

**AMENDMENT NUMBER TWO TO
PROFESSIONAL SERVICES AGREEMENT
WITH
GLENN LUKOS ASSOCIATES, INC.**

This AMENDMENT NUMBER TWO ("Amendment") is made and entered into as of April 29, 2024 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City") and GLENN LUKOS ASSOCIATES, INC., a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement dated October 15, 2019 for Consultant to provide restoration and monitoring services at Fairview Park (the "Agreement"); and

WHEREAS, City and Consultant entered into Amendment One to the Agreement on July 19, 2022 to increase Consultant's maximum compensation to an amount not to exceed Two-Hundred and Seventy-Four Thousand and Seven Hundred Seventy-Seven Thousand Dollars (\$274,777.00) and amended the Consultant's Scope and Services; and

WHEREAS, City and Consultant desire to amend the Scope of Services to include the additional services set forth in Exhibit "A" of this Amendment #2, attached hereto and incorporated herein; and

WHEREAS, City and Consultant desire to amend Section 2.1 of the Agreement to increase Consultant's maximum compensation by \$94,290 to a total of three hundred sixty-nine thousand sixty-seven dollars (\$369,067.00).

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Exhibit A. The Scope of Services shall be amended to include the additional services set forth in Exhibit A to this Amendment Number 2.
2. Compensation. Section 2.1 of the Agreement is amended to increase Consultant's maximum compensation by \$94,290. As of the effective date of this Amendment, Consultant's total compensation shall not exceed \$369,067.
3. Same Meaning. All terms not defined herein shall have the same meaning and use as set forth in the Agreement, as amended. All other terms, conditions, and provisions of the Agreement, as amended, shall remain in full force and effect.
4. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first above written.

CONSULTANT

[Signature]
Signature

Date: 5/28/24

Thienan Pfeiffer, President
Name and Title

CITY OF COSTA MESA

Lori Ann Farrell Harrison
Lori Ann Farrell Harrison
City Manager

Date: 6/18/24

ATTEST:

Brenda Green
Brenda Green
City Clerk



Date: 6/25/2024

APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

Date: 6/18/24


APPROVED AS TO INSURANCE:

Ruth Wang
Ruth Wang
Risk Management

Date: 6/12/24

[Signatures continue on the following page.]

APPROVED AS TO CONTENT:



Kelly Dalton
Project Manager

Date: 6-12-24

DEPARTMENTAL APPROVAL:



Brian Gruner
Parks and Community Services Director

Date: 6-12-24

APPROVED AS TO PURCHASING:



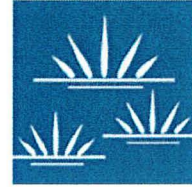
Carol Molina
Finance Director

Date: June 10, 2024

EXHIBIT A
AMENDED SCOPE OF SERVICES

GLENN LUKOS ASSOCIATES

Regulatory Services



March 5, 2024

Kelly Dalton
Fairview Park Administrator
City of Costa Mesa
77 Fair Drive
Costa Mesa, California 92628-1200

SUBJECT: Year 2 Restoration and Monitoring of Vernal Pools 5 and 6, and associated Watershed, an approximately 4.24-Acre Restoration Area at Fairview Park, Costa Mesa, California

Dear Mr. Dalton:

Glenn Lukos Associates (GLA) is pleased to submit this proposal to the City of Costa Mesa (City/Client) for year two of a five-year monitoring and reporting period associated with the U.S. Fish and Wildlife Service (USFWS) approved Fairview Park Vernal Pool Restoration and Long-Term Maintenance Plan (Restoration Plan) for Vernal Pools 5 and 6, and the Associated Watershed, dated June 8, 2018. As approved by the USFWS, a restoration period including a two-year weed abatement regime to prepare the site prior to establishment of native vegetation in and around the pools was initiated in 2020, to be followed by five years of post-installation maintenance and monitoring. Installation of an irrigation system, installation of plants and seed occurred in Fall/Winter of 2022/2023. The five-year maintenance and monitoring period began in January 2023 and is expected to continue through 2027.

This proposal addresses anticipated costs for the second year of the maintenance and monitoring period post-installation, through June 2025 (end of fiscal year 2024/2025). Subsequent years three through five of maintenance and monitoring will be covered under separate proposals to be submitted to the City at a later date.

