

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE, A SECOND AMENDMENT TO AGREEMENT WITH KENNEDY/JENKS CONSULTANTS FOR THE EAST DUNNE AVENUE RESERVOIR PROJECT

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California (the "City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the approved 2002 Water Master Plan identified the need for the East Dunne Avenue Reservoir project; and

WHEREAS, the City Council approved the FY 14/15 Capital Improvement Program for the design of the East Dunne Avenue Reservoir project and approved the FY 15/16 Capital Improvement Program for the construction of the East Dunne Avenue Reservoir project; and

WHEREAS, the City Council approved entering into a Professional Services Agreement with Kennedy/Jenks on January 20, 2016 for the design of the East Dunne Avenue Reservoir Construction project; and

WHEREAS, the City Manager approved a one year extension (Continuance Agreement and First Amendment to Agreement) of the Professional Services Agreement with Kennedy/Jenks on July 26, 2016 for the design of the east Dunne Avenue Reservoir Construction project; and

WHEREAS, further reasons supporting the entrance of the City into this Second Amendment to Agreement are set forth in detail in that certain City Council Staff Report entitled "Second Amendment to Agreement with Kennedy/Jenks for the East Dunne Avenue Reservoir Project" submitted for City Council consideration at its meeting of August 24, 2016, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, as part of their scope of work, Kennedy/Jenks will perform all required studies in order to comply with the CEQA Guidelines for the East Dunne Reservoir project; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 3. Approval and Authorization. The City Council does further find, resolve, order and/or direct as follows, based upon the entirety of the record and proceedings before it:

- a. That the Second Amendment to Agreement with Kennedy/Jenks Consultants to provide design services for the East Dunne Avenue Reservoir Project, substantially in the form attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved; and
- b. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Second Amendment to Agreement substantially in the form attached hereto as Exhibit A, provided, specifically, that the amounts to be paid by the City under the Second Amendment to Agreement shall in no event exceed Five Hundred Twenty Six Thousand and Seventy Four Dollars (\$526,074); and
- c. That the City Manager is hereby delegated authority to and is authorized to take all other ministerial actions that may be necessary or appropriate to implement the provisions of this Resolution; and

Section 4. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this 24th day of August, 2016 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:
COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ CERTIFICATION ∞

I, **Irma Torrez, City Clerk of the City of Morgan Hill, California**, do hereby certify that the foregoing is a true and correct copy of Resolution No. _____, adopted by the City Council at the meeting held on August 24, 2016.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK