

FIRST AMENDMENT TO THE AGREEMENT TO  
FURNISH ARCHITECTURAL, ENGINEERING AND ENVIRONMENTAL  
SERVICES FOR THE "PARK ONCE" PROJECT

This first amendment ("First Amendment") to the agreement dated January 18, 2011 (the "Agreement") entered into by the City of Redlands ("City") and Watry Design Corporation ("Consultant") is made this 19<sup>th</sup> day of July, 2011.

RECITALS

WHEREAS, Consultant and City have entered into an agreement dated January 18, 2011, pursuant to which Consultant has agreed to perform certain architectural, engineering and environmental services (the "Services") for City in connection with City's Park Once Project; and

WHEREAS, it is the desire of Consultant and City to amend Exhibit "A" and Section 5.1 of their existing Agreement to increase Consultant's compensation and to have Consultant perform additional services for City required for City's Park Once Project;

NOW, THEREFORE, in consideration of the mutual promises contained herein, City and Consultant agree as follows:

AGREEMENT

Section 1. Exhibit "A" of the Agreement, entitled "Scope of Services," is hereby amended by the inclusion of additional Services to be performed by Consultant which include the preparation of additional technical studies required for City's Park Once Project, as described in Exhibit "1," which is attached to this First Amendment.

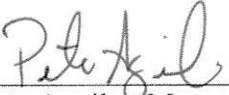
Section 2. Section 5.1 of the Agreement is hereby amended to increase Consultant's compensation by Fifty Nine Thousand Nine Hundred Six Dollars (\$59,906) to a total of Three Hundred Forty Four Thousand Nine Hundred Six Dollars (\$344,906), and shall read as follows:

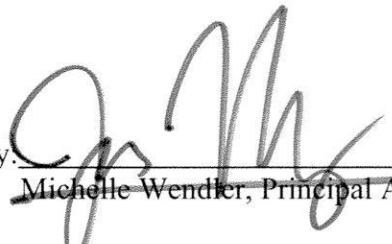
"5.1 The total compensation for Consultant's performance of the Services shall not exceed the amount of Three Hundred Forty Four Thousand Nine Hundred Six Dollars (\$344,906). City shall pay Consultant on a time and materials basis up to the not to exceed amount in accordance with Exhibit 'C' entitled 'Project Costs,' and based upon the hourly rates shown in Exhibit 'D' entitled 'Rate Schedule.' Both Exhibits 'C' and 'D' are attached hereto and incorporated herein by this reference. The 'Project Costs' and 'Rates' shall be paid in accordance with the 'Cost Principles and Procedures' set forth in 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31 et seq., which shall be the governing factors regarding allowable elements of cost. Further, the administrative requirements set forth in CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, are incorporated herein by this reference. Such cost requirements also apply to all subcontracts in excess of \$25,000."

Section 3. All other provisions of the Agreement shall remain unchanged by this First Amendment, and in effect.

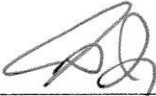
IN WITNESS WHEREOF, Consultant and City have executed this First Amendment to be effective as of July 19<sup>th</sup>, 2011.

CITY OF REDLANDS

By:   
Pete Aguilar, Mayor

By:   
Michelle Wendler, Principal Architect  
**JESS MCINERNEY**  
**PRINCIPAL**

ATTEST:

  
Sam Irwin, City Clerk

## EXHIBIT "1"

A r c h i t e c t s • E n g i n e e r s • P a r k i n g P l a n n e r s



**WATRY DESIGN, INC.**

**July 6, 2011**

### **EXHIBIT 1 / REQUEST FOR ADDITIONAL SERVICE**

**To:** The City of Redlands  
**RE:** City of Redlands Park Once  
WDI Job #10072.312

Per your request, here is our understanding of additional scope of work.

Based on the Cultural/Historical review comments, the approved Parking Structure design is to be modified to accommodate contextual factors. That work includes lowering the building; revising basic foundation design structural drawings. Also the retaining walls required for the lowering of the building will be revised. Architectural and Structural drawings will reflect the request to level the tops of shearwalls so no curved projections will be used.

We will complete the remaining project management required to coordinate these changes.

Environmental work requires that RBF will have the Initial Study and Cal Trans phase II additional scope included as described, attached.

#### **Additional Service:**

|                                                      |                 |
|------------------------------------------------------|-----------------|
| <b>Lower Building/Cultural Comments Coordination</b> | <b>\$16,000</b> |
| <b>Initial Study</b>                                 | <b>\$24,500</b> |
| <b>Archeological Phase II work</b>                   | <b>\$19,406</b> |

Please let us know if there are any questions.

