

**AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH
KIMLEY-HORN AND ASSOCIATES, INC.**

This Amendment Number One ("Amendment") is made and entered into this 28th day of January, 2021 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and KIMLEY-HORN AND ASSOCIATES, INC., a North Carolina corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on July 21, 2020 for Consultant to prepare the City's 2021-2029 Housing Element Update (the "Agreement"); and

WHEREAS, City and Consultant desire to amend the Scope of Services to include the additional services set forth in Exhibit "A," attached hereto and incorporated herein by this reference; and

WHEREAS, City desires to increase Consultant's maximum compensation accordingly to Two Hundred Thirty-Nine Thousand Four Hundred Eighty Dollars (\$239,480.00).

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Scope of Services shall be amended to include the additional services set forth in Exhibit A. Consultant shall be paid for the additional services in accordance with the fee schedule set forth in Exhibit A.
2. Section 2.1 of the Agreement shall be amended to reflect that Consultant's total compensation shall not exceed Two Hundred Thirty-Nine Thousand Four Hundred Eighty Dollars (\$239,480.00).
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.
5. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement. Counterpart written signatures may be transmitted by facsimile, email or other electronic means and have the same legal effect as if they were original signatures.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

San Antonio
City Manager

Date: 2/22/21

CONSULTANT

Ben Siler
Signature

Date: 01/28/2021

Brian Gillis, V.P.
Name and Title
PE# 63021

ATTEST:

Brenda Green 2/25/2021
City Clerk



APPROVED AS TO FORM:

[Signature] ACA
City Attorney

Date: 2/19/2021

APPROVED AS TO INSURANCE:

[Signature]
Risk Management

Date: 2/8/21

APPROVED AS TO CONTENT:

[Signature]
Project Manager

Date: 2/4/21

DEPARTMENTAL APPROVAL:



Economic and Development Services
Director

Date: 2/4/21

APPROVED AS TO PURCHASING:



Finance Director

Date: February 2, 2021

EXHIBIT A
ADDITIONAL SERVICES



November 10, 2020

RE: Community Outreach Scope and Fee Amendment

Kimley-Horn requests an amendment to the existing executed Agreement dated July 21, 2020. This amendment modifies the existing Agreement to add additional services to be performed by Kimley-Horn as summarized below and in accordance with the terms of the original Agreement.

The Scope of Services described in the current executed Agreement shall be amended as follows:

Tasks to be Deleted from Scope of Services			
Task Number/Name	Existing Contract Fee	Revised Amendment Fee	Assumed Number of Meetings
Task 4.2 Community Workshop #1	\$3,010	-	
Task 4.3 Community Workshop #2	\$3,010	-	
Task 4.4 Online Community Survey	\$1,150	-	
Task 4.5 Study Session	\$3,010	-	
<i>Subtotal</i>	\$10,180	-	
Tasks to be Added to the Scope of Services			
Task Number/Name	Existing Contract Fee	Revised Amendment Fee	
Task 4.6 Townhall Meeting #1 (Virtual)	-	\$6,860	2
Task 4.7 Online Community Survey (MetroQuest)	-	\$10,500	--
Task 4.8 District Specific Meetings	-	\$10,900	2 Meetings with 8 total breakout groups
Task 4.9 Subject Matter Expert Meetings	-	\$9,400	2
Task 4.10 Targeted Focus Group Meetings	-	\$22,300	8
Task 4.11 Planning Commission Study Sessions	-	\$6,590	2
Task 4.12 City Council Study Sessions	-	\$7,750	2
Task 4.13 Townhall Meeting #2	-	\$6,860	2
Task 4.14 Informational Fact Sheets	-	\$3,200	--
Task 4.15 Additional Outreach Collateral	-	\$5,400	--
Task 4.16 Outreach Coordination	-	\$4,980	--
<i>Subtotal</i>	-	\$94,740	
<i>Minus Existing Fee</i>	\$10,180		
Total Amendment Request		\$84,560	

The Scope of Services for the existing executed Agreement shall be amended to include the following Tasks:

TASK 4.6 TOWNHALL MEETING #1 (Virtual)

Kimley-Horn will assist City Staff in the preparation of and attend a Virtual Townhall meeting for the Housing Element Update. The meeting will include separate English and Spanish presentations followed by moderated question and answer components conducted in English and Spanish. This task assumes



attendance by up to four (4) Kimley-Horn staff members to assist staff in facilitating discussion and recording meeting notes. Kimley Horn assumes City staff will coordinate use of all virtual meeting platforms and related logistics, recording of the meeting, and will be responsible for providing additional staff support as necessary.

The Virtual Townhall will to introduce the community to the Housing Element update process, describe the components of the City's Housing Element, what needs to be updated, when community members can provide feedback, summarize the project timeline, and detail next steps in the planning process.

The Virtual Townhall meeting will include a moderated question and answer segment to identify challenges, issues, and opportunities facing housing in Costa Mesa. These questions will help the project team identify focus areas within the community and other issues that may influence the creation of policy within the City's 6th Cycle Housing Element.

