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March 31, 2015

Via Electronic and U.S. Mail

Thomas R. Hatch, Chief Executive Officer
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92628

Re: Budget Addendum for Fairview Park

Dear Mr. Hatch:

On December 6, 2013, you retained our firm to provide legal services to assist with the U.S. Fish and Wildlife Service (“USFWS”) investigation regarding alleged impacts to one or more vernal pools at Fairview Park and related issues involving endangered species and other environmental concerns and issues at the Park. To date we have assisted the City in its cooperation with the USFWS in all aspects of the investigation, including interfacing with USFWS enforcement special agents, their interviews of City staff, and document productions. We have also assisted the City with its restoration efforts at the Park, including coordination with USFWS lead biologist, Chris Medak, and retention of a consultant, Tony Bomkamp of Glenn Lukos Associates, to conduct the necessary investigation and restoration efforts required by the USFWS.

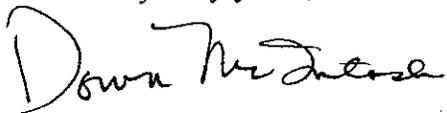
During the next phase of this effort, we will continue to work with Mr. Bomkamp, City staff and USFWS lead biologist Medak to address the environmental and regulatory issues at Fairview Park, including development of a restoration plan which addresses impacts to vernal pools near Estancia High School and the Waldorf School, investigation of potentially sensitive habitats elsewhere in the Park and an overall management plan for the Park that protects sensitive habitats while allowing recreational uses in appropriate areas. We will also assist USFWS special agents as necessary as they conclude their investigation.

In order to complete the work at Fairview Park, we will need the City to approve an addendum to the budget approved in December 2013. I have set forth below a description of the anticipated tasks and time estimates for the next phase of this effort:

- | | |
|---|----------|
| 1. Work with consultant, City staff and USFWS lead biologist Medak to develop restoration and long-term management plan for Fairview Park | 40 hours |
| 2. Negotiate, draft and finalize legal documents necessary to obtain any required regulatory permits and/or authorizations | 50 hours |
| 3. Email communications, telephonic and in person meetings with USFWS enforcement special agents Newcomer and Dean | 4 hours |
| 4. Email communications, telephonic and in person meetings with the U.S. Attorney assigned to this matter | 20 hours |
| Total estimate for fees* | \$38,190 |

As noted in the original engagement letter of December 2013, I will be the primary person handling these Fairview Park issues and I will draw on other attorneys and/or paralegals with the necessary skill sets as needed. Our hourly rates and all other terms of the original December 2013 engagement letter, attached as Attachment 1, shall remain the same as set forth therein.

Very truly yours,



DAWN A. MCINTOSH *a*

Enclosure: Attachment 1 – December 4, 2013 Engagement Letter

cc: Billing Department
Conflicts Department

*These estimated fees will be reduced if fewer regulatory permits and authorizations are needed.

These terms are accepted and are agreed to as of the date of this letter.

CITY OF COSTA MESA

By _____
Mayor Stephen Mensinger

Dated _____

APPROVED AS TO FORM:

By _____
Thomas Duarte, City Attorney

Dated _____

APPROVED AS TO FORM:

By _____
Brenda Green, City Clerk

Dated _____

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