



# Council Agenda Report

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

Prepared by: Robert DuBoux, Public Works Director/City Engineer

Approved by: Reva Feldman, City Manager

Date prepared: March 12, 2019

Meeting date: March 25, 2019

Subject: Amendment to Professional Services Agreement with Moffatt & Nichol

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**RECOMMENDED ACTION:** 1) Authorize the City Manager to execute Amendment No. 3 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$15,000 for professional engineering services to prepare an additional response regarding the Federal Emergency Management Agency (FEMA) Preliminary Coastal Flood Maps; and 2) Appropriate \$15,000 from the General Fund Undesignated Reserve.

**FISCAL IMPACT:** Funding for this agreement was not included in the Adopted Budget for Fiscal Year 2018-2019. An appropriation from the General Fund Undesignated Reserve in the amount of \$15,000 to Account No. 100-3008-5100.00 (Public Works Professional Services) is needed. The projected General Fund Reserve at June 30, 2019 is \$21.4 million.

**DISCUSSION:** The City of Malibu is a participant in the National Flood Insurance Program administered by FEMA. This program provides subsidized flood insurance for all property owners, if communities adopt and enforce a floodplain ordinance to reduce flood risk to new and existing development in high-risk flood zones. Insurance rates are developed by using FEMA Flood Maps.

The current FEMA Flood Maps were adopted in September 2008. In December 2011, FEMA began the process of revising the maps along the California coastline. FEMA is now in the process of adopting revised maps in Southern California based upon new data and coastal engineering analysis, including modifications to base flood elevations. In some cases, the elevations have been

raised between 2 to 18 feet and in a few cases the elevations have been lowered.

On September 26, 2017, the City entered into a contract with Moffatt & Nichol to perform a review of the data, assumptions, and methods FEMA used to create the Preliminary Flood Maps. After its review, Moffatt & Nichol recommended performing a detailed review of areas near East Sea Level Drive, Malibu Road, and Pacific Coast Highway. Since FEMA allows the submittal of supporting documents 30 days after an appeal, staff submitted an appeal to FEMA prior to the November 6, 2017, deadline without supporting data to preserve the City's right to the appeal. The proposed extra work to perform the detailed review may provide added support for an appeal. Any supporting data generated from the detailed review will be submitted to FEMA.

On November 13, 2017 the City amended the Moffatt & Nichol agreement to perform detailed review of the 22 transects of the FEMA Preliminary Flood Maps and submit supporting data to FEMA. Additional data obtained from this detailed review was submitted to FEMA as part of the City's appeal.

On November 8, 2018, FEMA provided the City with a detailed response to the City's appeal of the Preliminary Flood Insurance Maps. FEMA's response concluded that portions of the City's appeal were valid and made revisions to the Preliminary Flood Insurance Maps. However, there were other sections of the City's appeal were denied by FEMA. FEMA has given the City another opportunity to respond to the Preliminary Flood Insurance Maps and specifically the sections which were denied by FEMA. Staff recommends that \$15,000 be allocated to develop an additional technical response to FEMA's response to the City's appeal of the Preliminary Flood Insurance Maps.

Council Policy #44 requires that all proposed appropriations over \$10,000 be reviewed and discussed by the Administration and Finance (A&F) Subcommittee prior to being presented to the Council. On March 11, 2019, the A&F Subcommittee discussed and recommended the City Council appropriate \$15,000 for professional engineering services to prepare an additional response to FEMA regarding the proposed draft Preliminary Flood Insurance Rate Maps.

Staff recommends Council approve Amendment No. 3 to Agreement with Moffatt & Nichol.