The scope of services provided in this proposal comprises maintenance and monitoring activities to be conducted in accordance with the Restoration Plan through the end of 2024/2025 fiscal year, ending in June 2025. Also included are additional tasks that were not previously scoped, including subcontractor costs associated with remedial plant installation, additional maintenance assistance within the coastal sage scrub (CSS) buffer area (previously assumed to be entirely maintained by volunteers), and fairy shrimp surveys for the created vernal pools necessitated by increased rainfall in years 2023 and 2024.

Kelly Dalton
City of Costa Mesa
March 5, 2024
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Ms. Sheri Asgari, GLA's Director of Habitat Restoration, will oversee the project and will work closely with GLA's fairy shrimp biologists – Dave Moskovitz (GLA's Director of Biological Services) and GLA Senior Biologists Stephanie Cashin and Christopher Waterston – all of whom can conduct the necessary fairy shrimp surveys and monitor activities occurring within areas known to support listed branchiopods. All of the above GLA biologists hold a valid Section 10(a)(1)(A) Recovery Permit for conducting surveys for listed branchiopods in California (TE-20280D-0).

The following tasks are included as a part of this proposed scope of work:

- Task I. Year two (2024) of five-year monitoring and reporting;
- Task II. Year two (2024) of five-year maintenance (subcontractor);
- Task III. Meetings and Coordination (through June 2025);
- Task VI. Conducting fairy shrimp monitoring and report preparation (2024); and
- Task V. Additional planting and maintenance budget for CSS buffer (2024).

COST

The proposed fixed fee for performance of the attached scope of work is \$94,290. This fee includes all direct costs as well as a 15% administrative charge to the subcontractor tasks. This proposal is valid for a period of 30 days after which time changes to the scope and/or proposed fee may be required to proceed.

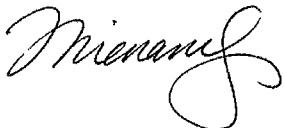
SCHEDULE

Work is ongoing.

Should you have any questions, please contact me at (949) 340-9088.

Sincerely,

GLENN LUKOS ASSOCIATES, INC.



Thienan Pfeiffer
President

p:0493-7e1.pro

SA/WJ

**SCOPE OF WORK
MITIGATION SUPPORT SERVICES
FAIRVIEW PARK
COSTA MESA, CALIFORNIA**

TASK I. CONDUCT YEAR TWO (2024) MONITORING AND REPORTING

GLA will conduct quarterly monitoring and coordination with the City and Subcontractor during the second year of monitoring. In accordance with the Restoration Plan, GLA will monitor maintenance within Vernal Pool 5, 6, and 7 which requires direction of the Permitted Biologist due to the potential presence of listed fairy shrimp. Additionally, GLA will oversee maintenance within the remediated footpath and the watershed for Vernal Pools 5, 6, and 7, which is not a covered activity. This task assumes three meetings each season, the timing of which would be determined based upon rainfall timing, amount, and associated weed response.

Included in this task is coordination with the Subcontractor and City of Costa Mesa associated with weed abatement and ongoing maintenance necessary ensure that the site progresses towards the performance standards set forth in the Restoration Plan.

In accordance with the Restoration Plan, GLA will conduct the second annual monitoring of the restored Vernal Pool 6 and 7, the enhanced Vernal Pool 5, the remediated foot path, and the restored watershed for Vernal Pools 5, 6, and 7. Monitoring will be conducted in a manner that measures progress towards the performance standards set forth in detail in the Restoration Plan.

As described in the Restoration Plan monitoring to determine progress toward performance standards includes monitoring of hydrological conditions, monitoring of fairy shrimp, and monitoring of the watershed vegetation in conjunction with vernal pool vegetation.

Monitoring in the watershed including the native grasslands and coastal sage scrub will be conducted in spring 2024. GLA will conduct qualitative site monitoring of the restoration areas on a monthly basis to document any problems with plants, seed germination, irrigation, erosion, vandalism, weed invasion, etc. that might adversely affect the success of the restoration. Notes on wildlife use will be included (i.e., direct observations of nests, animals, and/or other related evidence observed during site visits). Hydrologic, biogeochemical, and plant or animal habitat indicators will be monitored and evaluated for functions and values. GLA will prepare monthly and quarterly memos or email correspondence (per Client's preference) to the Client to report any problems and document observations of the site visit for the second annual monitoring report.

GLA will perform point-intercept transect quantitative monitoring which will consist of two transects located within the CSS on the slope, two transects located in the CSS planted along the perimeter of the Complex, and three transects located within the native grassland areas. The percent cover of native, non-native, and unvegetated areas within each transect will be identified.

