canyon Road at the intersection of Westlake Boulevard which will require bicycle loop detector, addition of Rectangular Rapid

Flashing Beacons (RRFB) on the freeway ramps in the northbound direction of Westlake Boulevard, per Caltrans' request, additional laboratory testing for aerially deposited lead (ADL), per Caltrans' request, and to prepare exhibits for the Caltrans Maintenance Agreement, HOA License Agreement, and Right of Entry/Temporary Construction Easements.

Staff recommends City Council approve the Fourth Amendment to professional services agreement with MNS (Attachment #3) in the amount of \$16,888, increasing the total not to exceed amount to \$204,525.

Below is a project preliminary cost estimate:

	<u>Fund 133</u>	<u>Fund 136</u>	<u>Fund 543</u>	<u>Federal, HSIP</u>	<u>Subtotal Cost</u>
Design	\$68,200	\$26,800		\$154,600	\$ 249,600
Construction			\$654,900	\$445,100	\$1,100,000
Construction					
CM Service			\$100,000		\$ 100,000
Total Cost	\$68,200	\$26,800	\$754,900	\$599,700	\$1,449,600

The above cost estimate is based on the preliminary design and reflects additional improvements that were not part of the original project. Staff will pursue additional HSIP grant funds for the construction phase in 2017 when the project design is closer to completion and the cost is more certain.

The estimated project cost is approximately \$500,000 more than anticipated in the FY 2015-17 Capital Budget.

The project schedule is as follows:

<u>Milestone</u>	<u>Date</u>
1. Design Complete	February 2017
2. Right-of-Way Easements	February 2017
3. Caltrans Encroachment Permit	May 2017
4. Federal Grant Obligation	August 2017
5. Contract Award	November 2017
6. Construction	January – November 2018

Staff will be coordinating the project with the upcoming Westlake Boulevard Overlay project, which is planned by Caltrans for summer 2018, to avoid conflicts between the two projects.

Public Outreach: An additional community meeting will take place near completion of design. A project website has been maintained that provides projection information to the public.

**CIP PROJECT PRIORITY** (as outlined in FY 2015-16 and FY 2016-17 CIP Program Budgets)

Priority Two - Necessary, but not essential, and there could be consequences if deferred.

**COUNCIL GOAL COMPLIANCE:**

Meets City Council Goals E and G:

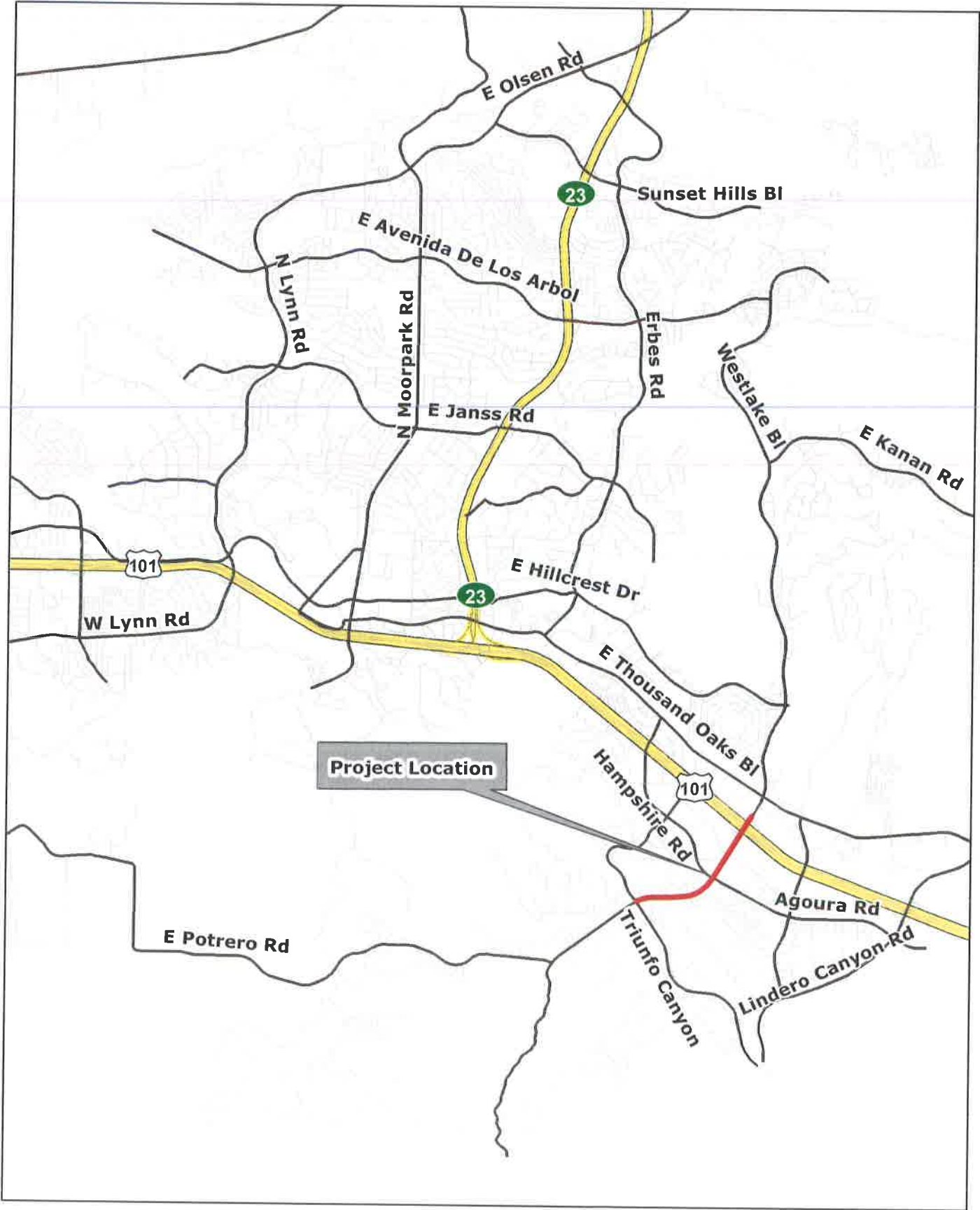
- E. Provide and enhance essential infrastructure, to ensure that the goals and policies of the Thousand Oaks General Plan are carried out and the City retains its role and reputation as a leader in protecting the environment and preserving limited natural resources.
- G. Participate in public-private and multi-jurisdictional opportunities to ensure residents have access to high levels of parks, recreation, education and leisure programs and services.

