

**SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT BETWEEN  
THE CITY OF FRESNO AND KLEINFELDER, INC. REGARDING PROFESSIONAL  
ENVIRONMENTAL ENGINEERING SERVICES FOR SITE INVESTIGATION OF 2165 S.  
ELM STREET, FRESNO, CA 93706**

THIS SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT (Amendment) is entered into effect on \_\_\_\_\_ between the CITY OF FRESNO, a California municipal corporation (City), and KLEINELDER, INC. a California Incorporation (Consultant).

**RECITALS**

WHEREAS, the City and the Consultant entered into an agreement on October 20, 2023 (Agreement) to provide professional environmental engineering services for site investigation of 2165 S. Elm Street, Fresno, CA 93706 (the Project); and

WHEREAS, the City and the Consultant entered into a First Amendment on January 11, 2024, to extend the Agreement to complete the Project; and

WHEREAS, the purpose of this project is to provide revision to the feasibility study by changing the recommended alternative; and

WHEREAS, the additional scope of work will provide project management and document preparation and support to move the site toward regulatory closure; and

WHEREAS, the City and the Consultant now desire to extend the Agreement to February 28, 2025, and increase the compensation for an amount not to exceed \$85,200 to complete the Project; and

WHEREAS, with entry into this Amendment, the Consultant agrees it has no claim, demand, or dispute against the City and affirms that it will abide by all obligations contained in the Agreement entered into on October 20, 2023 with no gaps in obligations thereunder.

**AGREEMENT**

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

1. The recitals to this Second Amendment are incorporated and made a part of the Agreement.
2. The Agreement is extended to February 28, 2025.
3. Compensation shall be increased for an amount not exceed \$85,200.
4. Except as otherwise provided herein, the Agreement, and all obligations contained therein remain 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 California municipal corporation

KLEINFELDER, INC.,  
A California incorporation

By: \_\_\_\_\_  
Georganne A. White,  
City Manager

DocuSigned by:  
By: Mark W Connelly 12/2024  
AC5A0D6F25C9465...  
Name: Mark Connelly

APPROVED AS TO FORM:  
ANDREW JANZ  
City Attorney

Title: Vice President  
(If corporation or LLC., Board Chair,  
Pres. or Vice Pres.)

DocuSigned by:  
By: Christine Charitar 12/2024  
66086C14193B4F5...  
Christine C. Charitar Date  
Deputy City Attorney

DocuSigned by:  
By: Jennifer Rios 7/12/2024  
752564FE27EA4E3...  
Name: Jennifer Rios

ATTEST:  
TODD STERMER, CMC  
City Clerk

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

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

Addresses:

CITY:  
City of Fresno  
Parks, After School, Recreation and  
Community Services Department  
Attention: Aaron A. Aguirre,  
Director  
1515 E. Divisadero  
Fresno, CA 93721

CONSULTANT NAME:  
Kleinfelder, Inc.  
ATTENTION: Jeremy Scott  
3649 W. Holland  
Suite 105  
Fresno, CA 93722  
Phone: 559-486-0750

Attachments:

- 1. Exhibit A - Scope of Work

## EXHIBIT A

### SCOPE OF WORK

#### **Consultant Services Agreement between City of Fresno and Kleinfelder, Inc. Site Investigation – 2165 South Elm Street, Fresno CA 93706**

#### **Site Investigation – Former Imperial Cleaners City of Fresno, PARCS Department Property 2165 South Elm Street, Fresno, CA 93706**

### SCOPE OF WORK

Kleinfelder has developed this scope of work for Additional Environmental Consulting Services for the Former Imperial Cleaners in Fresno, California (Site).

The purpose of the additional services is to provide the City with project management and document preparation and support to move the Site, in the vicinity of the Maxie L Parks Community Center, toward regulatory closure. This scope of work includes a summary of proposed tasks, cost estimates, and assumptions.

The proposed scope of work consists of the following tasks:

- Task 1 - Regulatory Negotiation and Research
- Task 2 – Feasibility Study Revisions
- Taks 3 – Remedial Action Work Plan Preparation
- Task 4 – Remedial Action Work Plan Implementation
- Task 5 – Change Order for Site Assessment Report

### **TASK 1 – REGULATORY NEGOTIATIONS AND RESEARCH**

Kleinfelder will prepare for and participate in teleconference calls with the City and the Central Valley Regional Water Quality Control Board (CVRWQCB) for this task over a 12-month period from February 2024 to January 2025. The proposal also includes costs for a public meeting attendance:

1. Confirm that the City and CVRWQCB are aligned on risk management, investigation, remedy selection, remedial implementation, and documentation required to move the Site toward closure.
2. Confirm that the proposed investigation activities will address agency concerns and move the Site toward closure.
3. Prepare for and attend two public meetings. These are expected after submittal of the Feasibility Study and Remedial Action Work Plan.
4. Conduct additional literature or records research as needed.
5. Attend meetings in person at the City and CVRWQCB offices in Fresno.

