

**THIRD AMENDMENT TO AGREEMENT BETWEEN
CITY OF TEMECULA AND PSOMAS**

**PECHANGA PARKWAY ENVIRONMENTAL MITIGATION
PW11-01
(CONTRACT NO. 13-145)**

THIS THIRD AMENDMENT is made and entered into as of **May 14, 2019** by and between the City of Temecula, a municipal corporation (hereinafter referred to as "City"), and **Psomas 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 9, 2013** the City and Consultant entered into that certain Agreement entitled "Agreement for **Consultant Services for Pechanga Parkway Environmental Mitigation**," in the amount of **\$163,580.00**.

b. On **January 27, 2014**, the City and Consultant entered into a First Amendment that all sections of the Agreement, and any prior Amendments that refer to the Consultant as "**BonTerra Consulting**" shall be changed to "**BonTerra Psomas**" pursuant to the name and ownership change of said company on **December 31, 2013**.

c. On **June 26, 2018**, the City and Consultant entered into a Second Amendment that all sections of the Agreement, and any prior Amendments that refer to the Consultant as "**BonTerra Consulting**" shall be changed to "**Psomas**", add Section 4 of the Agreement entitled "Registration with the Department of Industrial Relations", and extend the term of the agreement to **June 30, 2019**.

d. The parties now desire to extend the term of the agreement to **December 31, 2020**, increase the payment in the amount of **\$47,602.50**, and to amend the Agreement as set forth in this Amendment.

2. Section **1** of the Agreement entitled "**TERM**" is hereby amended to read as follows:

"This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than **December 31, 2020** unless sooner terminated pursuant to the provisions of this Agreement.

3. Section **5** 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 schedules and terms 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. The **Third Amendment** amount shall not exceed **Forty-seven thousand six hundred two dollars and fifty cents (\$47,602.50)** for additional **Consulting Services** for a total Agreement amount of **Two hundred eleven thousand, one hundred eighty-two dollars and fifty cents (\$211,182.50)**.

04/18/2018

Exhibit A and Exhibit B to the Agreement are hereby amended by adding thereto the items set forth on Attachment A to this Amendment, which is attached hereto and incorporated 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

Psomas

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

By: _____
Michael S. Naggar, Mayor

By: _____
Melissa Howe, Vice President

ATTEST:

By: _____
Randi Johl, City Clerk

By: _____

APPROVED AS TO FORM:

By: _____
Peter M. Thorson, City Attorney

CONSULTANT

Psomas

Attn: Melissa Howe

3 Hutton Centre Drive, Suite 200

Santa Ana, CA 92707

(714) 751-7373

(714) 545-8883 (fax)

Melissa.Howe@psomas.com

Jan.Powell@psomas.com

PM Initials: 

Date: 4/18/19

04/18/2018

Attachment A

March 26, 2019

Mr. William Becerra
City of Temecula
41000 Main Street
Temecula, California 92590

VIA EMAIL AND MAIL
Will.Becerra@cityoftemecula.org

Subject: Proposal to Provide Biological Survey, Monitoring, and Documentation Services for the 3.40-Acre Pechanga Parkway Storm Drain Improvements Project Mitigation Site in the City of Temecula

Dear Mr. Becerra:

Psomas appreciates the opportunity to provide the City of Temecula with biological survey, monitoring, and documentation services for the 3.40-Acre Pechanga Parkway Storm Drain Improvements Project mitigation site in the City of Temecula. We have prepared a Scope of Work and Fee Estimate to (1) conduct mitigation performance monitoring between April 1, 2019 and December 15, 2019; (2) participate in sign-off negotiations with the resource agencies; (3) conduct supplemental mitigation performance monitoring between December 16, 2019 and April 15, 2020 (optional task); and (4) perform non-protocol surveys for the federally listed Endangered least Bell's vireo in 2019 (optional task).

The Scope of Work is included as Attachment A, the Fee Matrix is included as Attachment B, and the Schedule is included as Attachment C.

We are available to begin work upon receipt of written authorization to proceed, and we look forward to continuing to assist you with this project. If you have any questions or need additional information, please contact Richard Lewis at 714.751.7373.

