



Agenda Item 6-N  
Approvals:  
City Manager [Signature]  
Dept. Head [Signature]  
Attorney [Signature]  
Finance [Signature]

## AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: February 5, 2019

**Department:** Community Development  
**Prepared By:** Gabriel Perez, City Planner

**Subject:** *SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT – CONSULTANT SERVICES TO ASSIST IN THE PREPARATION OF THE LOCAL COASTAL PROGRAM AND COASTAL RESILIENCY PLAN.*

**Fiscal Impact:** Yes. The total Professional Services Agreement (PSA) cost is \$75,000, in which the funds were received from a State Grant to support continued progress toward obtaining a fully certified Local Coastal Program.

**Summary:** This is a request to approve a Second Amendment to a PSA with Dudek/McCabe & Company for consultant services to assist the City with the completion of the Local Coastal Program (LCP). The amendment includes the acceptance of state grant funds in the amount of \$75,000 and extending the term of the contract until December 31, 2020.

**Background:** To receive LCP certification from the California Coastal Commission, a jurisdiction is required to develop a land use plan (LUP) and an implementation plan (IP). On April 24, 2013, the City received a grant for \$90,000 that was utilized in the development of the LUP, environmental studies, maps, and the development of a preliminary Implementation Plan (IP) draft. On January 3, 2017, the City received a second grant of \$135,000 to continue work to complete the LUP, begin development of the companion IP and prepare a Sea Level Rise Vulnerability Assessment (SLRVA). On August 10, 2018 the City's LUP, prepared with the assistance of the previous two grants was fully certified by the Executive Director of the CCC.

On September 4, 2018 the Council authorized staff to apply for a third grant that was awarded to the City in the amount of \$75,000 to fund the remaining work necessary to obtain full certification. Moving forward in the process, staff will continue to work with CCC staff and interested stakeholders to develop a complete IP. Staff anticipates that it will take approximately 12-18 months to have a City Council adopted IP that can be submitted to the CCC for review and processing.

**Discussion:** Under State law, all coastal California cities and counties must adopt a Local Coastal Program and submit it to the State for review. State certification of a complete, Local Coastal Program continues to be an important City goal, both to ensure long-term coastal protection and to provide improved customer service through a City-administered permit process in the Coastal Zone. The Centennial General Plan calls for the City to “Prepare a Local Coastal Program and secure California Coastal Commission approval.” (Coastal Element, Implementation Measure #1). Adopting a LCP will assure consistency with the Centennial General Plan, related Specific Plans and the Zoning Ordinance. Additionally, the 2010 Citygate management study identified completion of the LCP as a high priority to improve customer service.

Staff is requesting a Second Amendment to the PSA with Dudek/McCabe & Company to include the additional awarded grant funds and to extend the term of the contract to December 31, 2020. The consultants proposal cost is \$75,000 for two years of technical studies, public outreach, development of the IP, and coordination between the City and the California Coastal Commission to secure certification. Staff is supportive of the amended PSA because the consultants are leaders in their specialized fields and have extensive experience working with the CCC. The grant from the CCC will allow the City to continue to work with the selected consultants to complete the remaining tasks to obtain a Certified LCP. For this reason, staff recommends City Council approve the Second Amendment to the PSA with Dudek/McCabe & Company.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council

1. Approve, and authorize the Mayor to execute, Amendment No. 2 to Contract \_\_\_\_\_, by and between the City of San Clemente and Dudek/McCabe & Company, providing for consulting services to assist in the preparation of the Local Coastal Program and Coastal Resiliency Plan. This contract amendment increases the contract amount from \$283,250 to \$358,250, an increase of \$75,000.
2. Accept grant revenues of \$75,000 from the State of California to account #001-000-33490 and approve a related budget appropriation of \$75,000 to account 001-431-43890.

**Attachment:** Second Amendment to the Professional Services Agreement with Dudek/McCabe & Company

**Notification:** None

**SECOND AMENDMENT TO  
PROFESSIONAL SERVICES AGREEMENT FOR  
CONSULTANT SERVICES TO UPDATE THE LOCAL COASTAL PROGRAM**

This Second Amendment to Professional Services Agreement for the Local Coastal Program, (this "Second Amendment") is made and entered into on this 5th day of February, 2019, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and DUDEK/McCabe and Company ("Contractor").

R E C I T A L S:

- A. City and Contractor entered into that certain Professional Services Agreement for planning and Sea Level Rise services in connection with completing the City's Local Coastal Program ("LCP") Land Use Plan, preparation of the companion LCP Implementation Plan, and the preparation of a Coastal Resiliency Plan (the "Original Agreement") on April 15, 2014.
- B. City and Contractor entered into that certain First Amendment to Professional Services Agreement for planning and Sea Level Rise services in connection with completing the City's Local Coastal Program ("LCP") Land Use Plan, preparation of the companion LCP Implementation Plan, and the preparation of a Coastal Resiliency Plan ("First Amendment") on February 21, 2017. the Original Agreement, as modified by the First Amendment, is hereinafter referred to as the "Agreement."
- C. City and Contractor desire to amend the Agreement in the manner provided hereinbelow.