ATTACHMENT: Amendment No. 3 to Agreement with Moffatt & Nichol

**AMENDMENT NO. 3 TO AGREEMENT**

THIS AMENDMENT NO. 3 TO AGREEMENT is made and entered in the City of Malibu on March 25, 2019, by and between the CITY OF MALIBU, hereinafter referred to as City, and Moffatt & Nichol, hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

**RECITALS**

- A. On September 26, 2017, the City entered into an Agreement with Consultant for certain projects relating to FEMA’s Preliminary Coastal Flood Maps developed by the California Coastal Analysis and Mapping Program (the “Agreement”).
- B. On November 13, 2017, the City amended the Agreement to perform a detailed review of 22 transects of the FEMA Preliminary Flood Maps and submit supporting data to FEMA as part of the City’s appeal.
- C. On June 25, 2018, the City amended the Agreement to extend the term of the agreement and assist the City to provide a detailed response to FEMA’s comments of the City’s appeals.
- D. The City desires to amend the Agreement to assist the City in replying to FEMA’s responses, 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 1.0 – Scope of the Consultant’s Services, is hereby amended to add the additional items set forth in Exhibit A attached hereto.
- 2. Section 2.0 – Term of Agreement, is hereby extended to March 24, 2020.
- 3. Section 4.0 – Compensation for Services, is hereby increased by \$15,000 for a total not to exceed \$85,000.
- 4. All terms and conditions of the Agreement, and Amendment Nos. 1 and 2 not amended by this Amendment No. 3 remain in full force and effect.

This Agreement is executed on \_\_\_\_\_, 2019, at Malibu, California, and effective as of March 25, 2019.

CITY OF MALIBU:

\_\_\_\_\_  
REVA FELDMAN, City Manager

ATTEST:

\_\_\_\_\_  
HEATHER GLASER, City Clerk  
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED  
BY THE CITY ATTORNEY’S OFFICE  
\_\_\_\_\_  
CHRISTI HOGIN, City Attorney

CONSULTANT:

\_\_\_\_\_  
By: Michael McCarthy  
Title: Vice President, Moffat & Nichol

## Exhibit A

### Scope of Work

Help the City draft responses to FEMA's responses dated November 08, 2018. The detailed scope includes the following tasks:

1. Review the transect layout and shoreline types and determine whether FEMA's response of "A transition zone is not needed" is acceptable. If not, identify where additional transects may be required. (FEMA Comment #1)
2. Review and illustrate issues related to wave runup methods. Confirm if TWL calculations follow the methodology described in IDS 3. Research alternative analysis methods. (FEMA Comment #2)
3. Identify transects where wave parameters are inconsistent between neighboring transects. Confirm whether FEMA used the wave parameters at 5, 10 and 15-m depth instead of 40-m in 1D transect analyses. IDS 2 indicates that waves are extracted at 15-m depth. However, most transect profiles start at 40 m depth. (FEMA Comment #3)
4. Discuss with the City about response to the mapping limitation (FEMA Comment #8)
5. Review Transect #11, #20, #30 through #37, #39, and #42 to determine whether FEMA responses are acceptable. (FEMA Comments #6, 7, 10, 11 & 12)
6. Identify transects affected by the oblique wave approach, perform wave runup analyses considering the wave approach angles for each wave event, and calculate new BFEs. The wave approach angle is only considered in TAW method, so this task will be limited to transects where TAW method is used. (FEMA Comment #14)
7. Prepare a draft response letter.

It is assumed that the City will request the following data from FEMA.

1. Water depth where SHELF wave parameters were extracted and input into the 1D transect analysis for each transect within the City jurisdiction;
2. Wave parameters (wave height, period and direction) extracted from the SHELF model and input into the 1D transect analysis for each transect within the City jurisdiction; and
3. Wave parameters (wave height, period and direction) at 5-m, 10-m and 15-m from the SHELF model for each transect within the City jurisdiction.

### Schedule & Terms/Conditions

M&N can initiate work to assist the City upon the Notice to Proceed. We estimate the work can be completed in 8 weeks from initiation of the work. Task 6 depends on new data from FEMA (listed above) and can be finished in 4 weeks upon receipt of the FEMA data. The total fee will be based on a time and material basis for not to exceed \$30,000.