

**FIRST AMENDMENT TO AGREEMENT WITH  
ELS ARCHITECTURE AND URBAN DESIGN TO PROVIDE  
LANDSCAPE ARCHITECTURAL SERVICES**

THIS FIRST AMENDMENT to the above-referenced agreement is entered into on December 5, 2023, by and between ELS Architecture and Urban Design (“Consultant”), and the City of Santa Ana, a charter city and municipal corporation organized and existing under the Constitution and laws of the State of California (“City”). (Consultant and City are also referred to as the “Parties.”)

**RECITALS**

- A. The Parties entered into Agreement No. A-2023-150 (“Agreement”) dated August 15, 2023 to provide master planning, preparation of contract documents, and construction support for the new Memorial Park and Aquatics Facility Renovation. The Agreement term runs until August 14, 2026 and is current and in effect.
- B. The parties now wish to amend the Agreement to revise the scope of services to include a “two-pool concept aquatic center” and increase the overall compensation in consideration of the increased scope under the Agreement. No other changes are contemplated by this First Amendment.

**The Parties therefore agree:**

- 1. **Section 1, Scope of Services**, is amended as follows:
  - a. Exhibit A-1 to this First Amendment shall replace the schematic drawing, marked as Exhibit 1, on the last page of Exhibit A.
  - b. Exhibit B-1 to this First Amendment, identified as the October 23, 2023 proposal for a request for additional services, shall be included as part of the Consultant’s proposal in Exhibit B.
- 2. **Section 2.a., Compensation**, is hereby amended to increase the total compensation by one million, seventy-nine thousand dollars and no cents (**\$1,079,000.00**). The total compensation amount for this Agreement shall not exceed two million, eight hundred and fifty-eight thousand, one hundred and seventy dollars and no cents (**\$2,858,170.00**). Rates and charges shall be amended to include Exhibit C-1 to this First Amendment.
- 3. Except as modified by this First Amendment, all terms and conditions of the Agreement shall remain in full force and effect.

[signature page to follow]

**SIGNATURE PAGE TO FIRST AMENDMENT TO AGREEMENT WITH**  
**ELS ARCHITECTURE AND URBAN DESIGN TO PROVIDE**  
**LANDSCAPE ARCHITECTURAL SERVICES**

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement on the date and year first written above.

**ATTEST:**


**CITY OF SANTA ANA**

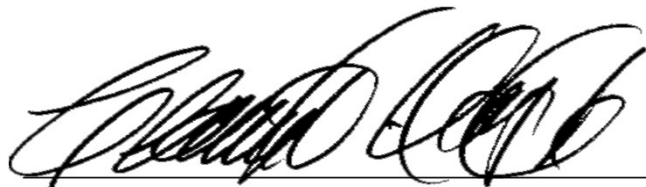
\_\_\_\_\_  
Jennifer L. Hall  
City Clerk

