

**AMENDMENT NO. 1 TO THE DESERT WILLOW GREENS/TEE BOX RENOVATION
AND TURF REDUCTION BETWEEN THE CITY OF PALM DESERT
AND HERMANN DESIGN GROUP**

1. Parties and Date.

This Amendment No 1 to the Desert Willow Greens/Tee Box Renovation and Turf Reduction is made and entered into as of this **6th** day of **September 2023**, by and between the City of Palm Desert ("City") and **Hermann Design Group, a Corporation**, with its principal place of business at **77899 Wolf Road, Suite 102, Palm Desert CA 92211** ("Vendor"). The City and Vendor are sometimes individually referred to herein as "Party" and collectively as "Parties."

2. Recitals.

2.1 Agreement. The City and **Hermann Design Group** have entered into an agreement entitled Desert Willow Greens/Tee Box Renovation and Turf Reduction dated September 29, 2022 ("Agreement" or "Contract") for the purpose of retaining the services of **Hermann Design Group** to provide **landscape architecture services for Desert Willow**.

2.2 Amendment. The City and Hermann Design Group desire to amend the Agreement to **increase compensation to include additional services**.

2.3 Amendment Authority. This Amendment No. 1 is authorized pursuant to Section 3.6.14 of the Agreement.

3. Terms.

3.1 Section 3. Section 3.3 of the Agreement is hereby amended in its entirety to read as follows:

3.3.1 Compensation. Consultant shall receive compensation, including authorized reimbursements, for all Services rendered under Exhibit "C" of the original Agreement and in Exhibit "D" attached hereto and incorporated herein by reference. The total compensation shall increase by Ten Thousand Dollars (\$10,000) and not exceed Three Hundred Fifteen Thousand One Hundred Dollars (\$315,100) without written approval of the City Council or City Manager, as applicable.

3.2 Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all other provisions of the Agreement remain in full force and effect and shall govern the actions of the parties under this Amendment No. 1. From and after the date of this Amendment No. 1, whenever the term "Agreement" or "Contract" appears in the Agreement, it shall mean the Agreement as amended by this Amendment No. 1.

3.3 Adequate Consideration. The Parties hereto irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment No. 1.

3.4 Severability. If any portion of this Amendment No. 1 is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

3.5 Counterparts. This Amendment No. 1 may be executed in duplicate originals, each

Contract No. C44200

of which is deemed to be an original, but when taken together shall constitute but one and the same instrument.

[SIGNATURES ON FOLLOWING PAGE]

SIGNATURE PAGE FOR AMENDMENT NO. 1 TO DESERT WILLOW GREENS/TEE BOX RENOVATION AND TURF REDUCTION BETWEEN THE CITY OF PALM DESERT AND HERMANN DESIGN GROUP, INC.

IN WITNESS WHEREOF, the Parties have entered into this Amendment No. 1 to the Desert Willow Greens/Tee Box Renovation and Turf Reduction as of the day and year first above written.

CITY OF PALM DESERT

HERMANN DESIGN GROUP, INC., A CORPORATION

By: ^{DocuSigned by:}
L. Todd Hileman
CE3F366233F0405...
L. Todd Hileman
City Manager

By: ^{DocuSigned by:}
Chris Hermann
7AAEE5211F904A1...
Its: CEO/President

Attest:

Printed Name:
Chris Hermann

By: ^{DocuSigned by:}
Anthony J. Mejia
8063A189723D437...
Anthony J. Mejia
City Clerk

By: ^{DocuSigned by:}
Kristin Hermann
1FEDBA03200A493...
Its: CFO/CORPORATE SECRETARY

Approved as to form:

Printed Name:
Kristin Hermann

By: ^{DocuSigned by:}
Isra Shah
3820DDF2EAC84B0...
Best Best & Krieger LLP
City Attorney

QC: ^{DS}
MM

Insurance:

^{DS}
JB
Initial Review

^{DS}
JB
Final Approval



Hermann Design Group, Inc.
 78365 Highway 111, PMB 332
 La Quinta, CA 92253
 760-777-9131 Phone / 760-777-9132 Fax

"EXHIBIT D"

Work Authorization

Date	WA #
7/20/2023	2023053

Name / Address
VIA EMAIL City of Palm Desert 73-510 Fred Waring Drive Palm Desert, CA 92211

Description	Total
GREENS/TEE BOX RENOVATION DESERT WILLOW GOLF RESORT Landscape Architecture Services HDG Job No.: 22053.01 Amendment 01 Firecliff Tenth Tee Alternative Locations Hermann Design Group (HDG) and The Altum Group will make the appropriate revisions to final plans and bid schedule to add tenth tee alternative locations for the Firecliff tee relocation plans. All other provisions of the original agreement shall apply herein; reimbursable expenses to be billed separately if incurred. 10th Tee Relocation - Alternative Locations	10,000.00
Please sign and return via facsimile or email to kristin@hdg-inc.com	Total \$10,000.00

Signature: _____