

**FIRST AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT FOR
PROFESSIONAL TRAFFIC AND PARKING ASSESSMENT REVIEW SERVICES**

This First Amendment to Professional Services Agreement (“Agreement”) for professional traffic and parking assessment review services (this “First Amendment”) is made and entered into on this 22 day of July, 2024, by and between the CITY OF SAN CLEMENTE, a California municipal corporation (“City”), and Kimley-Horn and Associates Inc., a North Carolina corporation (“Consultant”).

RECITALS:

- A. City and Consultant entered into that certain Professional Services Agreement for professional Environmental Consulting Services (the “Agreement”) on or about December 11, 2023.
- B. City and Consultant desire to amend the Agreement in the manner provided herein.

COVENANTS:

1. The General Scope of Services described in Exhibit “A” to the Agreement is hereby amended as provided below to include the additional tasks attached hereto as Exhibit “A” and incorporated fully herein by this reference.
2. Section 3.3.1 (Compensation) of the Agreement is hereby amended to increase the total compensation amount to a not exceed amount of fourteen thousand six hundred fifty dollars (\$14,650.00).
3. Exhibit “C” of the Agreement is hereby revised to include the amended compensation schedule attached hereto as Exhibit “C” and fully incorporated herein by this reference.
4. Except as expressly amended by this First Amendment, the remaining portions of the Agreement shall remain in full force and effect.

**EXHIBIT A
SCOPE OF WORK**

Consultant shall perform the following additional services as part of the amended scope of work:

Task 1 – Public Meetings

Consultant will attend Planning Commission and City Council meetings regarding the Hotel Clemente and Loretta's Restaurant project and make presentations as requested. This task will be billed to the City on a time and materials basis.

Task 2 – Additional Parking Study Reviews and Meetings

Consultant will review and provide comments for Hotel Clemente and Loretta's Restaurant parking study one additional time and attend meetings with the applicant and City to discuss the comments. This task will be billed to the City on a time and materials basis.

**EXHIBIT C
COMPENSATION**

FEE AND BILLING

Labor fee for Task 1 of the First Amendment will be billed on an hourly basis according to Consultant's current rates which are shown below. Additional services as provided in the First Amendment shall not exceed \$4,950.00. The total compensation under this Agreement, as amended by the First Amendment, shall not exceed \$14,650.00 without the City's prior written approval.

In addition to the labor fee, direct reimbursable expenses such as express delivery services, courier services, and other direct expenses will be billed at 1.10 times cost. An amount will be added to each invoice to cover other in-direct expenses. All permitting, application, and similar project fees will be paid directly by the Client.

Fees and expenses will be invoiced monthly based upon the percentage of services performed as of the invoice date. Payment will be due within 25 days of the date of the invoice.

Hourly Labor Rate Schedule

Classification	Rate
Analyst I	\$135 - \$165
Analyst II	\$175 - \$205
Professional	\$200 - \$235
Senior Professional I	\$250 - \$325
Senior Professional II	\$345 - \$420
Senior Technical Support	\$120 - \$300
Technical Support	\$105 - \$170
Support Staff	\$90 - \$150

The above rates are effective through June 30, 2025 and are subject to annual adjustment thereafter as agreed in writing by the Parties.

Internal Reimbursable Expenses will be charged at 5% of Labor Billings.

External Reimbursable Expenses will be charged at 10% mark-up. Sub-Consultants will be billed per the Agreement.

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

CITY OF SAN CLEMENTE

By: Andy Hall
Andy Hall (Jul 27, 2024 07:52 PDT)
Andy Hall, City Manager

Dated: 7/27, 20 24

ATTEST:

Laura Campagnolo
Laura Campagnolo (Jul 29, 2024 09:48 PDT)
CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM:

Elizabeth A. Mitchell
Elizabeth A. Mitchell, City Attorney

**APPROVED AS TO AVAILABILITY
OF FUNDING:**

Matthew Schmalzel
Finance Authorization

Kimley Horn and Associates, Inc., a
North Carolina corporation
("CONSULTANT")

By: Sri Chakravarthy, PE 73629
Sri Chakravarthy, PE 73629 (Jul 24, 2024 10:58 PDT)
Srikanth Chakravarthy
Its: Vice President

Dated: July 24, 20 24

By: Greg Kyle
Gregory S. Kyle
Its: Senior Vice President

Dated: Greg Kyle, 20 24