**PREPARED BY:** Mike Tohidian, Senior Engineer

**Attachments:**

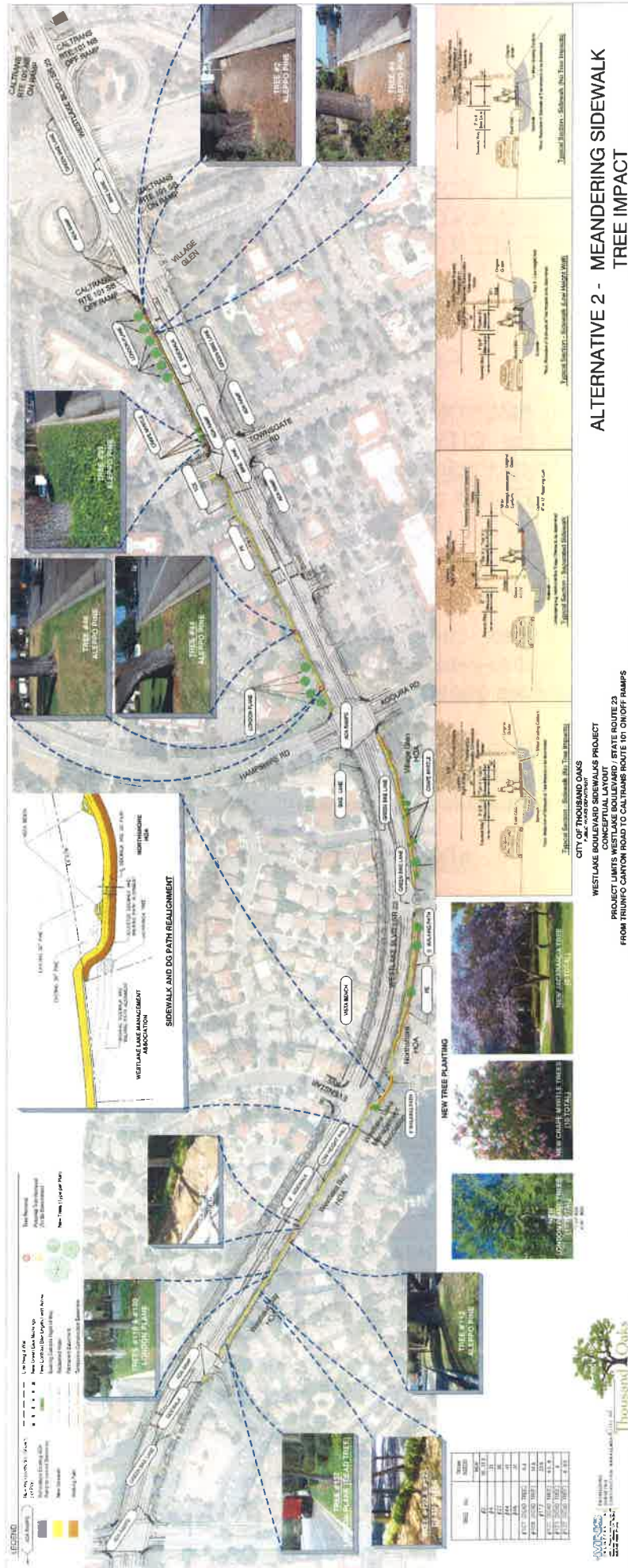
- Attachment #1 – Vicinity Map
- Attachment #2 – Alternative #2 Modified Concept Plan
- Attachment #3 – Fourth Amendment with MNS

# Westlake Blvd Sidewalk and Bike Lane Project



Vicinity Map





### ATTACHMENT #3

Project Name: Westlake Blvd Sidewalk (CI 5337)

FOURTH AMENDMENT TO  
AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN THE CITY OF THOUSAND OAKS  
AND  
MNS ENGINEERS, INC.

