



Council Agenda Report

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

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

Approved by: Steve McClary, Interim City Manager

Date prepared: September 8, 2021 Meeting date: September 27, 2021

Subject: Amendment to Professional Services Agreement with Moffatt & Nichol

RECOMMENDED ACTION: 1) Authorize the Mayor to execute Amendment No. 8 to the Professional Services Agreement with Moffatt & Nichol in the amount of \$25,000 for professional engineering services to prepare additional engineering calculations regarding the Federal Emergency Management Agency (FEMA) Preliminary Flood Insurance Rate Maps to support the City's FEMA Letter of Map Revision (LOMR); and 2) Appropriate \$25,000 from the General Fund Undesignated Reserve to Account No 100-3008-5100 (Public Works – Professional Services).

FISCAL IMPACT: Funding for these services was not included in the Adopted Budget for Fiscal Year 2021-2022. An appropriation of \$25,000 from the General Fund Undesignated Reserve to Account No. 100-3008-5100 (Public Works - Professional Services) is needed to perform this work. The projected General Fund Undesignated Reserve at June 30, 2022 is \$29.45 million. The total project budget will be \$297,350.

WORK PLAN: This item was included as item 5.i. in the Adopted Work Plan for Fiscal Year 2020-2021.

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 has completed revising the flood 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.

On November 13, 2017, the City amended the Moffatt & Nichol agreement to perform detailed review of the 22 cross sections 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 will be used to perform the additional engineering calculations. On December 9, 2019, the City Council amended Moffatt & Nichol's agreement to perform the additional analysis along 14 cross sections within the City and submit the results to FEMA as a Letter of Map Revision (LOMR). On June 20, 2020, the LOMR was submitted to FEMA for review.

FEMA recently sent the City comments regarding the analysis included in the LOMR. The City's LOMR included analysis of four new cross sections to provide a better representation of the flood zones along the coast and the transitions between two adjacent flood zones. FEMA requested additional documentation and analyses to support the new cross sections. FEMA requested a revised analysis of five cross sections based upon new FEMA mapping requirements. And lastly, FEMA requested additional analyses of three cross sections based on new profile elevation data.

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 September 13, 2021, the A&F Subcommittee discussed

this project and recommended the City Council appropriate \$25,000 for professional engineering services to develop those additional engineering calculations to satisfy FEMA's latest LOMR comments.

Staff recommends City Council authorize the Mayor to approve and sign the amendment with Moffatt & Nichol and appropriate \$25,000 from the General Fund Undesignated Reserve.

ATTACHMENTS: Amendment No. 7 to Agreement with Moffatt & Nichol

AMENDMENT NO. 7 TO AGREEMENT

THIS AMENDMENT NO. 7 TO AGREEMENT is made and entered in the City of Malibu on September 27, 2021, 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 related to FEMA's Preliminary Coastal Flood Maps developed by California's Coastal Analysis and Mapping Program (the "Agreement").
- B. On November 13, 2017, the City amended the Agreement to perform a detailed review of the 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 detailed response to FEMA's comments to the City's appeal.
- D. On March 25, 2019, the City amended the Agreement to extend the term of the agreement and assist the City in replying to FEMA's responses.
- E. On December 9, 2019, the City amended the Agreement to extend the term of the agreement and prepare a coastal Letter of Map Revision (LOMR).
- F. On March 8, 2021, the City amended the Agreement to extend the term of the agreement.
- G. On July 12, 2021, the City amended the Agreement to extend the term of the agreement.
- H. The City desires to amend the Agreement to prepare additional support to the Coastal Letter of Map Revision (LOMR), 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, of the Agreement, is hereby amended as set forth in Exhibit A attached hereto.
- 2. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended by \$25,000 for a total not to exceed \$297,350 and the Fee Schedule is hereby amended a set forth in Exhibit B.
- 3. 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.
- 4. All terms and conditions of the Agreement not amended by this Amendment No. 7 remain in full force and effect.

This Agreement is executed on _____, 2021, at Malibu, California, and effective as of September 27, 2021.

