



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### City Council Meeting

910 Calle Negocio  
2nd Floor  
San Clemente, California  
www.san-clemente.org

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**Meeting Date:** 1/17/2023

Agenda Item: 6K.

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**Department:** Utilities

**Prepared By:** David Rebensdorf, Utilities Director

**Subject:**

**APPROVAL OF A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH GEOSYNTEC CONSULTANTS FOR WATER QUALITY MANAGEMENT PLAN PROGRAM ASSESSMENT AND IMPLEMENTATION**

**Fiscal Impact:**

The \$40,000 for costs related to the Water Quality Management Plan (WQMP) Plan Check Review task under the Third Amendment will be reimbursed to the City through developer deposit accounts, resulting in no net cost to the City.

**Summary:**

Staff recommends City Council approve a Third Amendment to the Professional Services Agreement with Geosyntec Consultants to continue the Water Quality Management Plan (WQMP) Plan Check Review task portion of the Agreement.

**Background:**

In 2003, the City's National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Permit (MS4 Permit) required on-site design measures for certain types of development projects and redevelopment projects, also known as Priority Development Projects (PDPs), which are intended to control pollutants in stormwater that could negatively impact the City's creeks, beaches and ocean waters. Per the MS4 Permit, the City is required to implement a program that requires and confirms that structural Best Management Practices (BMPs) on all PDPs are designed, constructed, and maintained to remove pollutants in storm water.

In 2019, Utilities staff conducted a Request for Proposal process for a qualified third party to provide WQMP plan check review services, WQMP inspections, and WQMP inventory assessment to ensure the City's WQMP program is compliant with MS4 Permit requirements. The City entered into a Professional Services Agreement with Geosyntec Consultants. The initial Agreement approved by City Council on December 3, 2019 was for an amount not to exceed \$94,444 and authorized the City Manager to approve future amendments to the Agreement not to exceed \$40,000 per Fiscal Year for a maximum of two additional years. Two Amendments have been executed for this Agreement so far, for a total of \$80,000. Due to lack of staffing within the Clean Ocean Program, there is a need for continued services from Geosyntec for WQMP Plan Check Reviews. Staff is requesting a Third Amendment to the Agreement for an additional \$40,000 for a new total of \$214,444 for the remainder of the Agreement. Staff proposes to conduct a Request for Proposals prior to completion of the proposed \$40,000 Amendment. To maintain consistency of ongoing development projects under review by Geosyntec, staff is recommending authorization for the City Manager to approve a contract Amendment up to \$15,000.

**Discussion:**

To continue meeting MS4 Permit requirements, the City's MS4 Permit requires the preparation of WQMPs for PDPs that prescribe permanent structural and non-structural post-construction BMPs to accomplish the goal of removing pollutants from stormwater runoff that will discharge from PDP sites. WQMPs are very technical and require an engineer with extensive water quality knowledge to review them to ensure that the developer is proposing appropriate type and size of BMPs specific to the land use type and that the BMPs are sized correctly based on the project site's impervious area.

The main steps in the WQMP review process are as follows:

- Determine which components of a WQMP apply to the proposed project.
- Review drafts and final version of a PDPs WQMP to ensure it complies with MS4 Permit requirements.
- Conduct supporting investigations and calculations.
- Ensure that the proposed BMPs are properly designed to remove pollutants from stormwater that are expected to be generated by the PDP land use.

At a minimum, each WQMP requires three reviews: initial, second, and final. Some WQMPs require additional reviews based on responses from project proponents. All costs associated with the plan check review will be reimbursed to the City through the developer deposit for the project.

Due to the steady increase in the number of PDPs that the City has been receiving for plan check review (approximately 12 annually), City staff sought assistance to streamline the plan check review process. Previously, both Clean Ocean Program and Engineering staff reviewed the draft WQMPs, which was inefficient due to City staff workload, lack of expertise related to new technological advances in water quality treatment devices, and the time required to perform research on new equipment and review design calculations for sizing to ensure pollutants are removed from the stormwater runoff. Having a consultant conduct the plan checks allows each WQMP review to be completed within a two-week period, which is mutually beneficial for the project proponent and the City. In addition, knowledge and experience with using the WQMP template and associated 600 page technical guidance document, as well as experience reviewing WQMPs will ensure that the WQMPs meet permit requirements.

**Plan and Policy Consistency:**

The approval is consistent with the following General Plan Goals and Policies:

- Goal: To protect and preserve the quality of local surface waters, community public health and the environment through implementation of activities to reduce stormwater and also to reduce or eliminate urban runoff pollution from industrial, commercial, new development and construction, and residential areas that may enter the storm drainage system and discharge to local creeks or coastal waters.
- Policy PSFU-7.04. Development Review. We require that new development and significant redevelopment projects (as defined in the City's Stormwater Local Implementation Plan) implement appropriate site design, source control/nonstructural and structural best management practices to reduce or eliminate stormwater and urban runoff flows and pollution, to the maximum extent practicable.

**Council Strategy:**

None.

**Recommended Actions:**

Staff Recommendation

Staff Recommends that the City Council:

1. Approve and authorize the City Manager to execute the Third Amendment by and between the City of San Clemente and Geosyntec Consultants providing for Water Quality Management Plan Program Assessment and Implementation services for an amount not to exceed \$40,000; and
2. Authorize the City Manager to approve a future Amendment to complete plan checks for ongoing development projects under review at the expiration of the contract Amendment limit of \$40,000 for an additional \$15,000.

**Attachments:**

1. Agenda Report dated December 3, 2019 (without attachments)
2. Third Amendment to Professional Services Agreement with Geosyntec Consultants for Water Quality Management Plan Program Assessment and Implementation

**Notification:**

None.



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: December 3, 2019

Agenda Item 6G  
Approvals:  
City Manager JM  
Dept. Head JDR  
Attorney \_\_\_\_\_  
Finance JW

**Department:** Utilities  
**Prepared By:** Cynthia Mallett, Environmental Programs Supervisor *CAM*

**Subject:** **APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH GEOSYNTEC CONSULTANTS FOR WATER QUALITY MANAGEMENT PLAN PROGRAM ASSESSMENT AND IMPLEMENTATION.**

**Fiscal Impact:** Yes. There is adequate funding for the proposed \$94,444 expenditure. Approximately \$31,200 in costs for the Water Quality Management Plan (WQMP) Plan Check Review task will be reimbursed to the City through developer deposit accounts. Costs for the remaining tasks of \$63,244 are proposed to be funded through salary savings due to a vacant position in the Clean Ocean Program for FY 2020 to be transferred to Account Number 057-541-43690, if approved.

**Summary:** Staff recommends City Council approve a Professional Services Agreement for Water Quality Management Plan (WQMP) Program Assessment and Implementation.

**Background:** In 2003, the City's National Pollutant Discharge Elimination System Municipal Separate Storm Sewer Permit (MS4 Permit) required on-site design measures for certain types of development projects and redevelopment projects, also known as Priority Development Projects (PDPs), which are intended to control pollutants in stormwater that could negatively impact the City's creeks, beaches and ocean waters. Per the MS4 Permit, the City is required to implement a program that requires and confirms that structural Best Management Practices (BMPs) on all PDPs are designed, constructed, and maintained to remove pollutants in storm water. The City's Clean Ocean Program is seeking assistance from a qualified third party for WQMP plan check review services, WQMP inspections and WQMP inventory assessment to ensure the WQMP program is compliant with MS4 Permit requirements. City staff is also seeking a consultant to provide a recommendation to revise the WQMP Plan Check Fee Schedule to ensure that the fee is adequate to cover City costs for the WQMP plan check reviews.