\_\_\_\_\_  
Steven A. Mendoza  
Acting City Manager

**APPROVED AS TO FORM:**  
SONIA R. CARVALHO  
City Attorney

**ELS ARCHITECTURE AND  
URBAN DESIGN**

  
\_\_\_\_\_  
Jonathan T. Martinez  
Assistant City Attorney

  
\_\_\_\_\_  
Clarence D. Mamuyac, Jr.  
Project Manager/Principal in Charge

## EXHIBIT A-1

PARK DR

EXISTING SPORTS FIELDS

W. ST GERTRUDE PL

Playground

Park North

Futsal

Gymnasium

Aquatic Center

Basketball

Bandshell & Amphitheater

Park South

S. FLOWER ST

W. ANAHURST PL

EXHIBIT A – 1 OF 2  
10.21.2023



els+swa



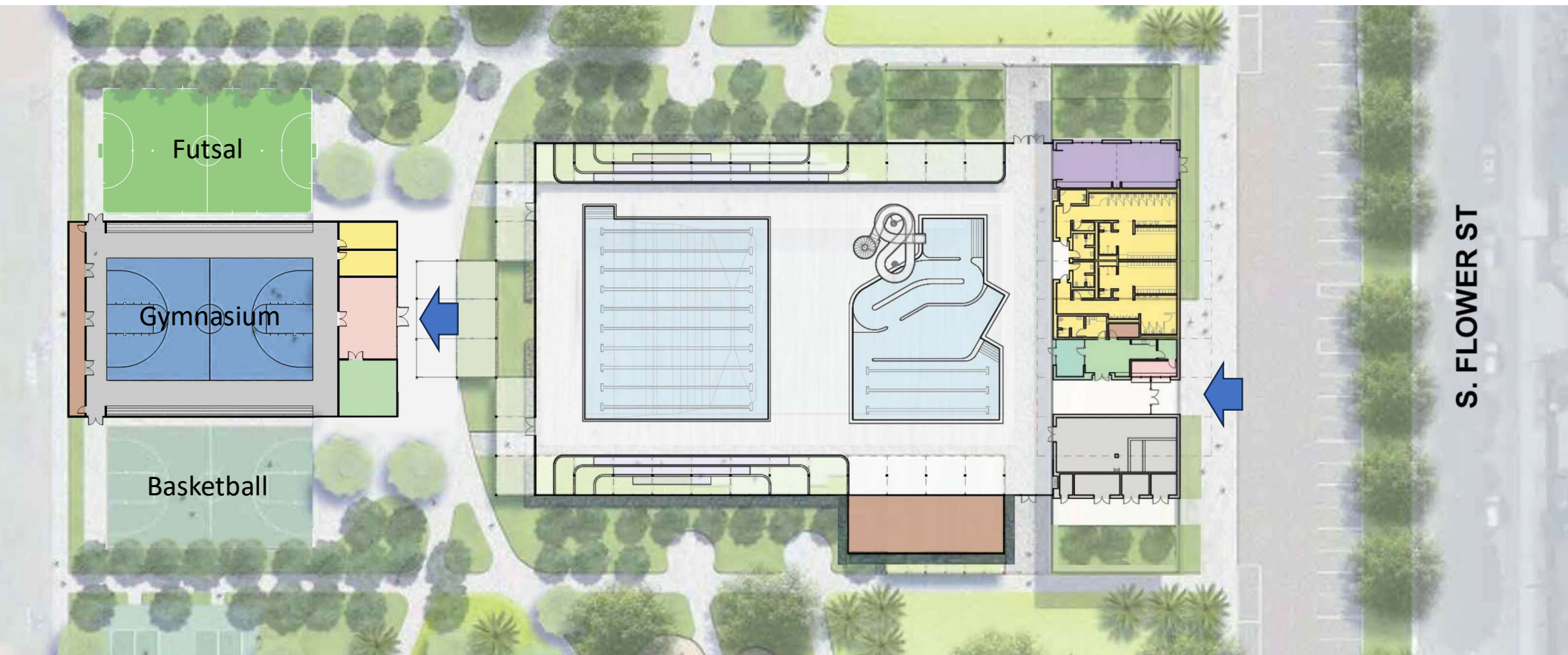


EXHIBIT A – 1 OF 2  
10.21.2023



**els+swa**

## EXHIBIT B-1

**Santa Ana Memorial Park Master Plan and Aquatic Center****Additional Service Request No. 03**

**Scope increase to include two-pool concept aquatic center, as recently presented during community engagement process and represented in the attached Memorial Park Master Plan dated October 21, 2023 – Please see attached Exhibit A**

Date	October 23, 2023
To	Suzi Furjanic, City of Santa Ana
From	Clarence Mamuyac/Kenneth Hasegawa
Project	Santa Ana Memorial Park Master Plan and Aquatic Center
Subject	Request for Additional Service Fees No. 3

ELS requests an increase in contract fees for the following:

Advancing the Aquatic Center Concept for Memorial Park from a single pool aquatic center and construction budget of \$12MM, to a two-pool aquatic center concept with a construction budget of \$22MM. Some of the effort for this increased scope has been completed under PART I – Concept Planning (30%), but most of the increased scope will be carried forth under PART II – Contract Documents (60%, 90% and 100%). Construction Support is included as an optional service.

