

## FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT ("First Amendment") made and entered into as of this \_\_\_ day of \_\_\_\_\_, 2015, amends the Agreement entered into between the CITY OF FRESNO, a municipal corporation ("CITY"), and HIGHLAND CONSULTING, a sole proprietorship, and CARL J. KASSABIAN (collectively "CONSULTANT").

### RECITALS

- A. CITY and CONSULTANT entered into an Agreement, dated July 1, 2014, for professional consulting services for ongoing and new railroad related Public Works projects.
- B. By its terms, the Agreement will expire on June 30, 2015.
- C. CITY now desires to extend the term of the Agreement by one (1) year and provide for additional compensation of \$42,000 accordingly.
- D. Paragraph 28 of the Agreement provides that the Agreement may be amended or otherwise modified in a writing signed by the parties.

### AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which recitals are contractual in nature, the mutual premises herein contained, and for other good and valuable consideration hereby acknowledged, the parties agree that the aforesaid Agreement be amended as follows:

- 1. Section 2 of the Agreement, titled "Term of Agreement, and Time for Performance" is modified by replacing "June 30<sup>th</sup>, 2015, with "June 30, 2016."
- 2. Section 3 (a) of the Agreement, titled "Compensation" is deleted and replaced with the following:

CONSULATANT'S sole compensation for satisfactory performance of all services required or rendered pursuant to this Agreement shall be a total fee not to exceed \$49,000 for CITY's Fiscal Year 2015, and not to exceed \$42,000 for CITY's Fiscal Year 2016, paid on the basis of the rates set forth in the schedule of fees and expenses contained in **Exhibit "A"**.
- 3. Except as otherwise provided herein, the Agreement entered into by CITY and CONSULTANT, effective July 1, 2014, remains in full force and effect.
- 4. This First Amendment contains no exhibits.

[SIGNATURES ON NEXT PAGE]

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

CITY

CONSULTANT

CITY OF FRESNO, a Municipal Corporation

HIGHLAND CONSULTING, a sole proprietorship

By: \_\_\_\_\_  
SCOTT L. MOZIER  
Public Works Director

By: \_\_\_\_\_  
CARL L. KASSABIAN

ATTEST:  
YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Raj Singh Badhesha, Deputy

RSB:nd (67603ndRSB)