



# Council Agenda Report

To: Mayor Silverstein and the Honorable Members of the City Council

Prepared by: Brandie Ayala, Senior Management Analyst

Reviewed by: Tatiana Holden, Interim Public Works Director/Assistant City Engineer

Approved by: Rob DuBoux, Interim City Manager

Date prepared: January 26, 2026 Meeting date: March 9, 2026

Subject: Amendment to Agreement with Burns-Pacific Construction, Inc.

**RECOMMENDED ACTION:** Authorize the Mayor to execute Amendment No. 1 to Agreement with Burns-Pacific Construction, Inc. to adjust the contract’s labor, equipment and rental rates.

**FISCAL IMPACT:** No additional appropriation is required. Budget adjustments were included as part of the City’s mid-year budget adjustments. Funding for this agreement is included in the Adopted Budget for FY 2025-26 in Account Nos. 100-3001-5120 (Street Maintenance), 100-3001-5120-02 (Street Maintenance – Summer), 100-3001-5123 (Storm Response), 100-3001-5123-01 (Storm Drain System Maintenance), 100-3001-5127 (Weed Abatement), 100-3001-6160 (Operating Supplies) and 100-3001-7800 (Equipment).

Budget Item	FY2025-26 Adopted Budget	FY2025-26 Amended Budget
Routine Maintenance	\$1,375,000	\$1,662,000
Routine Maintenance – Summer	\$50,000	\$50,000
Storm Response	\$250,000	\$1,250,000
Storm Drain System Maintenance	\$135,700	\$135,700
Weed Abatement	\$236,000	\$291,000
Operating Supplies	\$40,000	\$40,000
Equipment	\$118,500	\$125,000

STRATEGIC PLAN IMPLEMENTATION: N/A.

DISCUSSION: On September 23, 2024, the City Council authorized the Mayor to execute an agreement with Burns-Pacific Construction, Inc. (Burns) for annual street maintenance services. These services include pavement repairs, weed abatement, crack sealing, street sign installation, emergency storm response, sidewalk maintenance, storm drain system repairs and cleaning, and other routine maintenance work. These tasks are vital to prolong the lifespan of the City's infrastructure. Due to the level of effort and diversity of tasks to be done, the City contracts for these services.

The Routine Street Maintenance Services agreement provides various street maintenance services to the City to operate the City's Street Maintenance Program. The agreement also includes a requirement that the contractor provides a storage area for City street maintenance supplies and materials, provide 24-hour response during emergencies and storm events which include heavy equipment as needed.

Burns utilizes a labor force that uses prevailing wages and as such their labor rates were adjusted after the City entered into the agreement. Staff is requesting the City Council authorize the Mayor to execute Amendment No. 1 to update labor, equipment and rental rates.

ATTACHMENTS:

Amendment No. 1 to Agreement with Burns-Pacific Construction, Inc.

**AMENDMENT NO. 1 TO AGREEMENT**

THIS AMENDMENT NO. 1 TO AGREEMENT is made and entered into on February 23, 2026, by and between the CITY OF MALIBU, a municipal corporation, hereinafter referred to as "City", and Burns-Pacific Construction, a California corporation, hereinafter referred to as "Consultant". City and Consultant are each a "Party" and collectively, the "Parties".

The City and the Consultant agree as follows:

**RECITALS**

A. On September 23, 2024, the City entered into an Agreement with Consultant for annual street maintenance services (the "Agreement").

B. The Parties desires to amend the Agreement to include updated labor and equipment rates, and Consultant has submitted a proposal for this purpose that is acceptable to the City.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended as set forth in Exhibit B attached hereto and effective July 1, 2025.
2. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
3. All terms and conditions of the Agreement not amended by this Amendment No. 1 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, at Malibu, California, and effective as of July 1, 2025.

CITY OF MALIBU:

\_\_\_\_\_  
BRUCE SILVERSTEIN, Mayor

ATTEST:

\_\_\_\_\_  
KELSEY PETTIJOHN, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY'S OFFICE