**Discussion:** To continue meeting MS4 Permit requirements, the following are the proposed tasks for this project:

1. Conduct plan check review of WQMPs to ensure that the proposed structural BMPs conform to performance requirements of the MS4 Permit and the South Orange County Watershed Management Area Model WQMP and Technical Guidance Document.
2. Conduct on-site inspections and request maintenance records, when applicable, for all WQMPs in inventory.

3. Review the current inventory of WQMPs and assess if the inventory has current and complete information as required by the MS4 Permit and update the inventory where needed.
4. Assess current WQMP fee schedule for plan check and make recommendations for revisions.

### **Plan Check Review of WQMPs**

The MS4 Permit requires the preparation of WQMPs for PDPs that prescribe permanent structural and non-structural post-construction BMPs to accomplish the goal of removing pollutants from stormwater runoff that will discharge from PDP sites. WQMPs are very technical and require an engineer with extensive water quality knowledge to review them to ensure that the developer is proposing appropriate type and size of BMPs specific to the land use type and that the BMPs are sized correctly based on the project site's impervious area.

The main steps in the WQMP review process are as follows:

- Determine which components of a WQMP apply to the proposed project.
- Review drafts and final version of a PDPs WQMP to ensure it complies with MS4 Permit requirements.
- Conduct supporting investigations and calculations.
- Ensure that the proposed BMPs are properly designed to remove pollutants from stormwater that are expected to be generated by the PDP land use.

At a minimum, each WQMP requires three reviews: initial, second, and final. Some WQMPs require additional reviews based on responses from project proponents. All costs associated with the plan check review will be reimbursed to the City through the developer deposit for the project. This task is proposed to continue annually, based on performance, for an additional two years. City staff requests that the City Council authorize the City Manager to approve future amendments to the Agreement not to exceed \$40,000 per fiscal year for a maximum of two additional years.

Due to the steady increase in the number of PDPs that the City is receiving for plan check review (approximately 12 annually, an increase from six annually), City staff is seeking assistance to streamline the plan check review process. Currently both Clean Ocean Program and Engineering staff review the draft WQMPs which can take longer than planned based on City staff workload at the time the plans are received. Having a consultant conduct the plan checks will allow for each WQMP review to be completed within a two-week time frame which will be mutually beneficial for the project proponent and the City.

In addition, the review of the WQMPs is becoming more challenging as new options of BMP devices become available. Reviewing WQMPs that include a new proprietary BMP device can take longer because of the need to research and confirm that the proposed BMP will work as designed, be applicable to the proposed land use and ensure that the BMP is sized appropriately for the specified drainage area to remove

pollutants in stormwater runoff. Contracting with a consultant that has a specialized understanding of the WQMP requirements and has the ability to review proprietary type devices in a timely manner is key to consistency and timeliness of plan check reviews. Knowledge and experience with using the WQMP template and associated 600 page technical guidance document, as well as experience reviewing WQMPs will ensure that the WQMPs meet permit requirements.

### **WQMP Inspection and Inventory Assessment**

The Clean Ocean Program is required to manage the WQMP inventory and conduct inspections of all WQMPs in the inventory on an annual basis. In past years, this task was completed annually by one of the two Water Quality Code Compliance Officers (Officer). With the potential of the Clean Ocean Fee sun setting on June 30, 2020, City staff are seeking the assistance of a consultant to conduct the inspections during FY 2020 in lieu of filling the second Officer position. This allows the current Officer to focus on other MS4 Permit requirements. It also provides for a qualified third party to conduct on-site inspections, update the current inventory and ensure all data required by the MS4 Permit is included in the inventory. As part of the Clean Ocean Fee Renewal process, City staff is analyzing Clean Ocean Program costs and future program needs. Temporarily contracting for these subject services provides staff an opportunity to evaluate inspection and administrative options and costs as part of the 2020 Clean Ocean Fee Renewal.

### **Assess Water Quality Management Plan Check Fee Schedule**

The current fee schedule for review of WQMPs has not been assessed or revised in several years. The consultant is being asked to provide a recommendation of a revised fee schedule for WQMP review to ensure that City staff time and consultant costs are fully covered for the review and approval of WQMPs. Based on information provided, City staff may come before City Council in the future to recommend a revision to the WQMP fee schedule. This is a one-time task.

