

FIRST AMENDMENT TO AGREEMENT

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into as of this 9th day of November 2023 amends the Agreement entered into between the CITY OF FRESNO, a California municipal corporation (City), and Community Works Design Group, a California corporation (Consultant).

RECITALS

WHEREAS, City and Consultant entered into an Agreement dated June 30th 2022, for Milburn and Dakota Park (Agreement); and

WHEREAS, Consultant has completed the Part 1 Schematic Design and Part 2 Design Development portions of the Agreement; and

WHEREAS, City and Consultant now desire to modify the scope of work therein by requiring additional services.

WHEREAS, the available contingency amount of \$50,000 from the original agreement will be utilized to cover the total fee amount of \$49,950 for this Amendment.

AGREEMENT

NOW, THEREFORE, the parties agree that the

Agreement be amended as follows:

1. Consultant shall provide additional services as described in **Attachment A**, attached hereto and incorporated herein by reference. Such additional services shall be completed within the term of the Agreement and completed no later than July 7, 2024, following execution of this Amendment by both parties.
2. Consultant's sole compensation for satisfactory performance of all services required or rendered pursuant to this Amendment shall be a total fee of \$49,950.00.
3. 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.
4. Except as otherwise provided herein, the Agreement entered into by City and Consultant, dated June 30, 2022, remains in full force and effect.

CITY OF FRESNO,
a California municipal corporation

By: **FRANCISM**
FRANCISCO V. MAGOS II, PE,
MBA, QSD
Assistant Director
Capital Projects Department

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: Christine C. Charitar 11/9/23
Christine C. Charitar Date
Deputy City Attorney

ATTEST:
TODD STERMER, CMC
City Clerk

By: Collette Barrios 11/9/2023
Deputy Date

Addresses:

CITY:
City of Fresno
Attention: L. Nathan Sanchez
Projects Administrator
2600 Fresno Street, Room 4016
Fresno, CA 93721
Telephone No. 559-621-8687

Community Works Design Group,
a California Corporation

By: Scott Rice
Name: Scott Rice
Title: President
(If corporation or LLC., Board Chair,
Pres. or Vice Pres.)

By: Scott Rice
Name: Scott Rice
Title: Treasurer
(If corporation or LLC., CFO,
Treasurer, Secretary or Assistant
Secretary)

REVIEWED BY:

L. Nathan Sanchez
L. Nathan Sanchez, Projects Administrator
Capital Projects Department

CONSULTANT:

Community Works Design Group,
Attention: Scott Rice, ASLA, LEED AP,
President
7111 Indiana Avenue, Suite 300
Riverside, CA 92504
Telephone No. (951) 369-0700

Attachment: Exhibit A – Additional Scope of Services

Attachment A

ADDITIONAL SCOPE OF SERVICES

Consultant Service First Amendment to Agreement between City of Fresno (City) and Community Works Design Group (Consultant)

Milburn and Dakota Park

Additional Scope of Services includes, but is not limited to: services for Landscape Maintenance Plan for the Milburn and Dakota Avenue park based on California Native Plant Long-Term care. Consultant shall begin the coordination with California Utility Consultants, Inc. (CUC) to obtain expedited services for PG&E.

Expedited electrical design for PG&E

CONSULTANT to perform various additional services and tasks to finalize and expedite the Milburn and Dakota park plans through the final plans. The additional services include all work relating to the installation of gas, electric, phone, and catv facilities. The expedited PG&E plans and plan check will be coordinated with California Utility Designs to finalize the electrical plans for new service coordination and plan check with PG&E.

Scope includes:

- Conduct a preliminary site review to determine the availability and location of gas, electric, telephone, and cable tv distribution and transmission facilities.
- Submit client's improvement plans to utility company representatives and conduct a pre-engineering meeting to determine initial design and establish an engineering schedule.
- Work with client's civil engineer to incorporate the "dry" utility services into their design.
- Work with client's architect to determine gas and electric meter locations.
- Provide PGE approved Rule 16 electric design.
- Provide PGE approved Rule 20 electric design.
- Provide PGE approved joint trench composite.
- Coordinate the engineering process with all utility companies.
- Coordinate a pre-construction meeting with all utility companies, client's contractors, and civil engineers.
- Review utility company contracts for accuracy.

Landscape Maintenance Plan

CONSULTANT will provide a beginning plant inventory based on the designed park planting plan. Consultant will categorize based on the following categories: Trees, Shrubs, Groundcover, Lawn, Artificial Turf. CONSULTANT will also address key intervals for California Native Plant Long-Term care including establishment period, troubleshooting, typical care and maintenance, long-term consideration, and special situations.

The CONSULTANT shall provide the following:

Meet with Street and Landscape Maintenance Division to review the regular Parks Maintenance schedule and specific concerns for maintaining Milburn and Dakota Park.

Meet with CITY to identify when and how much to water the plants phased from establishment period to typical care with special situations such as extreme weather considerations. Frequency of watering based on seasons and weather.

Identify when and how to prune the plants in the landscape including the intended trimming per species to achieve and maintain the natural plant forms.

Develop a schedule of when and how to fertilize the plants in the landscape given special native plant considerations.

Identify natural ways to control pests that may damage the plants in the landscape.

Identify natural ways to control weeds that may compete with the plants in the landscape.

Identify methods to maintain optimal soil health. CONSULTANT will complete final agronomic soils testing after the plant establishment period at Milburn and Dakota park to ensure optimal long term soil health and suggestions for long term care to include the Final draft of the plan.

Implement a plan for how to maintain and repair the irrigation system.

Develop a plan for how to apply and maintain mulch in the landscape.

Address how to maintain the landscape during different seasons, including the winterization/overseeding of lawn areas.

Develop a plan on how to monitor the health of the plants in the landscape and make adjustments to the maintenance plan as needed.

Attend appropriate meetings with CITY as needed to review the Landscape Maintenance Plan.

Make final revisions as directed by the CITY and prepare the Final Landscape Plan.

Prepare an estimate of man-hours for each of the tasks outlined in the Maintenance Plan.

Additional Field Support

CONSULTANT will be available for an additional site visit with Streets and Landscape Maintenance Division if requested by the CITY to assist with on-site pruning or other troubleshooting if deemed necessary.

First Amendment Compensation

Expedited electrical design for PG&E	\$38,000.00
Landscape Maintenance Plan	\$9,450.00
Additional Field Support	\$1,750.00
Reimbursables	\$750.00
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TOTAL PROFESSIONAL SERVICES FEE	\$49,950.00