

**SUBMITTAL TO THE FLOOD CONTROL AND  
WATER CONSERVATION DISTRICT BOARD  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

311 B



**FROM:** General Manager-Chief Engineer

**SUBMITTAL DATE:**  
June 30, 2009

**SUBJECT:** East Cathedral Channel Levee,  
Arenas Canyon Levee and Palm Canyon Wash  
Project Nos. 6-0-00010 and 6-0-00040  
Professional Services Agreement – Amendment No. 2

**RECOMMENDED MOTION:**

1. Approve Amendment No. 2 between the District and Nolte Associates, Inc. (Consultant);
2. Authorize the Chairman to execute Amendment No.1 on behalf of the District;

**BACKGROUND:**

On September 4, 2007 (Item 11.9) the Board of Supervisors approved a Professional Services Agreement which set forth the terms and conditions by which Consultant would perform engineering analysis to determine levee criteria for Cathedral Channel Levee, Arenas Canyon Levee and Palm Canyon Wash.

Amendment No. 1 was executed on November 18, 2008 (Item 11.5) extending the time for performance until June 30-2009. (Continued on page 2)

**WARREN D. WILLIAMS**  
General Manager-Chief Engineer

<b>FINANCIAL DATA</b>	F.Y. 09-10 District Cost:	\$96,212.00	In F.Y. 09-10 Budget:	Yes
	Current F.Y. County Cost:	N/A	Budget Adjustment:	No
	Annual Net District Cost:	N/A	For Fiscal Year:	No

<b>SOURCE OF FUNDS:</b> 25160 947500 52480 - Engineering Services	<b>Positions To Be Deleted Per A-30</b>	<input type="checkbox"/>
	<b>Requires 4/5 Vote</b>	<input type="checkbox"/>

**C.E.O. RECOMMENDATION:**

APPROVE

BY:   
Alex Gann

County Executive Office Signature

<b>Prev. Agn. Ref.:</b> 11.7	<b>District:</b> 4 <sup>th</sup>	<b>Agenda Number:</b>
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FISCAL PROCEDURES APPROVED  
IVAN M. CHAND, FINANCE DIRECTOR  
BY:   
JEANINE REV-HAWKINS  
Departmental Concurrence

FORM APPROVED COUNTY COUNSEL  
BY:   
NEAL R. KIPNIS  
DATE

Dep't  
Recomm.:  Policy  Policy  
Per Exec.  Consent  Consent  
Ofc.:  Policy  Policy

**FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD SUBMITTAL  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

**SUBJECT:** East Cathedral Channel Levee,  
Arenas Canyon Levee and Palm Canyon Wash  
Project Nos. 6-0-00010 and 6-0-00040  
Professional Services Agreement – Amendment No. 2

**SUBMITTAL DATE:** June 30, 2009

**Page 2**

**BACKGROUND (continued):**

The extension was necessary due to difficulties in obtaining necessary data from outside agencies including the Federal Emergency Management Agency (FEMA) and the US Army Corps of Engineers. Additionally, the evaluation criteria required by FEMA continues to evolve. The difficulties persist and require the time for performance to be extended until June 30, 2010. All other terms and conditions of the original September 4, 2007 agreement remain in effect

County Counsel has approved the Agreement as to legal form.

**FINANCIAL INFORMATION:**

Sufficient funds will be included in District's Budget for FY 2009-2010.

25160 947500 525440 - Professional Services

KEC:blj

1 PROFESSIONAL SERVICES AGREEMENT  
2 East Cathedral Channel Levee,  
3 Arenas Canyon Levee and Palm Canyon Wash  
4 Project Nos. 6-0-00010 and 6-0-00040

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AMENDMENT NO. 2

The RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, hereinafter called "DISTRICT" and NOLTE ASSOCIATES, INC., hereinafter called "CONSULTANT", previously entered into that certain Agreement, dated September 4, 2007, hereinafter called "AGREEMENT"; and

On November 18, 2008 DISTRICT and CONSULTANT entered into Amendment No. 1 to extend the time for performance to June 30, 2009; and

Based upon continuing changes in the evaluation criteria and required methodology, it has become necessary to further extend the time for performance in providing engineering analysis to determine levee criteria for East Cathedral Canyon Levee, Arenas Canyon Levee and Palm Canyon Wash.

NOW, THEREFORE, AGREEMENT is hereby amended as follows:

Paragraph 3 of AGREEMENT is changed to read:

3. TIME FOR PERFORMANCE - CONSULTANT shall continue performance of services and shall diligently perform the tasks to full completion by June 30, 2010. Except to the extent specifically added to, modified or amended hereunder, all of the terms, covenants and conditions of said AGREEMENT dated September 4, 2007 remain in full force and effect between the parties hereto.

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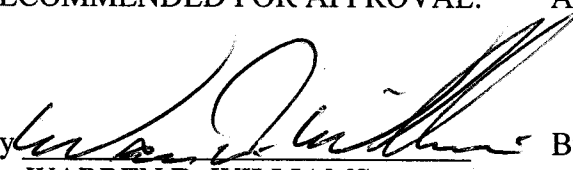
IN WITNESS WHEREOF, the parties hereto have executed this Agreement on

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(to be filled in by Clerk of the Board)

RECOMMENDED FOR APPROVAL:

RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

By   
WARREN D. WILLIAMS  
General Manager-Chief Engineer

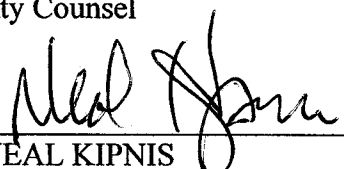
By \_\_\_\_\_  
MARION ASHLEY, Chairman  
Riverside County Flood Control and  
Water Conservation District Board of  
Supervisors

APPROVED AS TO FORM:

ATTEST:

PAMELA J. WALLS  
County Counsel

KECIA HARPER-IHEM  
Clerk of the Board

By   
NEAL KIPNIS  
Deputy County Counsel

By \_\_\_\_\_  
Deputy

(SEAL)

Amendment No. 2: Professional Services Agreement – Nolte Associates, Inc.  
KEC:blj  
6/3/09

NOLTE ASSOCIATES, INC.

By Joseph S Minner  
Responsible Officer

Joseph S Minner  
Printed Name

office director  
Title

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KEC:blj  
6/3/09