P:\Projects\2010\10072 Redlands\111 Proposals\Add services 042011\EXHIBIT 1 Add services 070611.doc

Redwood City, CA • Austin, TX • Newport Beach, CA  
watrydesign.com

April 21, 2011



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

**Park Once**  
**CITY OF REDLANDS**

**Additional Technical Studies Compliance**

**1.0 Environmental**

**1.1 Section 106 Compliance / Coordination with City & Cultural Resources Groups:**

- Redlands Area Historical Society
- Redlands Historical Museum Association
- San Bernardino History and Railroad Museum
- San Bernardino County Museum Association
- California Preservation Association
- City's Historic and Scenic Preservation Commission

Cogstone will consult with the above noted interested parties, including non-federally recognized Native American groups and local historical and archaeological societies. Each group will be contacted via certified mail. After 30 days, there will be follow up with those groups that have not commented, via telephone. Cogstone will attempt to contact each group up to 2 times. Cogstone will document all efforts to consult with each group. Additional budget may be required to address issues or concerns raised by any tribes. Consultation will continue throughout the Section 106 compliance effort.

**1.2 Initial Site Assessment (ISA) Phase I**

RBF prepared a Phase I Initial Site Assessment (ISA) checklist, dated April 2011. The results of this assessment checklist indicate that a full Phase I ISA will be required to determine if 205 Stuart has past regulated activities. This was not assumed in the original scope of work based on the discussions with the City. Although 205 is vacant, past uses on-site have raised concerns. Additionally, there is the potential for concern based on the site visit, which showed the adjoining railroad and staining on the ground surface. Although there may not be the potential for haz. mat. issues, the only way we can confirm is with a formal report(s). The ISA will be prepared to the most current Caltrans standards and polides. This scope of work assumes the following:

- No additional site visits are required;
- No right-of-way analysis will be required per Caltrans updated hazardous waste guidelines;
- At this point no ISA Phase II analysis is assumed, however, pending the findings of the ISA Phase I this may be necessary.

**1.3 Finding of Effect (FOE)**

As part of the review of the draft technical studies, FHWA determined that the undertaking for the project will have an adverse effect on historic properties pursuant to Stipulation X.C ("Finding of Adverse Effect") of the PA (FHWA et al. 2004). FHWA consulted with the State Historic Preservation Officer (SHPO) regarding resolution of adverse effects in accordance with Stipulation XI ("Resolution of Adverse Effects") of the PA (FHWA et al. 2004). Due to existence of the project within the Historical District and the revisions in the project description, a Finding of Effect will require revision, and additional consultation with FHWA and SHPO will be necessary. This was not assumed in the original scope of work based on the Preliminary Environmental Study (PES) form.

**Revised Project Description / Purpose and Need**

For inclusion in all of the project environmental studies and reports, the Project Description and Purpose and Need will be revised to reflect the revised project limits resulting from the additional historical properties requested by Caltrans.

**Area of Potential Effects Map**

The existing Area of Potential Effects Map will need to be revised to reflect the revised project limits resulting from the additional historical properties requested by Caltrans for the project. The revised project

April 21, 2011

limits resulting in the additional historical properties requested by Caltrans will be included in all of the cultural technical reports.

***Environmental Study Maps and Exhibits***

The existing Initial Study and technical reports currently contains approximately five (5) environmental study maps and exhibits. These maps and exhibits will need to be revised to reflect the revised project limits resulting from the additional historical properties requested by Caltrans.

**1.4 Archeological Extended Phase I**

As part of the review of the draft technical studies Caltrans determined that an extended Archeological Phase I report was necessary. This was not assumed in the original scope of work based on the PES form. The Phase I archaeological reconnaissance survey will identify the existence of any prehistoric or historic archaeological resources within a project area. The reconnaissance survey, therefore, will involve a preliminary background research, a pedestrian surface survey, an efficient subsurface testing strategy, analysis of recovered materials, and an interpretive report stating the results of research and testing. The report will contain professional recommendations regarding the disposition and suggested future conservation requirements of any cultural resources identified on the property, which may include no further conservation efforts based on a lack of sites or poor preservation, a more intensive Phase II archaeological study of identified sites to evaluate their potential eligibility for inclusion into the NRHP, or some other mechanism designed to protect sites without further evaluation such as conservation easements or alternative design planning.