GLA will prepare the second annual monitoring report summarizing performance of the mitigation project over the last year, and if necessary, recommend steps to be taken to ensure that third-year expectations of the performance criteria will be achieved by next year's monitoring. After review and approval by the Client, the first annual monitoring report will be transmitted to the USFWS by December 31.

TASK II. YEAR TWO (2024) OF FIVE-YEAR MAINTENANCE (SUBCONTRACTOR)

Under GLA's direction, the Subcontractor will perform the second year of maintenance (through December 2024) which includes weed abatement, trash removal, irrigation, repairs of the irrigation systems, and any other routine tasks to ensure establishment of the native grassland and coastal sage scrub in the watershed of the vernal pool complex.

TASK III. MEETINGS AND COORDINATION

This task covers meetings and coordination not specifically set forth in the various tasks above and would include meetings with the City staff; meetings with USFWS, and/or meeting with members of the public and other stakeholders as directed by the City between June 2024 and June 2025.

TASK IV. CONDUCT FAIRY SHRIMP MONITORING AND PREPARE FAIRY SHRIMP REPORT

In accordance with the Restoration Plan, a biologist holding a valid 10(a)(1)(A) permit will conduct a wet season survey for listed branchiopods in Vernal Pools 5, 6, and 7 for a minimum of five-years in accordance with the accepted protocol for listed vernal pool branchiopods (*Survey Guidelines for Listed Large Branchiopods*)¹ and until conditions allow for two complete wet season surveys that result in positive detection of hatched San Diego fairy shrimp (*Branchinecta sandiegonensis*) that reach a level of maturity sufficient for positive identification as gravid females.

Per the USFWS survey guidelines, the surveyor is to visit site after initial storm events to determine when features are inundated. A feature is considered inundated when it holds greater than 3 centimeters (cm) of standing water 24 hours after a rain event. Once inundation is verified, features are to be monitored and sampled to allow for positive identification of gravid San Diego fairy shrimp females. During an appropriate sampling year, voucher specimens will be prepared and submitted by permitted GLA biologists.

Following the completion of the wet season survey, two reports will be prepared to document the results of focused surveys. One report must be submitted to USFWS within 90 days of completion of surveys as a requirement of the survey protocol and of our permit that allows us to conduct such surveys. Another annual report will be submitted on behalf of the City of Costa

¹ U.S. Fish and Wildlife Service. Revised November 13, 2017. *Survey Guidelines for Listed Large Branchiopods*.

Mesa by January 31st, following each year this permit is in effect to the Recovery Permit Coordinator at USFWS.

Included in this task is coordination from the permitted GLA biologist associated with preparation of wet season surveys, conducting of wet season surveys, preparation of fairy shrimp survey results, and meetings with City of Costa Mesa staff, USFWS, and/or GLA staff during 2024.

TASK V. REMEDIAL PLANTING AND MAINTENANCE IN BUFFER (SUBCONTRACTOR)

Under GLA’s direction, the Subcontractor will conduct weed abatement throughout the coastal sage scrub (CSS) buffer area in order to prepare the area for remedial planting in Winter 2023/2024.

In accordance with the Restoration Plan, GLA will provide direction and oversight for site preparation for watershed remedial plantings set forth in the Restoration Plan which consists of native scrub and grassland vegetation. Included in this task is coordination with the Subcontractor and City of Costa Mesa staff associated with weed abatement and ongoing maintenance necessary to prepare the site for the native habitat plantings.

Finally, as this task provides oversight and direction for native plantings within the watershed for Vernal Pools 5, 6, and 7, included within this task will be coordination with native plant nurseries to obtain the necessary plant material to install in accordance with the Restoration Plan.

COST

The table below has been developed to aid us in estimating the total cost of the proposed work; GLA reserves the right as necessary to shift costs between tasks as the work proceeds.

TASK	
	Total Cost
Task I. Year 2 (2024) Monitoring and Reporting	\$ 20,220
Task II. Year 2 (2024) Maintenance (Subcontractor)	\$ 28,340
Task III. Meetings and Coordination (through June 2025)	\$ 3,740
Task IV. Conduct Fairy Shrimp Monitoring (2024)	\$ 13,240
Task V. Remedial Planting and Maintenance in CSS Buffer	\$ 28,750
TOTAL	\$ 94,290