



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: June 16, 2020

Agenda Item 11C(1)

Approvals:

City Manager RD

Dept. Head

Attorney SS

Finance

**Department:** City Attorney  
City Manager  
**Prepared By:** Scott C. Smith

**Subject:** *PROFESSIONAL SERVICES AGREEMENT FOR TCA-RELATED EXPERT SERVICES*

**Fiscal Imp** The 2020-21 annual budget for the Aprea and Micheli agreement will continue at \$180,000 (including all advocacy, not just TCA). The budget for other TCA-related experts is estimated to go from \$390,000 to no more than \$50,000, as detailed below.

**Summary:** This is a report on the status of professional services agreements entered into in connection with the litigation brought by the City to challenge TCA's 2017 decision to consider developing freeway alternatives through San Clemente and its refusal to analyze non-freeway alternatives until 2020.

**Background:** The City filed a lawsuit against TCA and CalTrans to stop their consideration of freeways through San Clemente as part of the South County Traffic Relief Study. At the time, the City employed various experts to provide guidance on (1) traffic analysis, (2) joint powers and regional transportation governance, (3) CalTrans and Department of Transportation regulations and processes, (4) strategy to support the litigation effort. The experts were also to coordinate with staff and the City Attorney's department to formulate and advocate legislative solutions to complement or stand in lieu of the City's litigation goals. Their work has involved regular communication and coordination with the City Attorney's office; therefore, for purposes other than legislative advocacy, they were engaged as experts in order to preserve the confidentiality of these communications where possible. At this point in the litigation and as part of the Council's consideration of its 2020-21 legal budget, adjustments have been made in the City's work program for these experts as described in this report. This report is presented regarding plans going forward for those expert professional services teams.

**Discussion:** The following professional services agreement on TCA-related work will be discontinued or revised in FY 2020-21 as follows:

The contract for advocacy and legislative support with Aprea & Micheli was awarded publicly, with TCA work constitution part of the contract's scope. The term of that contract extends through March 2021.

The remaining TCA consultants are working under expert agreements as sub-consultants to Best Best & Krieger as described above. The current agreement with

them covers FY 2019-2020 and will not be renewed. Their work fell under a master expert services agreement covering work by Englander, Knabe & Allen, IBI, Stan Oftelie, and Mike Roos. That \$32,500 monthly contract also expires on June 30, 2020, with the following recommended disposition going forward:

1. EKA and Roos: Convert to non-legal, small as-needed contract under City Manager's contract authority.
2. IBI and Oftelie: Remain on as legal experts to BB&K on hourly as-needed basis as approved by Council.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council receive and file this report.

**Attachment:** None.

**Notification:** None.