To: Mayor Farrer 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: November 19, 2019    Meeting date: December 9, 2019

Subject: Amendment to Professional Services Agreement with Moffatt & Nichol

RECOMMENDED ACTION: 1) Authorize the City Manager to execute Amendment No. 4 to the Professional Services Agreement with Moffatt & Nichol in the amount of $187,350 for professional engineering services to prepare an additional response regarding the Federal Emergency Management Agency (FEMA) Preliminary Coastal Flood Maps; and 2) Appropriate $213,280 from the General Fund Undesignated Reserve.

FISCAL IMPACT: Funding for these services was not included in the Adopted Budget for Fiscal Year 2019-2020. An appropriation of $213,280 from the General Fund Undesignated Reserve to Account Number 100-3008-5100 (Public Works Professional Services) is needed to perform the additional FEMA response and additional field survey work. The projected General Fund Undesignated Reserve at June 30, 2020 is $25 million.

WORK PLAN: This item was included as item 5.m. in the Adopted Work Plan for Fiscal Year 2019-2020.

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 that were denied by FEMA. The City submitted a technical response to FEMA’s denial of those sections of the City’s appeal.

After several meetings, FEMA has agreed to allow the City to submit additional engineering calculations to support the City’s appeal of the Preliminary Flood Insurance Maps. The additional funding of $187,350 will be used to perform the additional engineering calculations. The remaining $25,930 of the total allocated $213,280 will be used for separate field survey work not associated with this amendment.

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 November 25, 2019, the A&F Subcommittee discussed and recommended the City Council appropriate $213,280 for professional engineering services to prepare an additional response to FEMA regarding the proposed draft Preliminary Flood Insurance Rate Maps.

Staff recommends that $213,280 be allocated to develop those additional engineering calculations and to approve Amendment No. 4 to Agreement with Moffatt & Nichol.

ATTACHMENTS: Amendment No. 4 to Agreement with Moffatt & Nichol
Amendment No. 4 to Agreement with Moffatt & Nichol
Will be distributed under separate cover.