

**FIRST AMENDMENT TO
PROFESSIONAL CONSULTANT SERVICES AGREEMENT
FOR
MONTALVO CANYON OUTLET IMPROVEMENTS**

This First Amendment to Professional Consultant Services Agreement for Montalvo Canyon Outlet Improvements, Project No. 16004 (this "First Amendment") is made and entered into on this 5 day of December, 2022, by and between the CITY OF SAN CLEMENTE, a California municipal corporation ("City"), and LSA Associates, Inc. ("Consultant").

R E C I T A L S:

- A. City and Consultant entered into that certain Professional Consultant Services Agreement for Montalvo Canyon Outlet Improvements, Project No. 16004 (the "Agreement") on March 1, 2022.
- B. City and Consultant desire to amend the Agreement in the manner provided herein.

C O V E N A N T S:

Section 1: Section 3.3.2 of the Agreement is hereby amended by increasing the total compensation from Twenty Two Thousand Three Hundred Fifty Dollars (\$22,350) to Forty Thousand Nine Hundred Thirty Seven Dollars (\$40,937). In addition to the services to be performed by Consultant as referenced in Exhibit A to the Agreement, Consultant shall also perform those services described in Exhibit "A" to this First Amendment, which exhibit is attached hereto and incorporated herein by this reference.

Except as expressly amended by this First Amendment, the remaining portions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be duly executed on the respective dates set forth opposite of their signatures.

CITY OF SAN CLEMENTE

By: Sean Joyce

Its: City manager

Dated: 12-5, 2022

ATTEST:

[Signature]
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:
BEST BEST & KRIEGER

[Signature]
City Attorney

APPROVED AS TO AVAILABILITY
OF FUNDING:

[Signature]
Finance Authorization

LSA Associates, Inc.
("CONSULTANT")

By: Anthony L. Potos

Its: President

Dated: December 2, 2022

EXHIBIT "A"

(See Attached)



CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

December 1, 2022

Amir Ilkhanipour, P.E.
Senior Civil Engineer
City of San Clemente
901 Calle Negocio
San Clemente, CA 92673

Subject: Proposal for Bird Monitoring and Avoidance Plan and Pre-Construction Surveys within the Coastal Zone for the Montalvo Canyon Project in the City of San Clemente, California

Dear Mr. Ilkhanipour:

LSA is pleased to present this proposal and Scope of Services to perform biological services for the Montalvo Canyon Project, in San Clemente, California (project). The purpose of the bird monitoring and avoidance plan, and pre-construction surveys is to ensure compliance with applicable aspects of the Migratory Bird Treaty Act (16 United States Code §§ 703-712), California Fish and Game Code Sections 3503 and 3503.5, and Coastal Development Permit Number: 5-21-0705.

SCOPE OF SERVICES

TASK 1.0: BIRD MONITORING AND AVOIDANCE PLAN

Per the Notice of Intent (NOI), Condition 7, LSA will prepare a Bird Monitoring and Avoidance Plan. LSA will submit the plan to the lead agency for review this will include one round of revisions prior to submitting the plan to the coastal commission executive director for written approval.

TASK 2.0: SURVEY CONDUCTED OUTSIDE OF THE NESTING BIRD SEASON (SEPTEMBER 1 THROUGH JANUARY 31)

A qualified LSA biologist will conduct an initial pre-construction survey prior to the commencement of project construction activities. Surveys will be conducted within 500 ft of the project area to detect the potential of threatened, endangered, or special-status species. Upon completion of the survey LSA will submit a memorandum discussing the presence/absence of threatened, endangered, or special-status species.

TASK 3.0: SURVEYS CONDUCTED DURING THE NESTING SEASON (FEBRUARY THROUGH AUGUST 31)

If construction activities occur within the nesting season a qualified LSA biologist will conduct a pre-construction nesting bird survey within 15 days prior to the commencement of project activities. Surveys will be conducted within 500 feet of the project area. Upon completion of the survey LSA will submit a memorandum discussing the presence/absence of active bird nests.

TASK 4.0: WEEKLY SITE MONITORING

LSA will conduct weekly site visits for up to three months if work extends beyond this period LSA will amend this scope of work in communication with the contractor to meet the permit requirements for the extended monitoring needs.

SCHEDULE

Conducting Task 2.0 or 3.0 in the scope of services is dependent on when construction activities will commence. It should be noted that if construction activities do begin during the non-nesting season (September 1 through January 31) and extend into the nesting season weekly monitoring would need to continue.

BUDGET

LSA proposes to accomplish these tasks on an hourly basis, consistent with this Scope of Services and the Billing Rates per the current contract. LSA estimates the following budget table to be sufficient to perform the tasks described in the scope of services.

Task	Budget
Surveys During the Non-nesting Season	
Task 1.0: Bird Monitoring and Avoidance Plan	\$3,655
Task 2.0: Surveys Conducted Outside of the Nesting Season (September 1 through January 31)	\$2,375
Task 3.0: Surveys Conducted During the Nesting Season (February through August 31)	\$2,375
Task 4.0: Weekly Site Monitoring	\$9,900
Mileage	\$282
Total	\$18,587

Sincerely,

LSA Associates, Inc.



Lonnie Rodriguez
Associate Biologist