

Attachment A

Amendment No. One to the Professional
Services Agreement with Dudek

**AMENDMENT NO. ONE TO
PROFESSIONAL SERVICES AGREEMENT
WITH DUDEK FOR
CONSULTING SERVICES ON THE COMPREHENSIVE GENERAL PLAN UPDATE**

THIS AMENDMENT NO. ONE TO PROFESSIONAL SERVICES AGREEMENT (“Amendment No. One”) is made and entered into as of this 25th day of March, 2025 (“Effective Date”), by and between the CITY OF NEWPORT BEACH, a California municipal corporation and charter city (“City”), and DUDEK, a California corporation (“Consultant”), whose address is 605 3rd Street, Encinitas, CA 92024, and is made with reference to the following:

RECITALS

- A. On June 27, 2023, City and Consultant entered into a Professional Services Agreement (“Agreement”) for consulting services on the comprehensive general plan update (“Project”).
- B. The parties desire to enter into this Amendment No. One to reflect additional Services not included in the Agreement, to extend the term of the Agreement to June 30, 2026 and to increase the total compensation.

NOW, THEREFORE, it is mutually agreed by and between the undersigned parties as follows:

1. TERM

Section 1 of the Agreement is amended in its entirety and replaced with the following: “The term of this Agreement shall commence on the Effective Date, and shall terminate on June 30, 2026, unless terminated earlier as set forth herein.”

2. SERVICES TO BE PERFORMED

Exhibit A to the Agreement shall be supplemented to include the Scope of Services, attached hereto as Exhibit A and incorporated herein by reference (“Services” or “Work”). Exhibit A to the Agreement and Exhibit A to this Amendment No. One shall collectively be known as “Exhibit A.” The City may elect to delete certain Services within the Scope of Services at its sole discretion.

3. COMPENSATION TO CONSULTANT

Exhibit B to the Agreement shall be supplemented to include the Schedule of Billing Rates, attached hereto as Exhibit B and incorporated herein by reference. Exhibit B to the Agreement and Exhibit B to Amendment No. One shall collectively be known as “Exhibit B.”

Section 4.1 of the Agreement is amended in its entirety and replaced with the following: “City shall pay Consultant for the Services on a time and expense not-to-exceed

basis in accordance with the provisions of this Section and the Schedule of Billing Rates attached hereto as Exhibit B and incorporated herein by reference. Consultant's compensation for all Work performed in accordance with this Agreement, including all reimbursable items and subconsultant fees, shall not exceed **One Million Six Hundred Six Thousand Five Hundred Nine Dollars and 74/100 (\$1,606,509.74)**, without prior written authorization from City. No billing rate changes shall be made during the term of this Agreement without the prior written approval of City."

The total amended compensation reflects Consultant's additional compensation for additional Services to be performed in accordance with this Amendment No. One, including all reimbursable items and subconsultant fees, in an amount not to exceed **One Hundred Twenty Eight Thousand Four Hundred Seventy Nine Dollars and 99/100 (\$128,479.99)**.

4. INTEGRATED CONTRACT

Except as expressly modified herein, all other provisions, terms, and covenants set forth in the Agreement shall remain unchanged and shall be in full force and effect.

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the parties have caused this Amendment No. One to be executed on the dates written below.

**APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE**

Date: 3/6/25

By: Jose Montoya for
Aaron C. Harp
City Attorney 3.6.25
AC

ATTEST:

Date: _____

By: _____
Leilani I. Brown
City Clerk

CITY OF NEWPORT BEACH,
a California municipal corporation

Date: _____

By: _____
Joe Stapleton
Mayor

CONSULTANT: DUDEK, a California corporation

Date: _____

By: _____
Joseph Monaco
Chief Executive Officer

Date: _____

By: _____
Danielle Voss
Secretary

[END OF SIGNATURES]

Attachments: Exhibit A – Scope of Services
 Exhibit B – Schedule of Billing Rates

EXHIBIT A

SCOPE OF SERVICES

February 25, 2025

Ben Zdeba
 City of Newport Beach

Subject: Add Service for the City of Newport Beach General Plan Update

Dear Ben Zdeba:

Dudek is pleased with the opportunity to continue and expand upon our work with the City of Newport Beach on the General Plan Update. As part of this update, Dudek has reviewed and provided a summary of our recommendations to the City for updates to the Noise Element (NE). Further, the original scope of work only anticipated meetings with the full General Plan Advisory Committee (GPAC), but did not include meetings and coordination with the GPAC Subcommittees. Below describes additional services to be added to the General Plan Update, including an update to the City’s General Plan Noise Element, additional coordination with the GPAC’s various subcommittees, and an additional draft of the General Plan.