### **Summary and Recommendation**

An RFP was advertised on Planet Bids in July 2019 for the tasks listed above. Four proposals were received. Total costs for all tasks ranged from \$82,226 to \$121,706. Utilities and Engineering staff as well as four City Management Analyst staff reviewed the proposals and interviewed all four firms.

Following the City's Policy and Procedures Number 201-2-3 for the Selection of Professional Services Contractors and Section 6.4 Criteria for Selection, City staff unanimously recommends contracting with Geosyntec Consultants in the amount of \$94,444 for the following reasons:

1. Geosyntec's project lead is a professional engineer and the project team has civil and environmentally related engineering degrees as well as various stormwater related certifications.
2. Geosyntec contracted with the County of Orange, on behalf of all Orange County cities (Co-permittees), to develop the WQMP template and the associated

Technical Guidance Document (TGD) that developers and contractors use to develop a WQMP for land development projects. These two complementary documents were approved by the Regional Water Quality Control Board and are used by all developers and Co-permittees in South Orange County to prepare and design WQMPs. With Geosyntec being the author of the actual WQMP template and TGD, it gives the City great assurance that they will assist the City in complying with this component of the MS4 Permit.

3. The project team has extensive experience specific to the tasks listed in the RFP. Geosyntec's team has expertise directly related to WQMP Plan Check Review, WQMP inspections and WQMP inventory management in the southern California region. Geosyntec has prepared WQMPs and performed plan check review to ensure compliance with the MS4 Permit for several southern California municipalities and agencies. Their proposed inspection team member has conducted hundreds of MS4 Permit related inspections for multiple southern California municipalities and agencies at commercial, industrial and municipal sites and updated associated inventories, all MS4 permit requirements.
4. The project lead for this City contract was the project lead during the development of the Orange County WQMP template and the TGD. He effectively worked with Orange County Co-permittee staff during the development of these two MS4 Permit required documents.
5. City staff reached out to references listed in Geosyntec's proposal and all provided similar positive feedback including that the Geosyntec staff conducted tasks in a timely manner, were easy to work with, had good rapport with facility managers during inspections and have the ability to convey complicated and technical issues in a positive and more easily understood manner to the public. Due to Geosyntec's expertise, quality and knowledge of their staff, City staff is confident that they will be able to complete tasks per the schedule, including the completion of plan check reviews within the required two-week time frame.
6. The methodology to perform the specific tasks was clearly outlined in their proposal and clearly presented during the interview process.
7. Geosyntec has great depth of knowledge and expertise of local and regional conditions specific to BMP design, site planning, inspections and inventory management based on the team's extensive work experience in southern California for other municipalities and agencies.
8. The firm provides added value by offering to upload all WQMP information into a regional database (Orange County Stormwater Tools) that is being populated with WQMP inventories and other regional and municipal BMPs, such as trash capture devices installed in catch basins, for all Orange County cities. The Orange County Stormwater Tools database was created by Geosyntec on behalf of the Orange County Co-permittees. Having this firm upload the City's WQMP inventory is a task that would otherwise need to be completed by City staff and uploading the inventory by this firm will streamline the process due to their familiarity with the software program itself.

The Orange County Stormwater Tools platform will model pollutant load reductions and flow reductions from BMPs and WQMP sites that are added to the OC Stormwater Tools platform. By using the Orange County Stormwater Tools to house the WQMP inventory, the City will be able to start receiving quantitative reports regarding pollutant load reductions and dry weather flow reductions

provided by BMPs on WQMP sites. Geosyntec has expertise regarding how to populate the WQMP inventories so that credit will be calculated which will allow the City to demonstrate progress toward meeting Bacteria Total Maximum Daily Load requirements and other pollutant load reductions.

