

AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF MANHATTAN BEACH AND MCGOWAN
CONSULTING, LLC.

This Third Amendment ("Amendment No.3") to that certain agreement by and between the City of Manhattan Beach, a California municipal corporation ("City"), and McGowan Consulting, LLC, a California Limited Liability Corporation ("Consultant") (collectively, the "Parties"). The date the City Council approves this Amendment shall be the date this Amendment is effective ("Effective Date").

RECITALS

A. On December 15, 2020, the City and Consultant entered into an agreement for professional services for the Consultant to provide coordination and implementation of watershed activities for Beach Cities Watershed Management Group ("Original Agreement").

B. On May 16, 2023, the City and Consultant entered into Amendment No. 1 to extend the term, increase the Maximum Compensation, and modify the Scope of Services and Approved Fee Schedule.

C. On May 21, 2024, the City and Consultant entered into Amendment No. 2 to extend the term, increase the Maximum Compensation, add a contingency, modify the Scope of Services, and amend the Fee Schedule.

D. The Original Agreement as amended by Amendment No. 1 and Amendment No. 2, is hereinafter referred to as the "Agreement."

E. The Parties now desire to amend the Agreement to increase the Maximum Compensation, extend the term, and modify the Scope of Services and Approved Fee Schedule

NOW, THEREFORE, in consideration of the Parties' performance of the promises, covenants, and conditions stated herein, the Parties hereby agree as follows:

Section 1. Section 2 of the Agreement is hereby amended to extend the term of the Agreement through June 30, 2026, unless sooner terminated as provided in Section 12 of the Agreement.

Section 2. Section 3.A of the Agreement is hereby amended to increase the Maximum Compensation by \$118,510 for a new Maximum Compensation of \$ 628,850.

Section 3. Exhibits A-1 (Scope of Services) and B-1 (Approved Fee Schedule) of the Agreement are hereby replaced and superseded by Exhibit A-2 (Scope of Services) and Exhibit B-2 (Approved Fee Schedule), attached to this Amendment No. 3.

Approved for use 5/1/24

Section 4. Except as specifically amended by this Amendment No. 3, all other provisions of the Agreement shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS THEREOF, the Parties hereto have executed this Amendment No.3 on the day and year first shown above.

City:

City of Manhattan Beach,
a California municipal corporation

Consultant:

McGowan Consulting, LLC,
a California Limited Liability Corporation

By: _____
Name: Talyn Mirzakhanian
Title: City Manager
Date:

By: _____
Name: Kathleen McGowan
Title: Principal
Date:

ATTEST:

By: _____
Name: Liza Tamura
Title: City Clerk
Date:

APPROVED AS TO FORM:

By: _____
Name: Quinn M. Barrow
Title: City Attorney
Date:

APPROVED AS TO FISCAL IMPACT:

By: _____
Name: Libby Bretthauer
Title: Acting Finance Director
Date:

APPROVED AS TO CONTENT:

By: _____
Name: Erick Lee
Title: Public Works Director
Date:

EXHIBIT A-2 SCOPE OF SERVICES

RE: SCOPE OF SERVICES FOR BEACH CITIES WATERSHED MANAGEMENT GROUP COORDINATION

McGowan Consulting, LLC, is pleased to propose this Scope of Services for continuing coordination of the Beach Cities Watershed Management Group (WMG) joint efforts consistent with Task 6 of Amendment No. 2 of the Beach Cities Coordinated Integrated Monitoring Program (CIMP) MOU. This Scope of Services provides for McGowan Consulting to assist the Beach Cities WMG in watershed planning and coordination for fiscal year 2025-2026 to meet certain requirements of the Regional Stormwater Permit¹ and related regulatory directives. Our Scope of Services and assumptions are described below in Tasks 6.1 through 6.9.

Scope of Services

Task 6.1 Meeting Agendas and Minutes

McGowan Consulting will plan, prepare and distribute the Beach Cities WMG agendas and minutes for twelve (12) monthly meetings, and arrange for presentations and guest speakers as needed.

Task 6.2 Meeting Preparation and Chairing/Attendance

Under this task, McGowan Consulting will prepare materials for information, discussion and decision-making at the twelve (12) Beach Cities WMG meetings. McGowan Consulting will coordinate and chair online meetings, and follow up on action items from each meeting as directed by the WMG.

Task 6.3 Project Management and Coordination

This task provides for project management and coordination of WMG activities, including the tracking of Beach Cities Watershed Management Program (WMP) schedules (milestones and deadlines). McGowan will provide support to the WMG in implementing WMP and CIMP activities,

¹ Regional Phase I MS4 NPDES Permit – Order No. R4-2021-0105 – NPDES Permit No. CAS004004 Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles and Ventura Counties

including communication with regulatory agencies as directed by the WMG, coordination with the CIMP Implementation Consultant, and other as-needed assistance. The level of effort in this task also provides for the development of a new CIMP MOU prior to expiration of the CIMP MOU Amendment 2 with sufficient lead time to provide for continuity of the CIMP monitoring requirements. The effort in this task also includes as-needed communication via email, telephone and video calls supplemental to or as action items arising from WMG direction at monthly meetings.