**EXHIBIT "B"**

**COMPENSATION**

***Park Once***

**CITY OF REDLANDS**

**Additional Technical Studies Compliance**

Client agrees to compensate RBF Consulting for such services as follows:

RBF shall complete the work outlined above in accordance with the fees schedule identified below and shall invoice Client on a monthly basis on the percentage of completion plus the direct costs of reimbursables.

| <b>TASK</b>  | <b>DESCRIPTION</b>                                                          | <b>FEE</b>       |
|--------------|-----------------------------------------------------------------------------|------------------|
| 1.0          | Environmental Approval                                                      |                  |
| 1.1          | Section 106 Compliance / Coordination with City & Cultural Resources Groups | \$1,500          |
| 1.2          | Initial Site Assessment (ISA) – Phase I                                     | \$ 6,500         |
| 1.3          | Finding of Effect (FOE)                                                     | \$ 4,500         |
| 1.4          | Archeological Extended Phase I                                              | <u>\$ 12,000</u> |
| <b>TOTAL</b> |                                                                             | <b>\$ 24,500</b> |

Work will commence upon receipt of a signed copy of this Addendum which will serve to acknowledge approval of the terms contained herein.



## PARK ONCE - ARCHAEOLOGICAL PHASE II ACTIVITIES

July 5, 2011

### OVERVIEW

Phase II involves more detailed investigation of archaeological sites and historic monuments identified by baseline research as well as additional reconnaissance work on any potential impact areas defined outside of the Park Once project (eg proposed improvements and/or access routes). The purpose of Phase II investigations is to evaluate potentially impacted sites for the purpose of confirming the need for subsequent mitigation measures and for defining the scope of such pre-construction measures if they are required. Requirements and specific scopes of work for the Phase II work have been defined by Caltrans District 8 (CT8) in consultation with the Designated Archaeologist, RBF Consulting and City of Redlands. Caltrans District 8 has designed Phase II investigations to collect sufficient data to make final decisions about the importance of each site and subsequent measures that may be required. The objective of Phase II archaeology and monuments work is to identify specific potential project impacts to resources identified by Phase I investigations. These data will, in turn, allow measures to be put in place that would either avoid or mitigate those impacts. For monuments, Phase II investigation will define monument boundaries and a buffer zone for the placement of protective fencing and warning signs. For archaeological sites, Phase II data would either negate the necessity of further protective actions, or would provide detailed information to allow effective avoidance of the site, or would allow design of Phase III data recovery strategy to mitigate project impacts to the resource. Possible reasons for negating further actions are determination that a site does not possess subsurface deposits within the right of way or that its stratigraphy has been seriously disturbed by processes such as soil erosion or prior construction activities.

### ARCHAEOLOGICAL SITES

Phase II archaeological work will involve subsurface investigations of archaeological sites identified by the baseline research and judged by CT8 and Designated Archaeologist to be the most significant sites identified within the present right-of-way and at other project facilities sites. Potentially significant sites have been avoided by the Park Once project, some of which were done specifically to avoid the known archaeological sites. Phase II work at the site may be the last work done at some sites and, in other cases it may lead to data recovery projects at the sites during Phase III. This will depend on the type, integrity, and precise location of the resources identified at each.

### HISTORIC MONUMENTS

Phase II monuments work will involve reconnaissance-level field survey. The fieldwork will focus on potential structures and activity sites and will confirm if their planned improvements do not contain historic monuments, as was indicated by the Phase I the literature search in the Park Once project.

| DIRECT LABOR                     | POSITION                | Hours | Rate  | Cost    |
|----------------------------------|-------------------------|-------|-------|---------|
| Project Management & meetings    | Project Manager         | 32    | \$112 | \$3,584 |
| revise HRER to Caltrans requests | Architectural Historian | 24    | \$112 | \$2,688 |

|                                        |                         |              |             |                 |
|----------------------------------------|-------------------------|--------------|-------------|-----------------|
| FOE                                    | Architectural Historian | 20           | \$112       | \$2,240         |
| phone conferences, meetings, etc.      | Architectural Historian | 15           | \$112       | \$1,680         |
| Historic societies, etc. consultation  | Supervisor              | 14           | \$72        | \$1,008         |
| Prepare Phase II proposal incl rev     | Principal Historical    | 55           | \$112       | \$6,160         |
| Mapping for Phase II proposal          | GIS Specialist          | 18           | \$67        | \$1,206         |
| <b>SUBTOTAL FOR DIRECT LABOR</b>       |                         |              |             | <b>\$18,566</b> |
|                                        |                         |              |             |                 |
| <b>OTHER DIRECT COSTS</b>              |                         | <b>Units</b> | <b>Rate</b> | <b>Cost</b>     |
| Historic Aerials (georeferenced)       |                         |              |             | \$120           |
| mileage (for research/ meetings        |                         | 400          | \$0.55      | \$220           |
| misc costs (deliveries, copies, etc)   |                         |              |             | \$500           |
| <b>SUBTOTAL FOR OTHER DIRECT COSTS</b> |                         |              |             | <b>\$840</b>    |
|                                        |                         |              |             |                 |
| <b>GRAND TOTAL</b>                     |                         |              |             | <b>\$19,406</b> |