9. The firm also brings a nationwide research perspective related to these topics. Geosyntec regularly leads applied research for organizations such as the Transportation Research Board (TRB), the Water Environment and Reuse Foundation (WE&RF), US Environmental Protection Agency (USEPA), and American Society of Civil Engineers (ASCE), on topics such as BMP performance, infiltration feasibility, causes of BMP failure, BMP O&M and lifecycle costs, BMP modeling, and other topics.

Geosyntec proposes the following tasks for this project:

- Conduct plan check review of WQMPs.
- Conduct required inspections of all WQMPs in inventory.
- Review and update the WQMP inventory to ensure data collected and on file meets MS4 Permit compliance.
- Upload the WQMP inventory to the Orange County Stormwater Tools database.
- Assess current fee schedule and provide a recommendation for revision.

The Professional Services Agreement and proposed Scope of Work are provided in the Agenda Report attachment. Proposals submitted by other firms for this project are on file in the City Clerk's office for review.

### **Recommended**

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

1. Approve and Authorize the City Manager to execute Contract \_\_\_\_\_ by and between the City of San Clemente and Geosyntec Consultants providing for Water Quality Management Plan Program Assessment and Implementation services in an amount not to exceed \$94,444 for the initial year of the agreement;
2. Authorize the City Manager to approve future amendments to the Agreement for WQMP Plan Check Review not to exceed \$40,000 per fiscal year for a maximum of two additional years; and
3. Authorize the transfer of \$63,244 from salary savings in Account Number 057-541-41010 to Account Number 057-541-43690 Professional Services.

**Attachments:** Professional Services Agreement with Geosyntec Consultants for Water Quality Management Plan Program Assessment and Implementation.

**Notification:** None.



**THIRD AMENDMENT TO  
PROFESSIONAL CONSULTANT SERVICES AGREEMENT FOR  
WATER QUALITY MANAGEMENT PLAN PROGRAM ASSESSMENT AND  
IMPLEMENTATION**

This Third Amendment to Professional Consultant Services Agreement for Water Quality Management Plan Program Assessment & Implementation (this “Third Amendment”) is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between the CITY OF SAN CLEMENTE, a California municipal corporation (“City”), and Geosyntec Consultants (“Consultant”).

**RECITALS:**

- A. City and Consultant entered into that certain Professional Consultant Services Agreement for Water Quality Management Plan Program Assessment & Implementation (the “Original Agreement”) on December 3, 2019.
- B. City and Consultant entered into that certain First Amendment to the Professional Consultant Services Agreement for Water Quality Management Plan Program Assessment & Implementation (“First Amendment”) on December 18, 2020.
- C. City and Consultant entered into that certain Second Amendment to Professional Consultant Services Agreement for Water Quality Management Plan Program Assessment & Implementation (“Second Amendment”) on February 22, 2022. The Original Agreement, as modified by the First Amendment and the Second Amendment, is hereinafter referred to as the “Agreement”.
- D. City and Consultant desire to amend the Agreement in the manner provided herein.

**COVENANTS:**

Section 1.1 Term of the Agreement is hereby amended by changing the Term of this Agreement to be from December 3, 2019 until the services are completed to the satisfaction of the City, unless earlier terminated as provided in the Agreement.

Section 1.2 Scope of Services of the Agreement is hereby amended and in addition to the services to be performed by Consultant as referenced in Exhibit A to the Agreement, Exhibit A to the First Amendment, and Exhibit A to the Second Amendment, Consultant shall also perform those services described in Exhibit “A” to this Third Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Section 3.1 Payment Schedule of the Agreement is hereby amended by increasing the not to exceed amount from One Hundred Seventy Four Thousand Four Hundred and Forty Four Dollars (\$174,444) to Two Hundred Fourteen Thousand Four Hundred and Fourty Four Dollars (\$214,444) for the remainder of the Agreement.