Contract No. 10687-2014

THIS FOURTH AMENDMENT to the Agreement for Professional Services entered into between the CITY OF THOUSAND OAKS, a municipal corporation (hereafter "City") and MNS Engineers, Inc. ("Consultant"), entitled Westlake Boulevard Sidewalk Project (CI 5337) and dated November 25, 2014 (herein "Contract") is made this

#### RECITALS

- A. Section 5 of Contract, currently, and as may have been previously amended, provides for a "not-to-exceed" total payment as consideration to Consultant of \$187,637 for services generally and briefly described as Consultant's services.
- B. City is in need of expanding the Scope of Services to be performed under the present Contract, and Consultant is desirous of performing such and receiving additional compensation for said extra services.

#### AGREEMENT TO AMEND

NOW, THEREFORE, the undersigned parties to Contract agree to amend Contract as described below:

Part 1. The following services to be performed by Consultant are added to the Scope of Services listed in Section 2 of Contract and in Amendment 1 Part 1 and Exhibit A-1, Amendment 2 Part 1 and Exhibit A-2, such section is hereby amended to add all work as set forth in Exhibit A-4 and generally as follows:

Task 1 – Additional Safety Improvements - MNS will update the layout and signing and striping plans to show the bike box and the additional Rectangular Rapid Flashing Beacons (RRFB).

Task 2 – Exhibits for Caltrans and HOAs - MNS will prepare exhibits for the Caltrans Maintenance Agreement, HOA License Agreement, Right of Entry/Temporary Construction Easements.

Task 3 – Additional laboratory testing for aerially deposited lead (ADL) with boring spacing of approximately 300 feet per Caltrans comments



Task 4 – Revise to straight sidewalks along Westlake Lake Management Association's property per City request.

Task 5 – Optional Task - Revise the improvement plans to remove the bus turnout and landscaping south of Townsgate Road adjacent to Carl's Jr. and Cisco's Restaurant if necessary.

Part 2. The sum of \$16,888 (including the optional task), is added as compensation to Consultant under the present Contract for the above-described additional services, and Subsection 3 (a) of Contract is hereby amended to read in its entirety as follows:

(a) Maximum and Rate. Section 5 in the original Agreement, and all of its Amendments, shall remain applicable, however, the "not to exceed" total payment amount shall have a net increase of \$16,888. Therefore, the total compensation payable to ENGINEER by the City for the services under this Agreement SHALL NOT EXCEED the sum of \$204,525 herein "not to exceed amount."

Part 3. All terms used in Part 1 and 2 above shall have the meanings ascribed thereto in Contract. Except as amended in Part 1 and 2 above, all other sections, terms, obligations, duties, clauses, and provisions of Contract shall remain the same.

IN WITNESS WHEREOF, the parties execute this Fourth Amendment to the Contract as of the date set forth above.

MNS ENGINEERING, INC.

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Shawn Kowalewski, Vice President

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Jim Salvito, President

CITY OF THOUSAND OAKS

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Claudia Bill-de la Peña, Mayor

ATTEST:

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Cynthia M. Rodriguez, City Clerk

APPROVED AS TO ADMINISTRATION:

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Andrew P. Powers, City Manager

APPROVED BY DEPARTMENT HEAD:

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Jay T. Spurgin, Public Works Director

APPROVED AS TO FORM:  
Office of City Attorney

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Felicia Liberman, Assistant City Attorney

EXHIBIT A-4  
Westlake Boulevard Sidewalk (CI 5337)

Scope of Work

ENGINEER shall perform the following scope of work:

Task 1 – Additional Safety Improvements – Engineer shall update the layout and signing and striping plans to show the bike box and the additional Rectangular Rapid Flashing Beacons (RRFB). Engineer shall prepare a detail and technical specification for the loop detector and update the engineer's estimate. \$3,440

Task 2 – Exhibits for Caltrans and HOAs - MNS will prepare exhibits for the Caltrans Maintenance Agreement, HOA License Agreement, Right of Entry/Temporary Construction Easements. \$7,400

Task 3 – Additional laboratory testing for aerially deposited lead (ADL) with boring spacing of approximately 300 feet per Caltrans comments. \$500

Task 4 – Revise to straight sidewalks along the Westlake Lake Management Association's property per City request. \$3,298

Task 5 – Optional Task – Engineer shall revise the improvement plans to remove the bus turnout and landscaping south of Townsgate Road adjacent to Carl's Jr. and Cisco's Restaurant if necessary. Tree planting is assumed to remain and only adjustment to the irrigation design for the straight sidewalk will be necessary. \$2,250

Total Fee = \$16,888

Schedule

Tasks shall be completed within a month after the notice to proceed.

