

**FIRST AMENDMENT TO AGREEMENT BETWEEN
CITY OF TEMECULA AND PROACTIVE FIRE DESIGN & CONSULTING, INC.
FIRE DEPARTMENT PLAN REVIEW SERVICE**

THIS FIRST AMENDMENT is made and entered into as of **February 28, 2023** by and between the City of Temecula, a municipal corporation (hereinafter referred to as "City"), and **Proactive Fire Design & Consulting, Inc.**, a **Corporation** (hereinafter referred to as "Consultant"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On **July 12, 2022**, the City and Consultant entered into that certain Agreement entitled "Agreement for **Fire Department Plan Review Service**," in the amount of **One Hundred Twenty Thousand Dollars and No Cents (\$120,000) annually with the ability, upon mutual agreement to extend the contract for three (3) additional one (1) year terms for a total four-year agreement amount of \$480,000.**

b. The parties now desire to increase the payment in the amount of \$25,000.00 for a total contract amount of \$505,000.00.

2. **Subsection 4.a.** entitled "**PAYMENT**" is hereby amended to read as follows:

The City agrees to pay Consultant monthly, in accordance with the payment rates and terms and the schedule of payment as set forth in Exhibit B, Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment are null and void. This amount shall not exceed **Five Hundred Five Thousand Dollars and No Cents (\$505,000.00)** for the total term of this agreement, including any additional terms or extensions, unless additional payment is approved as provided in this Agreement.

3. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

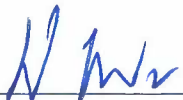
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA

PROACTIVE FIRE DESIGN & CONSULTING, INC.

(Two Signatures of corporate officers required unless corporate documents authorize only one person to sign the agreement on behalf of the corporation.)

By: _____
Zak Schwank, Mayor

By:  _____
Donald Walton, President

ATTEST:

By: _____
Randi Johl, City Clerk

By:  _____
Jo Marie Walton, Secretary

APPROVED AS TO FORM:

By: _____
Peter M. Thorson, City Attorney

CONSULTANT

ProActive Fire Design & Consulting, Inc.

Donald Walton

41965 3rd Street, Suite A

Temecula, CA 92590

951-296-FIRE

Proactive.fd@gmail.com

City Purchasing Mgr.

Initials and Date:

 2/9/23