Task 6.4 TMDL Compliance Support and ROWD/Adaptive Management Report Review

Effort in this task includes assistance to the WMG in support of ongoing negotiations with LA Water Board staff on implementation terms and schedules for final compliance with the Santa Monica Bay Beaches Bacteria Total Maximum Daily Loads (TMDL). This scope includes facilitating collaboration amongst the Beach Cities WMG and outside agencies subject to the TMDL and support for adaptively managing the Beach Cities WMP and other compliance documents to incorporate final negotiated terms and schedules.

The Regional Stormwater Permit requires that by March 11, 2026, the WMG must prepare and submit a Report of Waste Discharge (ROWD) to the Los Angeles Water Board, including the results of an adaptive management process and evaluation of the effectiveness of implemented control measures in improving water quality since the last revision of the Beach Cities WMP. The CIMP Implementation Consultant will be preparing this required submittal. This task provides an allocation of effort for McGowan Consulting to perform technical and regulatory review and comment on draft narrative work products and final draft ROWD and Adaptive Management Report submittals as prepared by the CIMP Implementation Consultant.

Task 6.5 CIMP Data & Report Review

This task provides for technical and regulatory review of data and monitoring reports prepared by the CIMP Implementation consultant, including semi-annual data submittals, periodic memos, and the Annual Monitoring Report. The level of effort allocated for this task is increased over FY2024-25 to provide for review and comment on the 5-year water quality monitoring data assessment to be prepared by the CIMP Implementation Consultant in support of the adaptive management process. It is assumed that the revised CIMP will be approved by the LA Water Board in FY2024-25 and will be implemented in FY2025-26, as such, no additional effort for further revision of the CIMP is included in this FY2025-26 level-of effort.

Task 6.6 Develop & Manage Joint Outreach

The Regional Stormwater Permit requires outreach to and engagement of the Beach Cities communities to increase understanding of the importance of stormwater as a resource and to encourage pollution prevention. Permittees are required to track and report on metrics used to evaluate the effectiveness of outreach efforts.

This task provides for McGowan Consulting to assist the WMG in developing and implementing certain of the outreach activities jointly as directed by the WMG. Effort under this task includes the management of existing website content and hosting via contracted services with the Environmental Services Center staff of the South Bay Cities Council of Governments (COG) as well

as the tracking of joint outreach activities using relevant metrics for annual reporting. Subcontracted work to be performed by staff of the South Bay Cities COG will include continued website hosting, preparation of website analytics for annual reporting, and promotion of the webpages as directed by the Beach Cities WMG and McGowan Consulting.

Additional joint outreach activities which may be implemented during FY2025-26 as time and budget allows, and as directed by the WMG, may include the following:

- Development of short narrative outreach pieces for dissemination via e-news and social media utilizing existing graphic materials and/or photos;
- Coordination of Beach Cities WMG members' dissemination of joint outreach content via e-news and social media to drive increased outreach metrics;
- Analysis of trends in metrics generated from joint webpages for adaptive management;

As in previous years, it is assumed that McGowan Consulting's level of effort and supporting subcontracted services for joint outreach will be offset by 50% through combined work for the Palos Verdes Peninsula WMG. It is also assumed that outreach and engagement and metric tracking requirements under the Regional Stormwater Permit that are not implemented jointly are the individual responsibility of the Beach Cities agencies and excluded from this scope of services.

Task 6.7 Permit/Region-wide Coordination

This task provides for McGowan Consulting to track region-wide regulatory actions and studies relevant to the Beach Cities WMG that may affect implementation activities and schedules. Examples of such actions may include, but are not limited to: the adoption of the Commercial, Industrial and Institutional (CII) NPDES Permit applicable to areas within the Dominguez Channel watershed; proposed Statewide Urban Stormwater Infiltration Policy; State/LA Water Board revisions to Clean Water Act 303(d) lists of impaired water bodies; and, development of new TMDLs for specific water body/pollutant combinations by the LA Water Board. In addition, this task provides for McGowan Consulting to attend Los Angeles region-wide WMG Coordination and LA Water Board meetings and workshops as-needed on behalf of the Beach Cities WMG. McGowan Consulting will represent the Beach Cities WMG at the bimonthly Ad-Hoc Leadership Committee meetings of the LA Permit Group and prepare as-needed and directed comment letters or testimony on proposed LA Water Board or State Water Board regulatory actions.