Scope of Services

TASK 1 NOISE ELEMENT UPDATE

The following services are proposed for the update of the NE component of the GP. We understand that development of the Noise Section of the EIR has already been completed and is not needed within this scope.

Task 1.1 Establish Baseline Conditions

Dudek will conduct a sound monitoring survey that includes sound pressure level measurements and concurrent traffic volume counts, as appropriate, to determine the existing sound levels at representative locations throughout the City and to validate the sound model developed in Task 1.2. The sound monitoring survey will include up to twenty (20) short-term (15-minute duration) and up to three (3) long-term (24+ hour duration) measurement locations. Candidate survey locations will be selected in consultation with City planning staff. Sound pressure levels (SPL) will be measured using instruments that satisfy the American National Standards Institute (ANSI) standards for a Type 1 or Type 2 sound level meter (SLM).

Task 1.1 Cost.....**\$8,639.99**

Task 1.2 Sound Propagation Modeling and Sound Contour Mapping

- a. Existing and Future Roadway Traffic Noise Levels – A City-wide traffic sound model will be developed using the Federal Highway Administration (FHWA) Traffic Noise Model algorithms, as implemented within

the CadnaA software. CadnaA is a three-dimensional sound mapping software that takes into account varying terrain, source spectral content, and a number of other factors that have an effect on sound attenuation and propagation. Inputs to the model will include roadway centerlines, terrain, ground type, and buildings, if desired. The sound model will be validated with data gathered from the sound monitoring survey conducted in Task 1.1. Following model validation, 24-hour Community Noise Equivalent Level (CNEL) contours will be developed for the 104 roadway segments included in the EIR and SR73, provided that the consultant is provided with roadway centerline and traffic volumes, for two scenarios: Existing and General Plan Buildout conditions. The sound level contours will be available for import into the City's GIS system and will be provided graphically within the Noise Element document. Traffic noise levels along these roadways will also be provided in tabular form. Traffic volumes, speed, and mix information will be utilized from the traffic study. This task assumes that the City will provide roadway centerlines, topographical information, and buildings, if desired, in a format suitable to be imported into the sound modeling software (i.e., ArcGIS or dxf format).

- b. John Wayne Airport (JWA) – Sound levels from the John Wayne Airport will be evaluated based upon sound level contour mapping from the corresponding Airport Land Use Compatibility Plan (ALUCP). Sound level contours provided in the ALUCP will be reproduced for use within the Noise Element in a separate map than the ground transportation sources due to differences in mitigation strategies needed for these different types of sources.
- c. Other Sound Sources – Dudek will assess any major newly identified (by the City) sound sources that may have been developed since the release of the adopted NE to determine the level to which these sources should be included in the sound modeling or measurement (Task 1.1) efforts. It is anticipated that sound levels generated from localized sources, such as water vehicles, recreational activities, mechanical equipment, landscape maintenance, etc., will be discussed qualitatively within the background section of the NE only, similar to how they are discussed in the adopted NE. However, Dudek's approach to newly identified sources will be on a case-by-case basis, depending on the source.

Task 1.2 Cost.....\$14,690.00

Task 1.3 Update Noise Element Policies

Dudek will update the NE goals and policies following the previously made Dudek recommendations for relevance, completeness, and consistency of the NE with the Municipal Code and any recommendations made within the Noise Section of the EIR to mitigate any identified significant impacts. This task assumes one 2-hour virtual meeting with the City to discuss City objectives, the development of draft updated goals and policies, and the response to one round of City comments. The Final updated goals and policies will be provided within the Updated Noise Element document.

Task 1.3 Cost.....\$5,370.00

Task 1.4 Noise Element Amendment

Dudek will draft an updated noise element document to include background information on sound, a narrative describing existing background sound sources throughout the City that includes any newly identified noise sources that may have been developed since the release of the adopted NE, updated Community Noise Contour Maps for existing and future General Plan Buildout conditions for ground transportation sources, sound contour

maps from the ALUCP depicting John Wayne Airport (JWA) sound contours, and updated goals, policies, and implementation procedures following previously made recommendations. Sound levels generated from localized sources, such as water vehicles, recreational activities, mechanical equipment, landscape maintenance, etc., will be discussed qualitatively within the background section of the document only, similar to how they are described within the adopted NE. This task assumes our response for two total rounds of consolidated comments from the City, the GPAC, or other interested parties.

Task 1.4 Cost.....\$14,330.00

TASK 2 GPAC SUBCOMMITTEE COORDINATION

As the General Plan Update progresses and with the addition of the Noise Element Update, it has become apparent that additional coordination with the GPAC and its subcommittees is needed. The original scope of work anticipated 34 GPAC meetings up to 1-hour each, with Kearns and Wests participation at 6 meetings. However, to-date, the Dudek team has attended a total of 23 GPAC and subcommittee meetings, all of which have lasted between 1.5-2.25 hours. Further, Kearns and West has been in attendance at 12 of these meetings. To continue to engage with the GPAC and subcommittees throughout the General Plan Update process, the following scope of services is proposed as an add service to the existing contract.

