



City of Oceanside

300 North Coast Highway,
Oceanside, California 92054

Staff Report

File #: 25-753

Agenda Date: 5/21/2025

Agenda #: 11.

DATE: May 21, 2025

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

TITLE: AMENDMENT TO AN AGREEMENT FOR DESIGN AND PERMITTING SERVICE FOR LOMA ALTA CREEK MOUTH MAINTENANCE PROGRAM

RECOMMENDATION

Staff recommends that the City Council approve Amendment 1 to the Professional Services Agreement (PSA) with Dudek, in the amount of \$86,203 for a revised contract total of \$206,202 for the study, design plan, permitting, and environmental documents necessary to provide continuing maintenance of the Loma Alta Creek mouth; appropriate \$86,203 in funds from General Fund Assigned Infrastructure; and authorize the City Manager, or designee, to execute the amendment upon receipt of all supporting documents; and authorize the Financial Services Director, or designee, to execute the purchase order.

BACKGROUND AND ANALYSIS

The Loma Alta Creek intermittently flows into the Pacific Ocean at Buccaneer Beach where the creek mouth historically opens and closes naturally depending on the tide and storm outflow. However, the current condition of reduced beach sand and the dominance of the naturally occurring beach cobble have created a berm at the creek mouth year-round. During times of heavy rain or imminent upstream flooding, Public Works staff must respond quickly to lower the berm and open the creek mouth in order to prevent flooding to the nearby park, parking lot, café, Paradise by the Sea RV Park, and upper watershed.

Having a formal maintenance plan and permitting process in place ensures that the City meets all environmental regulations and documentation for routine maintenance of the berm without having to apply for emergency permits with the regulating agencies during each potential flood occurrence. To this end, on April 24, 2024, the City Council approved a PSA with Dudek for \$119,998 to complete necessary technical studies and data acquisition; provide a maintenance plan that would allow Public Works staff to open/lower the cobble berm at the creek mouth during optimum times to decrease the risk of flooding; complete necessary environmental documentation; and coordinate with applicable regulatory agencies and apply for permits required to implement the maintenance.

After completing all the necessary studies and data acquisition to form a maintenance plan, Dudek, on behalf of the City, applied for a Coastal Development Permit with the California Coastal Commission (CCC), a 401 Water Quality Certification with the Regional Water Quality Control Board

(RWQCB), and a Nationwide Permit (NWP) 3 (for Maintenance) with the United States Army Corps of Engineers (USACE). The permit applications for CCC and RWQCB are still under review pending recent project description changes. However, on February 28, 2025, the USACE determined that the effects of the berm maintenance would exceed minimal thresholds for an NWP and that “the Corps retains discretionary authority to require an [Individual Permit] IP for this project.”

Nationwide Permits are general permits issued on a nationwide basis to streamline the USACE authorization of activities that result in minimal individual and cumulative adverse effects on an aquatic environment. In order to qualify for the use of an NWP, prospective permittees must comply with all of the terms, along with general and regional conditions of the NWP.

Individual Permits are required when the permittee’s proposed activities do not fit under the NWP conditions. After a thorough review of the City’s proposed maintenance activities and several letter exchanges with the USACE, the USACE determined that the proposed maintenance activities at Loma Alta Creek mouth do not align with any of the NWPs, and that the City needs to file for an IP. IPs entail more in-depth analysis and studies concerning how the proposed activities may or may not affect aquatic resources. Fortunately, once obtained, an IP will provide the City additional flexibility to conduct maintenance in this area to mitigate flooding hazards for a longer permit term of ten years.

As a result of the USACE’s requirement to obtain an IP, staff recommends that Amendment 1 is approved to continue the permitting process for the Loma Alta Creek Mouth Maintenance program, including project management for an extended length of time (estimated to be an additional 12-14 months from the permit application submission date), an updated Biological Resource Study Report, an updated Engineering Design Study report, and additional regulatory permitting services including the preparation of a Section 404(b)(1) Alternatives Analysis, a Public Notice, and an Environmental Assessment to document compliance with the National Environmental Policy Act (NEPA).

FISCAL IMPACT

Amendment 1 with Dudek is \$86,203 and will be charged to the Loma Alta Mouth account 912193623501.5305.10800. Staff is requesting to use reserves in the amount of \$86,203 and appropriate to the Loma Alta Mouth account to cover the cost of the Amendment and contingencies. A transfer of \$86,203 from 1101.6900.0501 to 912193623501.6800.0101 will be needed. The funding source is General Fund Assigned Infrastructure account 101.3020.0054 which has an available balance of \$20M; therefore, sufficient funds are available.

Description	Amount	Request to Appropriate	Account Number	Funding Source Account	Available Balance
Dudek Amendment 1	\$86,203	\$86,203	912193623501.5305.10800 Loma Alta Mouth	101.3020.0054 General Fund Assigned Infrastructure	\$20M

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

Prepared by: Christy Freetly, Professional Assistant
Reviewed by: Hamid Bahadori, Public Works Director
Submitted by: Jonathan Borrego, City Manager

ATTACHMENTS:

1. Staff Report
2. Amendment 1 Dudek
3. Updated Scope of Work