C O V E N A N T S:

Section 1: Article 1.1 of the Agreement is hereby amended by extending the term of the Agreement until December 31, 2020. In addition to the services to be performed by Contractor as referenced in Exhibit A to the Original Agreement and Exhibit A to the First Amendment, Contractor shall also perform those services described in Exhibit A of this Second Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Contractor shall also perform services in accordance with the Schedule of Performance described in Exhibit B to the First Amendment, Consultant shall also perform those services described in Exhibit B to this Second Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Section Article 3. 1 of the Agreement is hereby amended by increasing the total compensation amount from Two Hundred Eighty Three Thousand Two Hundred and Fifty Dollars (\$283,250) to Three Hundred Fifty Eight Thousand Two Hundred and Fifty Dollars (\$358,250): Except as expressly amended by this Second Amendment, the remaining portions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Second Amendment to be duly executed on the respective dates set forth opposite their signatures.

CITY OF SAN CLEMENTE

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK of the City of  
San Clemente, California

Approved as to form:  
BEST BEST & KRIEGER

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Finance Authorization

\_\_\_\_\_  
("CONTRACTOR")

By: \_\_\_\_\_

Its: \_\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_

## EXHIBIT "A"

### Subtask 2.1: Complete draft IP

In order to prepare a complete IP draft, the Dudek team will:

- a) Finalize existing draft IP sections, including:
  - o Parts 1: Implementation Plan Applicability, Part 2: Coastal Development Permit, and Part 4: Coastal Zoning Districts, Allowable Land Uses, and Standards;
- b) Review the Sea Level Rise Vulnerability Assessment and identify relevant findings, in coordination with City staff, to be reflected in the coastal hazards implementation measures;
- c) Draft remaining IP sections, including:
  - o Part 3: General Coastal Development Standards, Part 5: Additional General Coastal Development Standards, Part 6: Coastal Resource Protection Standards, Part 7: Definitions;
- d) Coordinate with City staff on initial reviews to determine approach, make policy decisions, and revise IP language based on specific City feedback, including:
  - o email correspondence and coordination calls every two weeks with City staff during the 6 month project term (up to 10 coordination calls and up to 2 in-person meetings) to facilitate expedited review and feedback and share understanding of objectives, and
  - o revisions from City staff shall be consolidated into one version per IP section in ~~strikeout~~ and underline.

### Task 2.1 Deliverable: Complete Draft IP

#### Assumptions and Exclusions:

This scope includes general project management of the above-identified tasks, including invoice preparation and sub consultant coordination and invoicing. This scope of work does not include coordination with CCC staff and does not include assistance for CCC issue resolution and hearing support. Assistance responding to CCC requests and revising IP language following submittal to CCC will be subject to an additional scope and fee. This scope assumes that the City will prepare and finalize maps and appendices (Specific Plans) and does not include scope or budget for Dudek GIS mapping staff.

Fee: The estimated fee for this scope of work is \$75,000, which includes approximately 50 hours per month of coastal planner staff time for the 6 month project term and \$20,000 for Moffatt and Nichol to assist with the Coastal Resiliency Plan.

Coastal Planner IV 40 hrs./month x 6 x \$170=\$40,800  
Coastal Planner VI 6 hrs./month x 6 x \$200=\$7,200  
Project Manager (McCabe) 6hrs./month x6x\$185=\$6,660  
+~\$350 ODCs =55,000 + \$20,000 Moffatt & Nichol

**EXHIBIT "B"**  
**Benchmark Schedule**

<b>ACTIVITY</b>	<b>COMPLETION DATE</b>
Kick Off Meeting Project Team	November 2018
Monthly progress reports / meetings / teleconferences with Team and CCC Staff/ Quarterly Grant Reporting	Ongoing for duration of contract
Incorporate comments from CCC Staff on Draft SLR VA & begin public review and comment	November & December 2018
Conduct Public Outreach on Draft SLR VA	December 2018 – December 2019
Revise Draft SLR VA to address stakeholders	March 2019
Prepare Final SLR VA and Coastal Resiliency Plan	June 2019
Coastal Advisory Committee: SLR VA & Coastal Resiliency Plan	September 2019
Planning Commission: SLR VA & Coastal Resiliency Plan	October 2019
City Council Meeting: SLR VA & Coastal Resiliency Plan	November / December 2019
Complete Administrative Draft IP	April 2019
Submit Draft IP to CCC for review and comments	May 2019
Revise Draft IP to address CCC comments	September 2019
Initiate Public Outreach on Draft IP	October 2019
Coastal Advisory Committee Meetings: IP	October 2019
Planning Commission Meetings and Hearings: IP	November 2019
City Council Public Hearings: Adopt IP	December 2019
Formal Submittal of Draft IP to CCC	February 2020
Coordinate with CCC on Suggested Modifications to IP	February – October 2020
CCC Hearing to Certify IP	October 2020
City Council Adoption of IP	December 2020
CCC Executive Director approves IP	January/February 2021