Respectfully submitted,

P S O M A S



Melissa A. Howe
Vice President, Resource Management



Richard B. Lewis, III
Senior Project Manager

Attachments: Exhibits 1 and 2
A – Scope of Work
B – Fee Matrix
C – Schedule

3 Hutton Centre Drive
Suite 200
Santa Ana, CA 92707

ATTACHMENT A

**SCOPE OF WORK
TO PROVIDE BIOLOGICAL SURVEY, MONITORING, AND
DOCUMENTATION SERVICES (APRIL 1, 2019 TO APRIL 15, 2020)
ASSOCIATED WITH THE RIPARIAN HABITAT MITIGATION PROGRAM
FOR THE PECHANGA PARKWAY STORM DRAIN IMPROVEMENTS
PROJECT**

March 26, 2019

TASK 1 MITIGATION MONITORING: APRIL 1, 2019 TO DECEMBER 15, 2019

Psomas will perform mitigation performance monitoring on the 3.40-acre mitigation site, in conformance with project permits, Psomas' (as BonTerra Consulting's) 2013 *Habitat Mitigation and Monitoring Program for the Pechanga Parkway Storm Drain Improvements Project* (HMMP), and subsequent/revised program conditions that the City negotiated with the resource agencies (e.g., concerning maintenance access to the mitigation site during the nesting bird season).

Under Task 1, Psomas will perform two quarterly monitoring visits to site (June 2019 and September 2019) to review site conditions. Brief progress reports will be provided to the City following each monitoring visit, with the exception of the annual quantitative survey described below. Psomas will meet with City staff and the Restoration Contractor during the September 2019 inspection (after the completion of the least Bell's vireo season on September 15) to discuss site conditions and to recommended maintenance measures. Necessary remedial maintenance measures such as weed control and trash/debris removal will be recommended, as appropriate.

Psomas will perform the fifth annual quantitative survey (5AS) in November 2019, in accordance with the project's regulatory permits and the HMMP. The 5AS will consist of quantitatively and qualitatively evaluating site conditions to determine compliance with the performance standards listed in the final HMMP and permits/authorizations. The 5AS will include transect surveys and the California Rapid Assessment Method (CRAM) method of evaluation. Transect surveys will consist of using a total of 10, 25-meter long, point-intercept transects to measure the coverage of native and non-native plant species. The permanent transect alignments were initially designated on a random basis using Geographic Information System (GIS) software. CRAM will be used to evaluate four habitat attributes on the site to determine compliance with target CRAM scores set forth in the final HMMP. These four attributes will consist of (1) buffer and landscape context; (2) hydrology; (3) physical structure; and (4) biotic structure. CRAM evaluation methods will consist of visual estimates of site conditions for each of the four habitat attributes. The 5AS will also include an estimate of tree and shrub heights.

Psomas will prepare the fifth annual monitoring report (5AMR) to summarize the results of the 5AS and to document compliance with permits/authorizations. The 5AMR format will follow the format/content guidelines set forth in the U.S. Army Corps of Engineers (USACE) Regulatory Guidance Letter No. 08-03. The 5AMR will summarize (1) CRAM scores, measured percent coverage of plant species, and estimated tree and shrub heights; (2) compliance/non-compliance with performance standards; (3) native plant species health and overall vigor; (4) establishment of volunteer native plant species; (5) the presence/absence of invasive weed species; (6) significant issues of plant stress; and (7) wildlife species use, including any special status species such as the vireo. Photo-documentation will be included to assess comparative habitat conditions on the site since the initial invasive removal tasks were performed. In the event of substantial non-compliance with the required performance standards, the 5AMR will also include a discussion of recommended remedial measures to bring the site into compliance with HMMP requirements. The Annual Monitoring Report will include a location map; a site map (adapted from

Exhibit 3 of the HMMP) that shows the locations of photo-documentation stations and transects; special status species locations; and photo-documentation exhibits.

Psomas performed the fourth annual quantitative survey (4AS) on March 5, 2019. In addition to mitigation monitoring services provided between April 1, 2019 and December 15, 2019, Task 1 includes the preparation of the fourth annual monitoring report (4AMR), associated with the 4AS. The 4AMR will also follow the USACE format and include the same type of summary of survey results as contained in the 5AMR.