Task 4.6 Deliverables:

- Four (4) workshop flyers – one in English and one in Spanish (PDF Version)
- Two (2) PowerPoint presentations – one in English and one in Spanish
- Attendance by up to four (4) Kimley-Horn staff members
- One (1) Townhall Workshop Summary Memorandum that includes information from the English and Spanish Townhall Meetings

TASK 4.7 ONLINE COMMUNITY OUTREACH SURVEY TOOL (METROQUEST)

Kimley-Horn will develop a web-based outreach survey tool utilizing MetroQuest. The survey tool includes analytics that evaluate community input related to locations for potential housing, housing goals, constraints, policies, and programs. The outreach survey tool will allow residents and stakeholders the flexibility of participating online and at their convenience. The survey tool will enhance participation in consideration of social distancing protocols due to COVID-19. The survey tool will provide useable data that will be incorporated into the Housing Element Update.

Task 4.7 Deliverables:

- Set up, launch and running of one (1) MetroQuest online surveys in English and Spanish versions
- Review/Summary of survey results and incorporation into the Housing Element

TASK 4.8 DISTRICT SPECIFIC MEETINGS

Kimley-Horn will attend and assist the City in the facilitation of two (2) District Specific workshops in English to allow for more in-depth discussion relating to the issues and opportunities within each of Costa Mesa's six unique districts. Each District Specific Workshop will have four (4) total breakout rooms (1 for each district in English and one combined for the three districts that night in Spanish.) It is assumed that these meetings will take place over two consecutive nights and will be facilitated by a combination of Kimley-Horn and City Staff. This scope assumes attendance by up to four (4) Kimley-Horn staff members per meeting to facilitate discussion in the breakout rooms and record meeting notes.

Task 4.8 Deliverables:

- Two (2) Workshop Flyers (one in English and one in Spanish) (PDF Versions)
- Attendance at up to two (2) District Specific Meetings with four total breakout rooms for each meeting. This scope anticipates that each breakout room will be facilitated by one member of the consultant team and one member of City staff.



- Preparation of PowerPoint Materials
- One (1) Meeting Summary Memorandum for each District Meeting

TASK 4.9 SUBJECT MATTER EXPERT MEETINGS

Kimley-Horn will attend and assist the City in facilitating of up to two (2) Subject Matter Expert meetings. The Subject Matter Expert meetings will be organized by City Staff in collaboration with Kimley-Horn to collect information and feedback from professionals in fields relating to affordable and market-rate housing, low-income services, and other relevant backgrounds.

Participants may consist of members of community organizations, major landowners, home builders, affordable housing developers and advocates, local business owners, or others that add a unique perspective and expertise to the Housing Element Update process. Subject Matter Expert meetings may occur at any point throughout the planning process as deemed necessary by City Staff. It is assumed that the participants will provide feedback on a volunteer basis. Kimley-Horn is not responsible for compensation of the participants during the Subject Matter Expert meetings.

Task 4.9 Deliverables:

- Prepare meeting materials, including a PowerPoint presentation and handouts for each meeting
- Attendance at up to two (2) Subject Matter Expert meetings by two (2) Kimley-Horn team members
- Prepare up to one (1) summary memorandum for each Subject Matter Expert meeting

TASK 4.10 TARGETED FOCUS GROUP MEETINGS

Kimley-Horn will attend and assist the City in facilitating up to eight (8) targeted focus group meetings. Kimley-Horn will assist the City in identifying community organizations to maintain contact with throughout the Housing Element update outreach process.

Kimley Horn will focus on the identification of groups or organizations that may not typically participate in City processes. These targeted meetings will consider specific underrepresented geographic areas, consider people who are uncomfortable using technology, speak English as a second language or not at all, or have timing constraints and commitments that prevent them from attending meetings at the proposed times. These meetings are intended to be an hour and a half in length and may be for one target focus group or multiple in a break-out room type format.

Targeted Focus Group meetings may occur at any point throughout the planning process as deemed necessary by City Staff.

Task 4.10 Deliverables:

- Prepare meeting materials, including a PowerPoint presentation and handouts for each meeting
- Attendance at up to two (2) targeted focus group meetings by three (3) Kimley-Horn team members
- Prepare up to one (1) summary memorandum for each targeted focus group meeting

TASK 4.11 PLANNING COMMISSION STUDY SESSIONS

Kimley-horn will prepare for attend up to two (2) Planning Commission Study Sessions with City Staff to present information relating to the Housing Element Update and gather. Kimley-Horn will assist staff in preparing a PowerPoint Presentation. This task assumes attendance by up to two (2) Kimley-Horn team members.



Task 4.11 Deliverables:

- One (1) PowerPoint for each Planning Commission Study Session
- Attendance by up to two (2) Kimley-Horn team members at each Planning Commission Study Session

TASK 4.12 CITY COUNCIL STUDY SESSIONS

Kimley-horn will attend up to two (2) City Council Study Sessions with City Staff to present information relating to the Housing Element Update and gather input from City Council. Kimley-Horn will assist staff in preparation of a PowerPoint Presentation. This scope assumes attendance by up to two (2) Kimley-Horn team members.