CITY OF MALIBU:

PAUL GRISANTI, Mayor

ATTEST:

KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

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

JOHN COTTI, Interim City Attorney

CONSULTANT:



By: Weixia Jin
Title: Vice President

24 August 2021

City of Malibu
23825 Stuart Ranch Road
Malibu, CA 90265

Attn: Rob Duboux, Public Works Director/City Engineer

Subject: Additional LOMR Support

Dear Mr. Duboux:

Moffatt & Nichol (M&N) is pleased to submit this proposal to assist the City of Malibu in providing additional support for the coastal Letter of Map Revision (LOMR). Our proposed scope of services, fee and schedule are provided below and on the following pages.

Scope of Work

Exhibit A

Task 1: Additional Analyses and Mapping

FEMA's mapping partner requested additional analyses and mapping on a document provided on July 9th via an email, which was not previously anticipated.

The detailed analyses and mapping are listed below:

- 1) Additional analyses related to four (4) new transects that were added in the LOMR. The 4 transects were added to provide a transitional transect for areas where the 100-year base flood elevation (BFE) changes dramatically between neighbouring transects. FEMA mapping partner requested additional documentation and analyses to support that the new transects reflect the general reach being represented. Additional documentation and profiles will be prepared to address the comments. In addition, both revetments failed, and so intact conditions will need to be analyzed and the higher BFE will need to be mapped for Transect N1.
- 2) FEMA approved LOMR analyses, which considered oblique wave impacts for six (6) transects (No. 23, 25, 26, 38, 41 and 43). However, mapping for five (5) of the six (6) approved transects are requested to be revised, as FEMA published a new mapping guidance in November 2019 after the original LOMR was prepared. The mapping of the original LOMR followed Intermediate Data Submittal (IDS) 4 guidance, which was used in Preliminary Flood Insurance Rate Mapping (PFIRM). The final published FIRMs were based on the 2019 guidance.
- 3) FEMA requested using a more appropriate toe elevation for three (3) transects (38, N6, and 40). Explanation and additional profile analyses will be performed to support the toe selection. New analyses and mapping will be performed if the toe elevations need to be adjusted.

Task 2: FIR Reports and FIRMs Review

In addition, we will be requested to perform a final review of changes on Flood Insurance Study reports and final FIRMs after the LOMR is approved and before new FIRMs are issued, which is based on our experience with the recent successful LOMR for Faria Beach.

The fee for the above two tasks will be \$20,000 based on the rate sheet in Exhibit B. We assume that FEMA's mapping partner may have additional questions after the initial submittal responding to comments provided on July 9th, 2021. A contingency of \$5,000 is added. Including the contingency, the total fee will be billed on a time and material basis for a not-to-exceed amount of \$25,000 based on the rate sheet provided in Exhibit B.

Schedule & Terms/Conditions

M&N will address the initial comments and submit the revised maps by September 15, 2021. We estimate the general review comments can be addressed in 4 weeks from receiving comments from the FEMA.

Exhibit B



RATE SCHEDULE FOR PROFESSIONAL SERVICES

Effective September 1, 2019 Until Revised

	<u>CLASSIFICATION</u>	<u>HOURLY RATES</u>
PROFESSIONALS	Supervisory Engineer/Scientist	\$ 267.00
	Senior Engineer/Scientist	\$ 250.00
	Engineer/Scientist III	\$ 234.00
	Engineer/Scientist II	\$ 205.00
	Engineer/Scientist I	\$ 185.00
	Staff Engineer/Scientist	\$ 148.00
TECHNICIANS	Senior Technician	\$ 200.00
	Designer	\$ 189.00
	CADD II	\$ 162.00
	CADD I	\$ 120.00
CLERICAL	Project Controls/Word Processing	\$ 120.00
	General Clerical	\$ 94.00
SPECIAL	Principal Engineer/Scientist	\$ 282.00
	Deposition & Trial Testimony	\$ 497.00

Sincerely,
MOFFATT & NICHOL

Dr. Weixia Jin, PhD, DCE, PE
Water Technical Director