## **TASK 2 – FEASIBILITY STUDY REVISIONS**

Kleinfelder submitted a draft Feasibility Study (FS) to the CVRWQCB, which included the City's recommended alternative of conventional excavation and off-Site transportation and disposal. It is Kleinfelder's understanding that City wishes to change the recommended alternative to Land Use Controls (LUCs) and Soil Management Plan preparation. Based on the delay in the finalization of this report, Kleinfelder recommends that price indexing be updated to new published costs as well as changing the preferred alternative in the FS.

## **TASK 3 – REMEDIAL ACTION WORK PLAN PREPARATION**

Kleinfelder will prepare a Remedial Action Work Plan (RAW) to implement Alternative 2 - Land Use Controls and Soil Management Plan. This RAW would include the following elements.

1. Site History and Background
2. Extent of Contamination
3. Remedial Action Objective
4. Plan to design and implement LUCs consistent with current and future land use to prevent or manage disturbance of potentially impacted soil or soil vapor, and to prohibit development of the Site for residential or sensitive receptor uses. The LUCs would be established through the execution of a Land Use Covenant between City of Fresno and the CVRWQCB. The Land Use Covenant would be recorded with Fresno County.

## **TASK 4 – REMEDIAL ACTION WORK PLAN IMPLEMENTATION**

The Remedial Action Work Plan implementation will comprise of the preparation of preparation of a Soil Management Plan, coordination with City and County personnel to document LUCs, deed restrictions, and other administrative steps. This will include coordination with City Legal Department Staff. In addition, a Remedial Action Completion Report will be prepared and submitted to the City for review, and submitted to the CVRWQCB following preparation of the Soil Management Plan and establishment of LUCs.

## **TASK 5 – CHANGE ORDER FOR ADDITIONAL ON-SITE ASSESSMENT OF SOURCE AREA CHEMICALS OF CONCERN REPORT**

Kleinfelder submitted this Report as draft on December 1, 2023. The City decided to wait for additional soil and soil vapor data to be collected during January 2024 before finalizing the data set and document. The additional data gathered from the vapor probes was added to the Report. Also, during the time between the issuance of the draft and final submittal, the Stamping Professional for Kleinfelder retired. To finalize the document with the new data, it was required that a new Stamping Professional review the entire document, which cost more than the approved budget.

**FEE ESTIMATE TASKS 1-5**

Based on the level of effort and scope of work described herein, Kleinfelder has developed a budget estimate. The budget estimate is summarized below.

Table of Estimated Fees		
Task	Description	Fee
1	Regulatory Negotiation and Research	\$33,000
2	FS Revisions	\$4,300
3	Remedial Action Work Plan Preparation	\$17,700
4	Remedial Action Implementation	\$24,800
5	Change Order for Site Assessment Report	\$5,500
<b>Total Estimated Fees</b>		<b>\$85,200</b>

FEE ESTIMATE FOR TASKS 1-5.....\$85,200

**ASSUMPTIONS AND CLIENT RESPONSIBILITIES**

Kleinfelder used the following assumptions to develop the scope of work and estimate of fees. It is possible other unforeseen conditions or situations may arise that could impact this cost estimate. Such conditions and responses would be discussed with you and authorized prior to Kleinfelder expending the additional funds.

- The CVRWQCB will agree with conclusions in the Site Assessment Report and will not require a supplemental site assessment.
- As communicated by the City, the recommended alternative for the FS will be changed to Land Use Controls and Soil Management Plan. Kleinfelder assumes the CVRWQCB will concur with this alternative.
- Advertising for Public Comment after the FS and RAW are published is the responsibility of the City.
- Regulator negotiations include preparation for and participation in monthly teleconferences, and documentation of the meeting outcomes. This task also includes quarterly in-person meetings in Fresno and attendance at two public meetings.
- Kleinfelder’s attendance and presentation at public meetings is limited to this scope of work and it is assumed that the City will advertise and coordinate the meetings.
- Draft and Final versions of the RAW will be prepared, including addressing one round of City comments to the Draft RAW, prior to submitting a Final RAW to the CVRWQCB.
- Addressing CVRWQCB comments to the RAW, if any, are not included in the scope of this proposal.

- Contractor and legal costs for remedial action implementation are not included in this proposal. Contractor costs will be provided upon selection of remedy.
- Costs for implementation of LUCs, following their being established, including inspections, administrative maintenance, or other activities required by the conditions of the LUCs, are not included in this proposal.
- Kleinfelder is committed to providing quality service to our clients, commensurate with their wants, needs and desired level of risk. If a portion of this proposal does not meet your needs, or if those needs have changed, we will consider appropriate modifications, subject to the standards of care to which we adhere as professionals. Modifications such as changes in scope, methodology, scheduling and contract terms may result in changes to the risks assumed by you, as well as adjustments to our fees.

## **LIMITATIONS**

Kleinfelder's work will be performed in a manner consistent with that level of care and skill ordinarily exercised by other members of Kleinfelder's profession practicing in the same locality, under similar conditions and at the date the services are provided. Our conclusions, opinions, and recommendations will be based on a limited number of observations and data. It is possible that conditions could vary between or beyond the data evaluated. Kleinfelder makes no guarantee or warranty, express or implied, regarding the services, communication (oral or written), report, opinion, or instrument of service provided.

