

## **FIRST AMENDMENT TO AGREEMENT**

THIS FIRST AMENDMENT TO AGREEMENT (Amendment) made and entered into effect the 15<sup>th</sup> day of May, 2017, (Effective Date) amends the Agreement heretofore entered into between the CITY OF FRESNO, a California municipal corporation (City), and LIVE OAK ASSOCIATES, INC., a California corporation (Consultant).

### **RECITALS**

WHEREAS, the City and the Consultant entered into an agreement on May 2, 2016, (Agreement) to provide professional Biological Resources Monitoring services for Friant Kern Canal Pipeline (Project) for a total fee of \$384,956; and

WHEREAS, the parties have negotiated an increase of \$191,000 in the Consultant's compensation for services related to Biological Resources Monitoring services; and

WHEREAS, the City and the Consultant desire to extend the Agreement to October 31, 2017, to complete services; and

WHEREAS, with entry into this Agreement, the Consultant agrees the Consultant has no claim, demand, or dispute against the City.

### **AGREEMENT**

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

1. The Consultant's sole compensation for satisfactory performance of Biological Resources Monitoring services for the Project pursuant to this Amendment shall be \$191,000. Compensation includes all expenses incurred by the Consultant in performance of such services. Total Consultant Project cost pursuant to this Agreement is \$576,956.

2. The Agreement is extended to October 31, 2017.

3. Except as otherwise provided herein, the Agreement entered into by the City and the Consultant on May 2, 2016, respectively, remains in full force and effect.

[Signatures appear 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

LIVE OAK ASSOCIATES, INC.,  
A California Corporation

*see next page*  
By: \_\_\_\_\_  
Thomas C. Esqueda,  
Director of Public Utilities

By: Dave Hartesveldt  
Name: Dave Hartesveldt

ATTEST:  
YVONNE SPENCE, CMC  
CITY Clerk

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

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

By: \_\_\_\_\_

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

Name: \_\_\_\_\_

By: \_\_\_\_\_  
Brandon M. Collet  
Deputy City Attorney


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

Addresses:  
CITY:  
City of Fresno  
Attention: Michael Carbajal  
Planning Manager  
2101 G Street, Building A  
Fresno, CA 93706  
Phone: (559) 621-1622  
FAX: (559) 498-4126

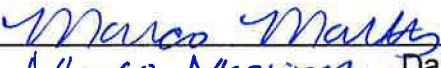
CONSULTANT:  
LIVE OAK ASSOCIATES, INC.  
Attention: Dave Hartesveldt  
President  
39930 Sierra Way, Suite B  
Oakhurst, CA 93644  
Phone: (559) 642-4880  
FAX: (559) 642-4883

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

By:   
Thomas C. Esqueda,  
Director of Public Utilities

ATTEST:  
YVONNE SPENCE, CMC  
CITY Clerk

By:  Date 5/15/17  
Marco Martinez

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By:  Date 4/26/17  
Brandon M. Collet  
Deputy City Attorney

Addresses:

CITY:  
City of Fresno  
Attention: Michael Carbajal  
Planning Manager  
2101 G Street, Building A  
Fresno, CA 93706  
Phone: (559) 621-1622  
FAX: (559) 498-4126

LIVE OAK ASSOCIATES, INC.,  
A California Corporation

By: \_\_\_\_\_

Name: Dave Hartesveldt

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

By: 

Name: Rick Hopkins

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

CONSULTANT:  
LIVE OAK ASSOCIATES, INC.  
Attention: Dave Hartesveldt  
President  
39930 Sierra Way, Suite B  
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