

FIRST AMENDMENT TO AGREEMENT

This First Amendment to Agreement ("First Amendment") is entered into this 24 day of January 2020 by the City of Pleasanton ("City") and Chabot-Las Positas Community College District, Las Positas College ("District").

Whereas, on December 18, 2019, the City the District entered into an agreement for the use of the Fire Training Tower Facility at the City Operations Services Center at 3333 Busch Road, ("Agreement"); and

Whereas, a new fee structure has been established by the City, requiring the previous fees to be updated in accordance with the new policy, and;

Whereas, the parties desire to amend to the Agreement;

Now, therefore, in exchange for valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

1. Section 10 of the Agreement, "Use Charge" is amended to read:
For use of the Fire Training Grounds and Tower, (District) Las Positas College shall pay the City \$510 / Day, billed monthly, plus \$2.60 per student, commensurate with the number of days used in the previous calendar month, payable within 15 days of receipt of invoice.
2. All other terms and conditions of the Agreement shall remain in full force and effect.
3. This amendment may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement. Counterparts may be delivered via facsimile, electronic mail (including pdf or any electronic signature complying with U.S. federal E-Sign Act of 2000 (15 U.S. Code §7001 et seq.), California Uniform Electronic Transactions Act (Cal. Civil Code §1633.1 et seq.), or other applicable law) or other transmission method, and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes. With respect to signatures delivered via facsimile or electronically, Contractor shall deliver its original wet ink signature to the City within thirty (30) days following Contractor's original delivery via facsimile, electronic mail or other transmission method, provided that failure to deliver such original ink signature shall not affect the validity of the electronic signatures that were delivered.

In witness whereof, authorized representatives of the parties have executed this First Amendment to the Agreement as of the date and year first above written.

CITY OF PLEASANTON

CONTRACTOR

Nelson Fialho, City Manager

By: _____
Signature

Print name

Title: _____

ATTEST:

Karen Diaz, City Clerk

APPROVED AS TO FORM:

By: _____
Signature

Daniel G. Sodergren, City Attorney

Print name

Title: _____