Except as expressly amended by this Third Amendment, the remaining portions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Third Amendment to be duly executed on the respective dates set forth opposite of 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

**APPROVED AS TO AVAILABILITY  
OF FUNDING:**

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

\_\_\_\_\_  
("CONSULTANT")

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

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

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

## **EXHIBIT "A"**

Please see attached proposal from Geosyntec Consultants dated December 21, 2022.

December 21, 2022

Mr. David Rebensdorf  
Utilities Director  
City of San Clemente  
380 E. Avenida Pico, Building N  
San Clemente, California 92672

**Subject: Contract C19-82 – Proposal to Extend WQMP Review Scope of Work through December 31, 2023**

Dear Mr. Rebensdorf:

This proposal has been prepared at the request of the City of San Clemente (City) to modify the Professional Services Agreement for Water Quality Management Plan (WQMP) Program Assessment and Implementation. Specifically, the City has requested to extend the scope of work for Task 3 (WQMP Reviews) for one additional year through December 31, 2023.

### **ADDITIONAL SCOPE OF WORK**

#### **Task 3 – Water Quality Management Plan Reviews**

Geosyntec will be available to conduct WQMP reviews, as needed, at the request of the City and assumes that each Plan will require three reviews (initial, secondary, and final). Initial Plan reviews will be completed and returned to the City along with review notes within two weeks following submittal to Geosyntec. Upon receipt of the first round of Plan revisions, Geosyntec will conduct the second Plan review within two weeks and return comments to the City. The final Plan review will be completed one week following submittal of the final Plan to Geosyntec. Should WQMPs with non-conventional designs be submitted for review, Geosyntec will discuss an alternative review schedule with the City, if necessary.

The additional budget requested for this task assumes Geosyntec will complete reviews for approximately 10 projects that are currently in the process of submitting and updating WQMPs and provide additional WQMP review support to the City as needed.

### **ESTIMATED SCHEDULE**

The additional scope of work will be completed by December 31, 2023.

Mr. Dave Rebensdorf  
December 21, 2022  
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## ESTIMATED COSTS

The additional budget requested for this task is **\$40,000** for a revised contract maximum of \$214,444. Work under this Contract Amendment will be performed in accordance with the rate schedule included as Attachment A.

If you have any questions or wish to discuss this scope of work further, please contact Julie Walters at (248) 981-9683.

Sincerely,  
**Geosyntec Consultants, Inc.**



Julie Walters, CPSWQ, QISP, QSD  
Senior Professional



Misty Steele, CPSWQ, IGP ToR, QSD  
Principal

Mr. Dave Rebensdorf  
December 21, 2022  
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**ATTACHMENT A**  
**Geosyntec Consultants, Inc.**  
**2023 Rate Schedule**

## GEOSYNTEC CONSULTANTS 2023 U.S. RATE SCHEDULE

(All Values are in \$USD)

Staff Professional	\$154
Senior Staff Professional	\$178
Professional	\$198
Project Professional	\$224
Senior Professional	\$254
Principal	\$274
Senior Principal	\$294
Technician I	\$ 83
Technician II	\$ 89
Senior Technician I	\$ 99
Senior Technician II	\$106
Site Manager I	\$116
Site Manager II	\$128
Construction Manager I	\$142
Construction Manager II	\$152
Senior Designer	\$190
Designer	\$160
Senior Drafter/Senior CADD Operator	\$145
Drafter/CADD Operator/Artist	\$130
Project Administrator	\$ 85
Clerical	\$ 65
Direct Expenses	Cost plus 12%
Subcontract Services	Cost plus 12%
Specialized Computer Applications (per hour)	\$ 15
Geosyntec Company Vehicle Rental (per day)	\$120
Personal Automobile (per mile)	Current Gov't Rate
Photocopies (per page)	\$0.09

Rates are provided on a confidential basis and are client and project specific.  
Unless otherwise agreed, rates will be adjusted annually based on a minimum of the Producer Price Index  
for Engineering Services.

Rates for field equipment, health and safety equipment, and graphical supplies presented upon request.  
Construction management fee presented upon request.