

## **SECOND AMENDMENT TO AGREEMENT**

THIS SECOND AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the 9<sup>th</sup> day of December 2021, between the CITY OF FRESNO, a California municipal corporation (City), and De Novo Planning Group, a California corporation (Consultant).

### **RECITALS**

WHEREAS, the City and the Consultant entered into an agreement on March 5, 2019, (Agreement) to provide professional planning services for the Specific Plan of the West Area Environmental Impact Report and Infrastructure Financing Plan Project; and

WHEREAS, City and Consultant entered into First Amendment, dated January 9, 2021, to increase the scope of work by requiring additional services beyond those services referenced in the Project; and

WHEREAS, City and Consultant desire to extend the contract performance period to December 31, 2022 to accomplish the services as referenced in the Project.

### **AGREEMENT**

NOW, THEREFORE, the parties agree that the aforesaid Agreement be amended as follows:

1. Contract performance period shall be extended to December 31, 2022.
2. In the event of any conflict between the body of this Amendment and any Exhibit or Attachment hereto, the terms and conditions of the body of this Amendment shall control and take precedence over the terms and conditions expressed within the Exhibit or Attachment. Furthermore, any terms or conditions contained within any Exhibit or Attachment hereto which purport to modify the allocation of risk between the Parties, provided for within the body of this Amendment, shall be null and void.
3. Except as otherwise provided herein, the Agreement entered into by the City and the Consultant on March 5, 2019, and amended on January 9, 2021, remains in full force and effect.

[Signatures follow on the next page.]

IN WITNESS WHEREOF, the Parties have executed this Amendment at Fresno, California, the day and year first above written.

CITY OF FRESNO,  
A municipal corporation

De Novo Planning Group  
A California Corporation

DocuSigned by:  
*Jennifer K. Clark*  
By: \_\_\_\_\_ 11/24/2021  
7468A2609E1A4DF...  
Jennifer K. Clark, Director of  
Planning & Development

DocuSigned by:  
*Ben Ritchie*  
By: \_\_\_\_\_ 11/23/2021  
4EB636A4C30D41E...  
Name: Ben Ritchie

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

Title: Principal/CEO  
\_\_\_\_\_  
(If corporation or LLC., Board Chair, Pres. or  
Vice Pres.)

DocuSigned by:  
*Brandon Collet*  
By: \_\_\_\_\_ 11/24/2021  
19FC5444CAA64DB...  
Brandon M. Collet Date  
Senior Deputy City Attorney

DocuSigned by:  
*Beth Thompson*  
By: \_\_\_\_\_ 11/24/2021  
76ADB7B4E0543D...  
Name: Beth Thompson

ATTEST:  
TODD STERMER  
City Clerk

Title: Secretary  
\_\_\_\_\_  
(If corporation or LLC., CFO.,  
Treasurer, Secretary or Assistant  
Secretary)

By: \_\_\_\_\_  
Date  
Deputy

Addresses:  
CITY:  
City of Fresno  
Attention: Summer Rooks, Project  
Manager  
2600 Fresno Street, Rm. 3065  
Fresno, CA 93721  
Telephone No: (559) 621-8166  
Email: [summer.rooks@fresno.gov](mailto:summer.rooks@fresno.gov)

CONSULTANT:  
De Novo Planning Group  
Attention: Steve McMurtry  
Principal  
1020 Suncast Lane #106  
El Dorado Hills, CA 95762  
Telephone No: (916) 580-9818