

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

This Amendment Number Two ("Amendment") is made and entered into this 14th day of March, 2022 ("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 dated July 21, 2020 for Consultant to prepare the City's 2021-2029 Housing Element Update (the "Agreement"); and

WHEREAS, City and Consultant amended the Scope of Services and increased Consultant's maximum compensation through Amendment Number One to the Agreement, dated January 28, 2021; and

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

WHEREAS, City desires to increase Consultant's maximum compensation accordingly to Two Hundred Forty-Seven Thousand Two Hundred Eighty Dollars (\$247,280.00).

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 Forty-Seven Thousand Two Hundred Eighty Dollars (\$247,280.00).
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.

[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

Gov. Ann Jensen H  
City Manager

Date: 4/11/2022

CONSULTANT  
[Signature]  
Signature

Date: 4-4-2022

CHAD PHILLIPS, VICE PRESIDENT  
Name and Title

ATTEST:

Brenda Green 4/12/2022  
City Clerk



APPROVED AS TO FORM:  
[Signature] ACH  
City Attorney

Date: 4/11/22

APPROVED AS TO INSURANCE:  
[Signature]  
Risk Management

Date: 4/6/22

APPROVED AS TO CONTENT:  
Justi Ariz  
Project Manager

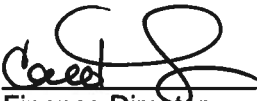
Date: 4/6/22

DEPARTMENTAL APPROVAL:

  
\_\_\_\_\_  
Economic and Development Services  
Director

Date: 4-7-22

APPROVED AS TO PURCHASING:

  
\_\_\_\_\_  
Finance Director

Date: April 6, 2022

**EXHIBIT A**  
**ADDITIONAL SERVICES**

## Exhibit A

### TASK 4.17 ALUC RESEARCH AND EXHIBIT PREPARATION

Kimley-Horn will prepare a set of four (4) maps that display and analyze the applicable safety and notification zones and noise contours that must be evaluated for the housing element to be presented at an ALUC Commission Hearing. Kimley-Horn will provide up to three (3) revisions to these maps in response to direction from either City or ALUC staff. Additionally, Kimley-Horn will prepare a write-up of a potential ALUC strategy for the City's sites within affected areas. This will consist of an analysis of the six sites within ALUC safety zones and their height restrictions under current zoning.

**Task 4.17 Deliverables:**

- One set of four (4) maps showing the City's Candidate housing sites in relation to ALUC notification, noise, and safety zones. Up to three minimal revisions to these maps are assumed.
- One (1) summary memo of analysis findings and strategy approach to ALUC hearing

### TASK 4.18 MEETING ATTENDANCE

Kimley-Horn will attend up to three (3) meetings with ALUC staff virtually to discuss the City's Housing Element and upcoming ALUC Commission meeting preparation. This task assumes attendance by Nick Chen, Dana Privitt, and Brian Leung. This task also consists of time for internal meetings to discuss Commission meeting and staff meeting preparation and approach. Up to 12 hours total in meetings is assumed for this task.

**Task 4.18 Deliverable:**

- Meeting attendance at up to three (3) virtual meetings with ALUC staff

**Contingency (Optional)**

Kimley-Horn recommends a contingency budget for any potential additional response to comments not captured in the original contract. The original contract assumes one round of HCD Review. Currently the Housing Element is heading into a second round of HCD review with a potential for additional information discussions needed to work towards a compliant housing element. This amount is recommended to cover any potential additional work and would be billed on a time and materials basis. Kimley-Horn will not utilize this contingency without prior authorization from the Client in writing or via email.

**Fee:**

<b>Tasks to be Added:</b>	
<b>Task Number/Name</b>	<b>Time and Materials Fee</b>
Task 4.17 ALUC Research and Exhibit Preparation	\$5,800
Task 4.18 ALUC Meeting Attendance	\$2,000
<b>Total Amendment Request</b>	<b>\$7,800</b>
<i>Contingency (Optional)</i>	<i>\$10,000</i>