Task 2.1 GPAC Subcommittee Meetings and Support

To support coordination with the various GPAC subcommittees, the Dudek team will attend 12 GPAC Subcommittee meetings including attendance by the Dudek project manager and up to 2 additional members of the Dudek team at each meeting. Additionally, in support of these meetings, Dudek will develop PowerPoint presentations, as well as meeting minutes following each meeting. Of the 12 GPAC subcommittee meetings, Dudek anticipates 8 will be in-person and 4 will be virtual. Staff attendance is anticipated in accordance with the following:

- Project manager attendance at 12 meetings (virtual and in-person)
- One Kearns and West representative attendance at 5 meetings (in-person)
- One Dudek Technical Representative (i.e. Coastal Planner, Acoustician, or similar role) at 12 meetings (virtual and in-person)

Task 2.1 Cost.....\$35,450.00

TASK 3 GENERAL PLAN UPDATE ADDITIONAL DRAFT

To accommodate the General Plan Update's iterative process, Dudek recommends an additional draft of the General Plan. The following services are proposed for the update to the General Plan.

Task 3.1 Additional Draft General Plan

To accommodate additional revisions through the various subcommittees of the General Plan Advisory Committee, Dudek will provide an additional draft of the General Plan for City review. This task assumes our response for one round of consolidated comments.

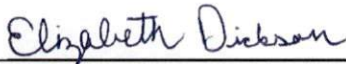
TASK 3 COST.....\$50,000.00

TO: BEN ZDEBA, PLANNING MANAGER
SUBJECT: ADD SERVICE FOR THE CITY OF NEWPORT BEACH GENERAL PLAN UPDATE

TOTAL COST.....\$128,479.99

The comprehensive breakdown of all costs is provided below. Our team looks forward to discussing the proposed add service. Should you have any questions, feel free to contact me at edickson@dudek.com or (760) 479-4846.

Sincerely,



Elizabeth Dickson, AICP
Principal Planner

EXHIBIT B
SCHEDULE OF BILLING RATES



City of Newport Beach
 Newport Beach NE Update and GPAC Subcommittee Coordination
 DUDEK FEE ESTIMATE

2/25/2025

Dudek Labor Hours and Rates													Subconsultant Fees attendance by 1 representative at 5 meetings (in-person)			
Project Team Role:	Senior Specialist V	Senior Specialist I	Analyst III	Project Director/Environmental	GIS Analyst III	Publications Specialist II	Specialist II	Analyst IV	Senior Specialist III	Specialist V	Specialist II					
Team Member:	Dana Lodico	Elizabeth Dickson	Carson Wong	Mark Storm	GIS Analyst III	Publications Specialist II	Janet Rodriguez	Joshua Baehr	Kelly Bray	Rose Newberry	Henry Eckold			Kearns and West	OTHER DIRECT COSTS	TOTAL FEE
Billable Rate:	\$275.00	\$185.00	\$130.00	\$300.00	\$165.00	\$120.00	\$175.00	\$140.00	\$235.00	\$185.00	\$145.00	TOTAL DUDEK HOURS	DUDEK LABOR COSTS	Fee		
Task 1.1 Baseline Conditions	8	8	36									52	\$8,360.00			\$8,639.99
Task 1.2 Modeling and contour mapping	12		80		6							98	\$14,690.00		\$279.99	\$14,690.00
Task 1.3 GP NE Policies and Review	16	2		2								20	\$5,370.00			\$5,370.00
Task 1.4 Noise Element Amendment	36	12	8	2	2	2						62	\$14,330.00			\$14,330.00
Task 2.1 Meetings with GPAC / City (8 in-person and	12	90		12			10	20	10			154	\$30,450.00	\$5,000.00		\$35,450.00
Task 3.1 General Plan Update, Additional Draft		65				24	61	60	12	40	40	302	\$50,000.00			\$50,000.00
Total Hours	84	177	124	16	8	26	71	80	22	40	40	688				
Total	\$23,100.00	\$32,745.00	\$16,120.00	\$4,800.00	\$1,320.00	\$3,120.00	\$12,425.00	\$11,200.00	\$5,170.00	\$7,400.00	\$5,800.00		\$123,200.00	\$5,000.00	\$279.99	\$128,479.99
Percent of Hours (Base)	12%	26%	18%	2%	1%	4%	10%	12%	3%	6%	6%					