This Scope of Work includes one round of minor revisions to the 4AMR and the 5AMR based on comments received from the City of Temecula. This Scope of Work assumes that revisions will consist of minor text revisions and clarifications; correction of erroneous information; and minor updates to exhibits. It does not include document re-organization. The revised 4AMR and 5AMR will be submitted to the City of Temecula in .pdf format for distribution to the resource agencies.

This Scope of Work does not include the performance of additional transect surveys or other quantitative surveys beyond the types and quantities described herein; or other tasks not specifically mentioned above that may be required by the resource agencies between April 1, 2019 and December 15, 2019.

Not-to-exceed fees for completing this task, as well as time and materials, are identified in Attachment B. A total of 144 hours of technical and administrative support staff time has been identified for the completion of the tasks described above. Of these 144 hours, a total of 24 hours has been identified for project management and coordination tasks (email and telephone communication with all project team members, project organization, and attendance at meetings).

TASK 2 AGENCY SIGN-OFF COORDINATION AND SITE MEETING

Psomas will participate in sign-off negotiations with the resource agencies and will attend one site meeting with City staff and the resource agencies to assess habitat conditions. Task 2 will be performed either (a) following the submittal of the 5AMR in December 2019, or (b) following the submittal of the SAMR (per Task 3 below) in April 2020.

Not-to-exceed fees for completing this task, as well as time and materials, are identified in Attachment B. A total of 25 hours of technical and administrative support staff time has been identified for the completion of the tasks described above. Of these 25 hours, a total of 24 hours has been identified for project management and coordination tasks (resource agency coordination; site meeting).

TASK 3 MITIGATION MONITORING: DECEMBER 16, 2019 TO APRIL 15, 2020 (OPTIONAL TASK)

Psomas will perform mitigation performance monitoring on the 3.40-acre mitigation site. Psomas will meet with City staff and the Restoration Contractor twice in February 2020 to discuss site conditions and to recommended maintenance measures in advance of the March 2020 supplemental annual survey (as described below). Necessary remedial maintenance measures such as weed control and trash/debris removal will be recommended, as appropriate.

Psomas will perform a supplemental annual quantitative survey (SAS) in March 2020. The SAS will consist of quantitatively and qualitatively evaluating site conditions to determine compliance with the performance standards listed in the final HMMP and permits/authorizations. The SAS will include transect surveys and the CRAM method of evaluation, as described for the 5AS under Task 2. Psomas will prepare a supplemental annual monitoring report (SAMR) to summarize the results of the SAS, and to document compliance with permits/authorizations, as described for the 5AMR under Task 2.

This Scope of Work includes one round of minor revisions to the SAMR based on comments received from the City of Temecula. This Scope of Work assumes that revisions will consist of minor text revisions and clarifications; correction of erroneous information; and minor updates to exhibits. It does not include document re-organization. The revised SAMR will be submitted to the City of Temecula in .pdf format for distribution to the resource agencies.

This Scope of Work does not include the performance of additional transect surveys or other quantitative surveys beyond the types and quantities described herein; or other tasks not specifically mentioned above that may be required by the resource agencies between December 15, 2019 and April 15, 2020.

Not-to-exceed fees for completing this task, as well as time and materials, are identified in Attachment B. A total of 98 hours of technical and administrative support staff time has been identified for the completion of the tasks described above. Of these 98 hours, a total of 14 hours has been identified for project management and coordination tasks (email and telephone communication with all project team members, project organization, and attendance at meetings).

TASK 4 LEAST BELL'S VIREO NON-PROTOCOL SURVEYS: APRIL 1, 2019 TO AUGUST 31, 2019 (OPTIONAL TASK)

Psomas will perform monthly non-protocol surveys for the federally listed Endangered least Bell's vireo (vireo) (seasonal occurrence) on the mitigation site from April through August in 2019. The surveys will be performed by a biologist who is qualified to conduct surveys for the vireo, and who is also (as appropriate, based on the species' activities on the site) permitted by the U.S. Fish and Wildlife Service to conduct monitoring of vireo nests (e.g., to assess breeding success or failure; potential predation by brown-headed cowbirds). The results of each survey will be provided to the City in a brief summary email, and the results of all 2019 vireo surveys will be included in the fifth annual monitoring report to be prepared under Task 1. The documentation of least Bell's vireo activity on the mitigation site in 2019 would be expected to enhance the prospects for timely sign-off of the mitigation program.