\_\_\_\_\_  
TREVOR RUSIN, Interim City Attorney

CONSULTANT:  
BURNS-PACIFIC CONSTRUCTION,  
a California corporation

  
By: Michael Moraga  
Title: President

**BURNS PACIFIC CONSTRUCTION  
2025 LABOR / EQUIPMENT RATES AND YARD RENTAL  
CITY OF MALIBU**

**EXHIBIT B - COMPENSATION RATE SCHEDULE**

<b>LABOR</b>	<b>EFF. 07/01/25</b>	<b>PER HR./DAY</b>
<b>FOREMAN</b>		
Straight Time	\$ 132.84	Hr.
Overtime	\$ 170.12	Hr.
Sunday/Holiday	\$ 207.41	Hr.
<b>OPERATOR</b>		
Straight Time	\$ 130.61	Hr.
Overtime	\$ 167.90	Hr.
Sunday/Holiday	\$ 205.18	Hr.
<b>TRUCK DRIVER</b>		
Straight Time	\$ 100.45	Hr.
Overtime	\$ 123.26	Hr.
Sunday/Holiday	\$ 146.08	Hr.
<b>LABORER</b>		
Straight Time	\$ 98.68	Hr.
Overtime	\$ 124.05	Hr.
Sunday/Holiday	\$ 153.55	Hr.
<b>LABOR - BRUSH CLEARANCE</b>		
<b>FOREMAN (Leadman) Union will not let us use anyone but Journeyman with apprentices.</b>		
Straight Time	\$ 98.68	Hr.
Overtime	\$ 124.05	Hr.
Sunday/Holiday	\$ 153.55	Hr.
<b>LABORER</b>		
Straight Time	\$ 53.05	Hr.
Overtime	\$ 73.08	Hr.
Sunday/Holiday	\$ 93.11	Hr.
<b>EQUIPMENT</b>		
<b>TRUCKS</b>		
Pickup Trucks (Up to 12,000 GVW)	\$ 26.00	Hr.
Flatbed Trucks (12,000 - 20,000 GVW)	\$ 42.00	Hr.
Crew Trucks w/Tools (12,000 - 20,000 GVW)	\$ 42.00	Hr.
C-20   Chevrolet 350 Flatbed Utility / Dump Truck	\$ 53.00	Hr.
P-9   Ford 2-axle Manlift Bucket Truck (Tree Trimming)	\$ 47.00	Hr.
<b>DUMP TRUCKS</b>		
T-28   Ford S-DTY F-550 Dump/Plow Truck	\$ 63.00	Hr.
T-29   Peterbilt 3-axle Dump Truck	\$ 55.00	Hr.
T-30   Ford F-550 Dump/Plow Truck	\$ 63.00	Hr.
<b>WATER TRUCKS</b>		
W-11   Freightliner 2000 Gal. Water Truck	\$ 42.00	Hr.
<b>ROCK BLADE TRUCKS</b>		
BT-28 BT-30  2-axle 4-Wheel Drive Dump Truck with Rock Blade	\$ 95.00	Hr.

<b>TRANSPORT TRUCKS AND TRAILERS TO MOVE EQUIPMENT</b>		
T-32   Peterbilt 3-axle Tractor / 2-axle Lowbed Trailer	\$ 63.00	Hr.
TRLR-11   Kaufman Utility Trailer	\$ 30.00	Hr.
BPC   Utility Trailer	\$ 21.00	Hr.
<b>SKIPLOADERS</b>		
S-7   New Holland LV 80 Skiploader	\$ 47.00	Hr.
S-9   J.D. 210LE Siploader	\$ 47.00	Hr.
<b>BACKHOES: B-8   B-10   B-11</b>		
CAT 420F2 Tier 4 4x4 Backhoe	\$ 65.00	Hr.
1500 lb. Breaker for Backhoe	\$ 300.00	Day
<b>SKID STEER LOADERS</b>		
L-12   CAT 299D2 Compact Track Loader (Skid Steer)	\$ 95.00	Hr.
L-13   Bobcat 763 Rubber Tire Skid Steer	\$ 63.00	Hr.
Breaker Attachment for Bobcat	\$ 168.00	Day
Broom Attachment for CAT 299D2	\$ 125.00	Day
Cold Planer Attachment for Bobcat (299D)	\$ 400.00	Day
<b>RUBBER TIRE LOADERS</b>		
L-6   CAT 962M Loader	\$ 116.00	Hr.
<b>EXCAVATORS</b>		
E-11   CAT 305.5E2 Excavator	\$ 84.00	Hr.
<b>DOZERS</b>		
D-7   J.D. 550J Dozer w/Slopeboard & Rippers	\$ 84.00	Hr.
<b>COMPACTORS</b>		
CP-2   CAT CP433E Compactor	\$ 147.00	Hr.
<b>SPECIALTY EQUIPMENT</b>		
PW-1   High-pressure Hot/Cold Mobile Washer (Graffiti Removal)	\$ 210.00	Day
R-1   Dbl-smooth Drum Vibratory Roller (Pavement Repairs)	\$ 26.00	Hr.
<b>SMALL TOOLS: 4 HR. MINIMUM</b>		
Vibratory Plate Compactor	\$ 27.00	Hr.
Jumping Jack Compactor	\$ 27.00	Hr.
180 CFM Air Compressor w/90# Hammer Package	\$ 53.00	Hr.
Air Compressor Only	\$ 48.00	Hr.
Arrow Board	\$ 10.00	Hr.
Chainsaw - 18" or 24"	\$ 25.00	Hr.
Concrete/Asphalt Saw	\$ 26.00	Hr.
Dry sidewalk grinder package	\$ 6.00	Hr.
Roto Hammer	\$ 95.00	Day
Trench Plate 8 x 6	\$ 11.00	Day
Trench Plate 6 x 10	\$ 16.00	Day
2" Water Pump	\$ 168.00	Day
4" Trash Pump	\$ 231.00	Day
<b>MAINTENANCE YARD</b>		
Monthly Rent 04/01/25 - 03/31/26 *	\$ 8,250.00	Mo.
*Potential increase on 04/01/26 of 10% to 15% which is projected.		

Subcontractors and materials shall be marked up at 15%