

## **FIRST AMENDMENT TO PARKING PERMIT AGREEMENT**

This First Amendment ("First Amendment") made and entered into January 6, 2015, amends the Parking Permit Agreement heretofore entered into between the CITY OF FRESNO, a municipal corporation ("CITY"), and COUNTY OF FRESNO, a political subdivision of the State of California ("COUNTY"). CITY and COUNTY are sometimes referred to as the Parties.

### **RECITALS**

CITY and COUNTY entered into a Parking Agreement, effective July 1, 2011 for CITY to provide COUNTY with parking spaces for COUNTY employees at a minimum of 150 stalls in the Convention Center Garage and up to 500 additional spaces at various City of Fresno Parking Facilities, which are owned by CITY, ("Agreement");

COUNTY desires continued parking for its employees at various CITY owned parking facilities;

The initial term of the Agreement expired on June 30, 2014;

COUNTY has continued to use CITY's parking stalls after the expiration of the Agreement;

COUNTY agrees to pay CITY \$68,850 for the use of CITY's parking stalls for July through December 2014; and

The Parties agree to modify the Agreement to a month-to-month agreement until the City Manager negotiates a new per stall price or until June 30, 2015.

### **AGREEMENT**

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

1. The term of the Agreement as set forth in Section 1 is modified to a month-to-month term, beginning on July 1, 2014 and ending no later than June 30, 2015.
2. This Agreement may be terminated by either Party for any or no reason upon 30 days written notice provided to the other Party.
3. COUNTY shall pay CITY \$68,850 for the use of CITY's parking stalls for July, August, September, October, November, and December 2014. The amount due of \$68,850 shall be paid in full no later than 30 days after execution of this contract.

4. Beginning November 1, 2014, COUNTY agrees to pay CITY \$45.00 per parking stall per month for a minimum of 150 parking stalls and \$45.00 per month for any additional parking stalls used for that month. The amount due each month shall be paid in full no later than the 1<sup>st</sup> of each month. To the extent that any such amounts have fallen due prior to the execution of this retroactive First Amendment, such payments shall not be considered late if paid in full within 45 days after the execution of this First Amendment.

5. Except as otherwise provided herein, the Agreement entered into by CITY and COUNTY, dated July 1, 2011 remains in full force and effect.

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

(Signatures on the Page 3)

COUNTY OF FRESNO, a political subdivision  
Of the State of California

By: Deborah A. Poochigian  
Deborah A. Poochigian Chairman  
Board of Supervisors

Date: 1/7/15

ATTEST:  
Bernice E. Seidel, Clerk  
Board of Supervisors

By: Susan Bishop  
Deputy

APPROVED AS TO LEGAL FORM:  
DANIEL C. CEDERBORG, County Counsel

By: Jane J Smith  
Deputy

RECOMMENDED FOR APPROVAL:

By: Robert W. Bash  
Robert W. Bash, Director of Internal  
Services/Chief Information Officer

APPROVED AS TO ACCOUNTING FORM:  
Vicki Crow, C.P.A.  
Auditor-Controller/Treasurer-  
Tax Collector

By: Alle & Colet

Fund: 1035, Subclass 10000, Org 8970, Acct 7340

Addresses:

COUNTY:  
County of Fresno  
Internal Services (L-272)  
2220 Tulare Street, 21<sup>st</sup> Floor  
Fresno, CA 93721-2106  
Phone: (559) 600-1715  
FAX: (559) 600-1708

CITY OF FRESNO,  
a municipal corporation

By: Bruce Rudd  
Bruce Rudd  
City Manager

Date: 1/16/15

REVIEWED AND RECOMMENDED FOR  
APPROVAL:

By: Del Estabrooke  
Del Estabrooke  
Parking Manager

APPROVED AS TO LEGAL FORM:  
Douglas T. Sloan, City Attorney

By: Brandon M. Collet  
Brandon M. Collet  
Deputy

ATTEST:  
Yvonne Spence, CMC  
City Clerk

By: Sherrin K. Baduber  
Deputy  
1/16/2015

CITY:  
City of Fresno  
Parking Manager  
2600 Fresno Street Room 4019  
Fresno, CA 93721-3623  
Phone: (559) 621-7275  
FAX: (559) 498-1439