Not-to-exceed fees for completing this task, as well as time and materials, are identified in Attachment B. A total of 67.5 hours of technical and administrative support staff time has been identified for the completion of the tasks described above. Of these 67.5 hours, a total of 3.5 hours has been identified for project management and coordination tasks.

ATTACHMENT B

**FEE MATRIX
TO PROVIDE BIOLOGICAL SURVEY, MONITORING, AND
DOCUMENTATION SERVICES (APRIL 1, 2019 TO APRIL 15, 2020)
ASSOCIATED WITH THE RIPARIAN HABITAT MITIGATION PROGRAM
FOR THE PECHANGA PARKWAY STORM DRAIN IMPROVEMENTS
PROJECT**

March 26, 2019

Title	Rate	Hours	Total
Task 1 – Mitigation Monitoring and Reporting: April 1, 2019 to December 15, 2019			
Associate Principal	195.00	6.0	\$1,170.00
Senior Restoration Ecologist	150.00	96.0	\$14,400.00
Regulatory Specialist	125.00	16.0	\$2,000.00
GIS Analyst	125.00	6.0	\$750.00
Senior Biologist	125.00	10.0	\$1,250.00
Editor	95.00	2.0	\$190.00
Administrative	80.00	8.0	\$640.00
Subtotal Task 1		144.0	\$20,400.00
Task 2 – Agency Sign-Off Coordination and Site Meeting (Date TBD)			
Associate Principal	195.00	10.0	\$1,950.00
Senior Restoration Ecologist	150.00	14.0	\$2,100.00
Administrative	80.00	1.0	\$80.00
Subtotal Task 2		25.0	\$4,130.00
Task 3 – Mitigation Monitoring and Reporting: December 16, 2019 to April 30, 2020 (Optional)			
Associate Principal	195.00	4.0	\$780.00
Senior Restoration Ecologist	150.00	54.0	\$8,100.00
Regulatory Specialist	125.00	16.0	\$2,000.00
GIS Analyst	125.00	6.0	\$750.00
Senior Biologist	125.00	10.0	\$1,250.00
Editor	95.00	2.0	\$190.00
Administrative	80.00	6.0	\$480.00
Subtotal Task 3		98.0	\$13,550.00
Task 4 – Least Bell's Vireo Non-Protocol Surveys: April 1, 2019 to August 31, 2019 (Optional)			
Principal	235.00	0.5	\$117.50
Associate Principal	195.00	2.0	\$390.00
GIS Specialist	155.00	1.0	\$155.00
Senior Restoration Ecologist	150.00	8.0	\$1,200.00
Senior Biologist	150.00	30.0	\$4,500.00
GIS Analyst	125.00	4.0	\$500.00
Senior Biologist	125.00	20.0	\$2,500.00
Administrative	80.00	2.0	\$160.00
Subtotal: Total Task 4		67.5	\$9,522.50
Total Tasks 1 and 2			\$24,530.00
Total Tasks 1 and 2, Plus Optional Tasks 3 and 4			\$47,602.50

ATTACHMENT C

**SCHEDULE
TO PROVIDE BIOLOGICAL SURVEY, MONITORING, AND
DOCUMENTATION SERVICES (APRIL 1, 2019 TO APRIL 15, 2020)
ASSOCIATED WITH THE RIPARIAN HABITAT MITIGATION PROGRAM
FOR THE PECHANGA PARKWAY STORM DRAIN IMPROVEMENTS
PROJECT**

March 26, 2019

Task	Dates
City of Temecula issues Notice to Proceed	TBD
Task 1 – Mitigation Monitoring and Reporting	
Performance of quarterly monitoring visits (2) and fifth annual quantitative survey; preparation of fourth and fifth annual monitoring reports; project management and coordination.	April 1, 2019 to December 15, 2019
Task 2 – Agency Sign-Off Coordination and Site Meeting	
Participate in sign-off negotiations with the resource agencies and attend one site meeting with City staff and the resource agencies.	(Date TBD)
Task 3 – Mitigation Monitoring and Reporting (Optional Task)	
Performance of supplemental annual quantitative survey; preparation of supplemental annual monitoring report; project management and coordination.	December 16, 2019 to April 15, 2020
Task 4 – Least Bell's Vireo Non-Protocol Surveys (Optional Task)	
Perform non-protocol surveys for the federally listed Endangered least Bell's vireo during its breeding season in 2019.	April 1, 2019 to August 31, 2019