In the interest of time, and while this ASR #3 is processed, we are requesting an email authorization to advance the scope of the work described above, as part of PART II – 60% (Design Development) scope per our contract. We would like to receive that email authorization by 5pm on Monday, October 23.

Please see our Fee Matrix, Exhibit B for a breakdown (by PART and TASK) of our lump sum, not-to-exceed fee increase of \$1,079,000.00 for the scope described in this ASR. The effort will include ELS Architecture and Urban Design and SWA Landscape Architects, as well as the following:

- Aquatic Design Group (Pools)
- KPFF (Civil)
- John A Martin and Associates (Structural)
- Guttman & Blaevoet (MEP)
- Mack5 (Cost Estimating)

If the City of Santa Ana is agreeable to the above, please sign below and return a signed copy to our office, or we will look forward to receiving an amendment to our agreement. This Additional Services Request will increase our total contract dollar amount by **\$1,079,000.00 (One Million, Seventy-Nine Thousand Dollars and Zero Cents) + Reimbursable Expenses**.

Thank you in advance for your consideration. Should you have any questions, please do not hesitate to contact us.

APPROVED

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**Suzi Furjanic, AIA**  
Associate Park & Landscape Planner  
City of Santa Ana, Public Works Agency

Attachments:

- Memorial Park Master Plan, Dated 10/21/2023
- Fee Matrix, dated 10/22/2023

**End of Additional Service Request No. 3**



## EXHIBIT C-1



# CITY OF SANTA ANA

## MEMORIAL PARK MASTER PLAN AND REIMAGINED AQUATIC CENTER



### LUMP SUM BUDGET AMOUNTS, PER PART AND TASK AND STIPULATED IN OUR CONTRACT

#### PROFESSIONAL DESIGN FEES MATRIX - EXHIBIT 1

BREAKDOWN OF LUMP SUM FEES BASED UPON HOURLY RATES

REVISED September 19, 2023 - Single Pool Aquatic Center at \$12MM Budget

REVISED October 21, 2023 - Two Pool Aquatic Center at \$22MM Budget

#### PART I - CONCEPT PLANNING (30%)

TASK 1

PRELIMINARY CONCEPT PLANNING (REMOVED FROM ELS SCOPE)

\$ -

TASK 2

FINAL CONCEPT DESIGN

\$ 336,000.00

SUBTOTAL FOR PART 1 - CONCEPT PLANNING AND CEQA/NEPA

\$ 336,000.00

#### PART II - CONTRACT DOCUMENTS (60%, 90% and 100%)

TASK 3

DESIGN DEVELOPMENT PHASE 60%

\$ 360,000.00

TASK 4

CONSTRUCTION DOCUMENTS 90% - PRE FINAL  
Permit

\$ 432,000.00

TASK 5

CONSTRUCTION DOCUMENTS PHASE 100% PERMIT AND BID ISSUE  
Bid Issue

\$ 71,000.00

SUBTOTAL FOR PART 2 - CONTRACT DOCUMENTS

\$ 863,000.00

SUBTOTAL FEED PART 1 and PART 2

\$ 1,199,000.00

TASK 6

Construction Support Phase - Optional Service

\$ 288,000.00

SUBTOTAL FOR CONSTRUCTION SUPPORT PHASE - OPTIONAL SERVICE

\$ 288,000.00

TOTAL DESIGN FEE

\$ 1,487,000.00

#### ASR #3

#### DELTA

Increase for a  
2-Pool Concept  
\$22MM Budget

\$ -

\$ 243,809.01

\$ 243,809.01

\$ 261,223.94

\$ 313,468.73

\$ 51,519.17

\$ 626,211.84

\$ 870,020.85

\$ 208,979.15

\$ 208,979.15

\$ 1,079,000.00