## **FIGURES**

- 1 – Site Location Map
- 2 – Site Vicinity Map

Figure 1 - Site Location Map

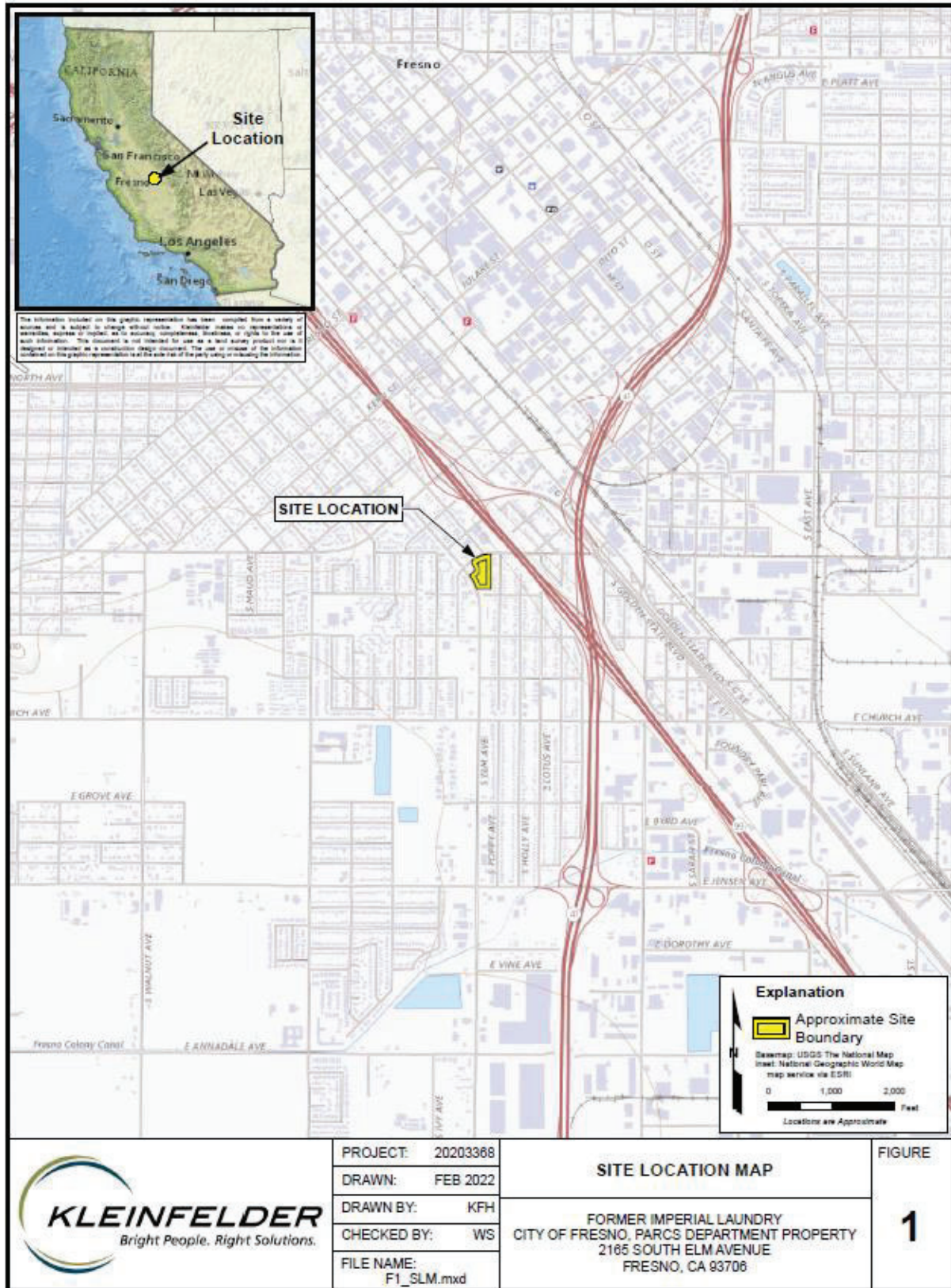






Figure 2 - Site Vicinity Map



**Explanation**

- Approximate Site Boundary
- Assessor's Parcel Boundary

Aerial © Google Earth, Image dated 6/23/2018.

0 40 80 Feet

Locations are Approximate

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	PROJECT: 20222366	<b>SITE VICINITY MAP</b>  PHASE I ENVIRONMENTAL SITE ASSESSMENT MAXIE L. PARKS COMMUNITY CENTER 1802 EAST CALIFORNIA AVENUE FRESNO, CALIFORNIA	FIGURE
	DRAWN: OCT 2021		2
	DRAWN BY: K. HAGAN		
	CHECKED BY: S. BIRARDI		
	FILE NAME: Figure2.mxd		