Task 6.8 Regional Project Funding Assistance

This task provides for McGowan Consulting to track funding opportunities and evaluate their applicability to Beach Cities WMG projects and programs. McGowan Consulting will disseminate summaries of relevant funding opportunities and/or revisions to funding programs to the Beach Cities WMG either via email or through the Beach Cities WMG meetings. This task may also include coordination between the Beach Cities WMG and other entities, e.g., institutional, commercial and industrial facilities, to facilitate joint funding of regional projects. Note that the allocation of effort in this task is not sufficient to prepare a full funding proposal.

Task 6.9 Watershed Progress Reports

As required by the Regional Stormwater Permit, McGowan Consulting will prepare and submit two (2) semi-annual Beach Cities Watershed Progress Reports due June 15 and December 15, along with semi-annual posting of Section 1.1 of the reports in English and Spanish on the WRAMPS public portal for the Beach Cities WMG. This task also includes semi-annual updates of the Beach Cities WMP Progress Reporting public dashboard on the [Los Angeles County Watershed Reporting System \(WRAMPS2\) webpage](#). It is assumed that each of the individual Beach Cities WMG agencies will be responsible for updating its own individual project information in the online WRAMPS2 tool for access and compilation by McGowan Consulting into the WMG Watershed Progress Reports.

Cost of Services

McGowan Consulting will conduct the work outlined in the foregoing Scope of Services during the period from July 2025 through June 2026 for an amount not to exceed **\$118,510** based on time and materials as estimated in the attached Budget Table and Rate Schedule. This amount includes an allocation for other direct costs as shown in the Budget Table. Other direct costs chargeable to the project may include: subcontracted graphic design and illustration; website design and hosting services; translation services; report reproduction and binding; courier services; and other direct project costs not specifically included in labor rates. McGowan Consulting labor rates for FY2025-2026 are shown in the attached Rate Schedule and include automobile mileage, parking fees, and routine printing and copying.

McGowan Consulting will adhere to the budget, however in order to provide a measure of flexibility to best meet the needs of the Beach Cities WMG, it is understood that reallocation of level-of-effort and cost may occur between tasks so long as the total contract amount is not exceeded. It is the nature of regulatory and monitoring-driven programs to be subject to uncertainty such as unforeseen technical issues, new regulatory requirements, or regulatory enforcement action; McGowan Consulting will inform City staff and Beach Cities WMG representatives of changing requirements and emerging issue as part of regular communication. If necessary to provide additional consulting services to meet the unforeseen needs of the WMG, and if so requested by the Beach Cities WMG and directed by City of Manhattan Beach staff, McGowan Consulting will submit an authorization request for a change to the Scope and Cost of Services.

Thank you for the opportunity to continue serving the Beach Cities Watershed Management Group, including the City of Manhattan Beach.

Sincerely,



Kathleen C. McGowan, P.E., ENV SP
Principal/Owner
McGowan Consulting, LLC

EXHIBIT B-2

APPROVED FEE SCHEDULE

| Budget Table for Beach Cities WMG Coordination Services | | | |
|---|--|-------------|-------------------|
| Task | Description | FY25-26 | |
| | | Labor Hours | Estimated Cost |
| 6.1 | WMG Meeting Agendas and Minutes | 45 | \$ 8,060 |
| 6.2 | WMG Meeting Preparation and Chairing/Attendance | 54 | \$ 9,180 |
| 6.3 | Project Management and Coordination | 70 | \$ 12,530 |
| 6.4 | TMDL Compliance Support and ROWD-Adaptive Management Report Review | 120 | \$ 21,480 |
| 6.5 | CIMP Data & Report Review | 60 | \$ 10,740 |
| 6.6 | Develop & Manage Joint Outreach* | 48 | \$ 8,160 |
| 6.7 | Permit/Region-wide Coordination* | 45 | \$ 8,060 |
| 6.8 | Regional Project Funding Assistance | 32 | \$ 5,730 |
| 6.9 | Watershed Progress Reports | 160 | \$ 26,880 |
| Other Direct Costs | | | |
| <i>Includes subcontracted website hosting by SBCCOG and graphic design and layout for outreach materials*</i> | | | \$ 7,690 |
| Total All Tasks + Other Direct Costs | | 634 | \$ 118,510 |

*Indicates tasks that incorporate cost/labor savings due to work performed in common for two watershed groups

Exhibit B-2

Rate Schedule

McGowan Consulting, LLC

Fiscal Year 2025-2026²

Professional/Staff Labor Rates

Principal **\$194 per hour**

Sr. Scientist **\$164 per hour**

Staff Scientist **\$80 per hour**

Labor rates include: automobile mileage within greater Los Angeles and Orange County area, parking, routine printing and copying

Expenses

Other direct costs chargeable to the project include: graphic layout and illustration; webpage design, hosting and maintenance; translation services; report reproduction and binding; project-specific publications; courier services; and any other direct project costs not included in the labor rates.

² Labor rates to be adjusted annually based on increases in the Consumer Price Index for the Los Angeles area as calculated by the U.S. Department of Labor Bureau of Labor Statistics