Task 4.12 Deliverables:

- One (1) PowerPoint for each City Council Study Session
- Attendance by up to two (2) Kimley-Horn team members at each City Council Study Session

TASK 4.13 TOWNHALL MEETING #2 (ASSUMED IN-PERSON)

Kimley-Horn will assist in the preparation of and attend a second Townhall meeting associated to the Housing Element Update project. This task assumes the Townhall meeting will be in person subject to the removal of current COVID-19 restrictions and it is deemed safe by the City and or other applicable agencies. The meeting will include separate English and Spanish components. The specific organizational structure of the second Townhall meeting will be determined in consideration of City's evaluation of the outreach process conducted in prior tasks.

This task assumes attendance by up to four (4) Kimley-Horn staff members to facilitate discussion and record meeting notes. It is assumed City staff will coordinate all meeting logistic needs, including but not limited to, use of all meeting rooms, recording of the meeting, and city staff support as necessary.

Townhall Meeting #2 will build upon the information learned from the first townhall meeting and provide draft analysis, policies, and programs for review and discussion.

Task 4.13 Deliverables:

- Two (2) workshop flyers – one in English and one in Spanish
- Two (2) PowerPoint presentations – one in English and one in Spanish
- Attendance by up to four (4) Kimley-Horn staff members
- One (1) Townhall Workshop Summary memorandum that includes information from the English and Spanish Townhall Meetings

TASK 4.14 INFORMATIONAL FACT SHEETS

Kimley-Horn will prepare two (2) informational Fact Sheets prior to Townhall events. The Fact Sheets will be one-page, double sided, and designed to convey relevant project information in a quick, easy, and effective manner. The Fact Sheets will be posted on the City's website and distributed by City Staff. The first informational Fact Sheet will provide community members with background information on state housing law, the process for getting a compliant housing element, Costa Mesa-specific housing information, and the overall project timeline.



The second Fact Sheet will be created to accompany the release of the Public Review Draft Housing Element document. This Fact Sheet will contain information on the project schedule and a “how-to” guide for reviewing the Housing Element sections.

Task 4.14 Deliverables:

- Two (2) Informational Fact Sheets with translation into Spanish (PDF Version)

TASK 4.15 ADDITIONAL OUTREACH COLLATERAL

Kimley-Horn will produce up to three (3) half-page topical Fact Sheets and assist the City in the preparation of up to three (3) informational video clips to explain specific housing-related topics. These materials will be distributed to the community by City Staff through the appropriate outreach channels, including posting on the City’s website, social media, direct distribution to stakeholders, and posting at local community hotspots. These videos may be linked to short topical community surveys which focus on gaining community input on specific housing-related topics such as homelessness, density, housing affordability, or other topics. This scope assumes that Kimley-Horn will provide informative content for the videos and that the City is responsible for the preparation and final product design of the videos through CMTV or another outlet.

Kimley-Horn will also assist the City in the preparation of up to three (3) topical community surveys using Microsoft Forms, SurveyMonkey, or a similar platform determined by Kimley Horn. Kimley-Horn will provide the content for these surveys. Surveys will be developed and managed by the City. MetroQuest will not be used for these topical surveys.

The exact scope and fee of the deliverables within Task 4.15 is unknown at this time and subject to change based on requests from the City. The actual task will be determined and agreed upon by the City and Kimley-Horn prior to expenditure of the funds. Use of funds allocated to Task 4.15 will be dependent on mutual agreement of the City and Kimley-Horn and upon receipt of notice to proceed for the specific tasks approved by the City. Any effort or expenditures for this task will not be conducted without the prior written authorization of the City. .

Task 4.15 Deliverables (Scope assumes the following deliverables for budgeting. Subject to prior written authorization by the City):

- Three (3) half-page topical Fact Sheets with translation into Spanish (Task assumes up to 10 hours of effort)
- Assist the City in preparation of up to three (3) short video segments (Task assumes up to 10 hours of effort)
- Assist the City in preparation of up to three (3) topical surveys. (Task assumes up to 15 hours of effort)

TASK 4.16 OUTREACH MANAGEMENT AND COORDINATION

Kimley-horn will participate in up to fifteen (15) hours of coordination calls to discuss upcoming outreach efforts, review and evaluate outreach progress, and make direct outreach efforts to external stakeholders.

Task 4.16 Deliverables (Assumes fifteen (15) hours across all deliverables)

- Outreach coordination meetings
- Evaluation of first round of outreach workshops

Kimley»»Horn

For the services set forth above, Client shall pay Consultant the following compensation: **\$84,560**

Your signature below, indicates your acceptance to modify the existing Agreement to incorporate the additional Tasks described in this Amendment. Please contact Nick Chen, AICP at nick.chen@kimley-horn.com or 714.786.6111 should you have any questions.

Sincerely,



Darren Adrian, PE
Sr. Vice President

Nick Chen, AICP

CLIENT:

CONSULTANT:

KIMLEY-HORN AND ASSOCIATES, INC.

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____