

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
CITY OF TEMECULA AND OVERLAND, PACIFIC & CUTLER, LLC  
PROPERTY ACQUISITION SERVICES**

**THIS FIRST AMENDMENT** is made and entered into as of **May 24, 2022** by and between the City of Temecula , a municipal corporation (hereinafter referred to as "City"), and **Overland, Pacific & Cutler, LLC, 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 **September 10, 2019**, the City and Consultant entered into that certain Agreement entitled "Agreement for **Property Acquisition Services**, in the amount of **\$60,000.00** each fiscal year, for a total Agreement amount of **\$300,000.00**.
  - b. The parties now desire to amend the Agreement as set forth in this Amendment.
2. Section **6** of the Agreement entitled "**PAYMENT**" at paragraph "a" 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 **Three Hundred Thousand Dollars and Zero Cents (\$300,000.00)** for the total term of this agreement, unless additional payment is approved as provided in this agreement.
3. The Exhibit "B" to the Agreement is hereby amended by adding thereto the items set forth on Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.
4. 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

Overland, Pacific & Cutler, LLC

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

By: \_\_\_\_\_

Matt Rahn, Mayor

By: \_\_\_\_\_

Brian Everett, CEO

ATTEST:

By: \_\_\_\_\_

Randi Johl, City Clerk

By: \_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_

Peter M. Thorson, City Attorney

CONSULTANT

Overland, Pacific & Cutler, LLC

Attn: Victoria Cook

2280 Market Street, Suite 200

Riverside, CA 92501

(951) 801-6816

vcook@opcservices.com

City Purchasing Mgr.

Initials and

Date: 5/9/22

## OPC Schedule of Hourly Rates

### Management & Implementation

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Senior Director	\$250.00
Program Manager / Director	\$200.00
Senior Project Manager	\$165.00
Project Manager / Project Controls Manager	\$150.00
Senior Agent / Senior Analyst / Project Coordinator	\$135.00
Agent / Analyst	\$120.00
Relocation Specialist	\$105.00

### Utility Coordination

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Senior Utility Manager	\$200.00
Utility Manager	\$165.00
Senior Utility Coordinator	\$150.00
Utility Coordinator	\$135.00

### Right of Way Engineering

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Project Engineer (PE)	\$225.00
Survey Manager (PLS)	\$200.00
Senior ROW Engineering / Survey Analyst	\$150.00
GIS / CADD Analyst	\$120.00

### Real Estate Appraisal

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Valuation Director / Managing Director	\$275.00
Valuation Manager	\$250.00
Senior Valuation Analyst	\$225.00
Valuation Analyst	\$150.00
Assistant Valuation Analyst	\$120.00

### Property Management/Property Services

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Property Management Supervisor	\$165.00
Property Manager	\$135.00
Property Services Supervisor	\$135.00
Community Liaison	\$120.00

### Project Support/Administrative

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Project Support Specialist	\$90.00
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**OVERLAND, PACIFIC & CUTLER, LLC**  
(a Delaware Limited Liability Company)

**Resolution by Unanimous Written Consent of the Board of Managers**  
**A Resolution to assign client proposal and client contract signing authority**

The undersigned, being all of the members of the Board of Managers (the "Board") of Overland, Pacific & Cutler, LLC, a Delaware limited liability company (the "Company"), acting pursuant to Section 18-404(d) of the Delaware Limited Liability Company Act and Section 5.5 (f) of the Limited Liability Company Agreement of the Company (the "LLC Agreement"), **DO HEREBY CONSENT** to the taking of the following actions by unanimous written consent in lieu of a meeting and **DO HEREBY ADOPT** the following resolutions which will have the same effect as if such actions were taken and such resolutions were adopted a meeting of the Board:

Actions pursuant to Article 5, Section 5.1 of the Operating Agreement

**WHEREAS** the LLC Agreement authorizes the Board to conduct, direct and exercise full control over all activities of the Company, and gives the Board all management powers over the business and affairs of the Company;


**RESOLVED** that the following individuals are duly authorized to approve and sign proposals up to the limit shown below and are duly authorized to bind the company by approving and signing client contracts up to the limit shown below.

<b>Title</b>	<b>Client Proposal &amp; Client Contracts</b>	<b>Sub Consultant Contracts</b>
CEO	Over \$1 million	Over \$1 million
CBDO	Up to \$1 million	Up to \$1 million
CFO	Up to \$1 million	Up to \$1 million
Senior Vice President	Up to \$1 million	Up to \$100,000
Director	Up to \$250,000	Up to \$100,000
Regional Manager	Up to \$250,000	Up to \$100,000
Program Director	Up to \$250,000	Up to \$100,000
Program Manager	Up to \$100,000	Up to \$100,000
Senior Project Manager	Up to \$100,000	Up to \$25,000
Project Manager	Up to \$25,000	Up to \$25,000

IN WITNESS WHEREOF, the undersigned members of the Board of Managers have executed this Written Consent as of November 4, 2019.

  
Brian Everett, Manager

  
Ray Armstrong, Manager

  
Mark La Bonte, Manager