**UNANIMOUS WRITTEN CONSENT
OF THE
BOARD OF DIRECTORS
OF
PSOMAS
a California corporation**

February 27, 2019

THE UNDERSIGNED, being all of the members of the Board of Directors of Psomas, a California corporation (the "Corporation"), hereby adopt the following resolutions without a meeting as of the date set forth above, pursuant to Section 307(b) of the General Corporation Law of California:

RESOLVED that the following, being the Officers of the Corporation, be and hereby are authorized to execute any and all documents required to conduct the business of the Corporation, including, but not limited to contracts, leases and certifications;

IT IS FURTHER RESOLVED that any one signature of the Officers listed herein shall be sufficient to bind the Corporation;

RYAN E. McLEAN	President and Chief Executive Officer
LOREN L SOKOLOW	Chief Financial Officer, Treasurer, Assistant Secretary
DEBRA TILSON LAMBECK	Vice President, Secretary
CRAIG AHRENS	Vice President
ALEJANDRO ANGEL	Vice President
BRETT BARNETT	Vice President
TEDDY C. BOLDEN, II	Vice President
JOSEPH L. BOYLE	Vice President
SCOTT BRYANT	Vice President
BRIAN E. BULLOCK	Vice President
AGUSTIN CHANG	Vice President
JEFFREY CHESSE	Vice President
MATTHEW D. CLARK	Vice President
MICHAEL J. CREHAN	Vice President
SARAH CURRAN	Vice President
CHRIS DAVENPORT	Vice President
JEREMY L. EVANS	Vice President
ROSE FISTROVIC	Vice President
PETER FITZPATRICK	Vice President
DAN FORGEY	Vice President
ERNEST GOMEZ	Vice President
CRAIG GOOCH	Vice President
DANNIE B. GREEN	Vice President
TIMOTHY G. HAYES	Vice President
GREGORY A. HELMER	Vice President
MELISSA HOWE	Vice President
JIM HUNTER	Vice President
ROBERT J. IANNARINO	Vice President
JEREMY JOHNSON	Vice President
ANN JOHNSTON	Vice President
STEVE MARGARONI	Vice President
JENNIFER MARKS	Vice President
FRANK MARTIN	Vice President
DENNIS MEYER	Vice President
DAVID A. MORITZ	Vice President
LESLIE MORTON	Vice President
ANDREW NICKERSON	Vice President


JAMES NICOLAU IV	Vice President
ED O'BRIEN	Vice President
ROBERT C. OLSON	Vice President
MICHAEL R. REDIG	Vice President
T ERESITA REUTTER	Vice President
SCOTT ROCKE	Vice President
MATTHEW J. ROWE	Vice President
CLIFF SIMENTAL	Vice President
GARY SKREL	Vice President
RICHARD M. SULLIVAN	Vice President
MICHAEL D. SWAN	Vice President
ROBERT J. TALAFUS	Vice President
KEVIN T. THORNTON	Vice President
BYRON G. TOBEY, JR.	Vice President
REUBEN TOLENTINO	Vice President
ANISSA VOYIATZES	Vice President
ALYSEN WEILAND	Vice President
DONALD LEE WHITELEY	Vice President
CAROLINE YONTEZ	Vice President

This Unanimous Written Consent shall be filed with the Minutes of the proceedings of the Board of Directors, and the actions taken hereby shall have the same force and effect as if taken at a meeting duly called and held.

Blake Murillo



Matthew D. Clark



Ann Johnston



Ryan E. McLean



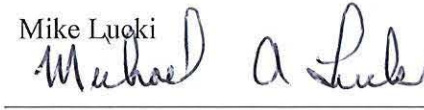
Donald Lee Whiteley



David A. Moritz



Mike Luoki



Steve Margaroni



Byron Tobey

