

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL ACCEPTING A PUBLIC WORK COMMONLY KNOWN AS THE SIDEWALK REPLACEMENT PROJECT, DELEGATING AUTHORITY TO THE PUBLIC WORKS DIRECTOR TO EXECUTE A NOTICE OF COMPLETION, DIRECTING THE CITY CLERK TO FILE SUCH NOTICE OF COMPLETION WITH THE SANTA CLARA COUNTY RECORDER'S OFFICE AND APPROVING AN AMENDMENT TO THE CITY'S FISCAL YEAR 2015/16 ANNUAL BUDGET IN THE STREETS FUND (FUND NO. 308) TO APPROPRIATE \$13,977 THEREFOR**

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

WHEREAS, the reasons supporting the adoption of this Resolution are set forth in detail in that certain City Council Staff Report entitled "Accept Sidewalk Replacement Project" submitted for City Council consideration at its meeting of June 1, 2016, and 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, recommended amendments are needed and proposed to the City's previously adopted Annual Budget for Fiscal Year 2015-16, as set forth on Exhibit A to this Resolution, to appropriate the requisite funds to implement the actions authorized by this Resolution; and

WHEREAS, the allowed under this Resolution are categorically exempt under the California Environmental Quality Act of 1970, together with the guidelines promulgated thereunder, specifically pursuant to Section 15302 of the CEQA Guidelines (Replacement and Reconstruction), as the subject work involves the replacement, reconstruction and relocation of existing infrastructure on the same site to serve the same function; 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 hearing on the adoption of this Resolution at which hearing 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, BE IT RESOLVED BY 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 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the Notice of Completion for “Accept Sidewalk Replacement Project” awarded by the City Council to Golden Bay Construction, Inc. at the City Council meeting of September 16, 2015 (the “Project”), substantially in the form attached hereto as Exhibit B (the “Notice of Completion”), is approved and this public work is accepted, and City’s Director of Public Works is authorized to execute said Notice of Completion; and
- b. That the City Clerk is hereby authorized to and is directed to file the Notice of Completion or cause the Notice of Completion to be filed with the County Recorder’s Office of Santa Clara County within fifteen (15) days of acceptance of this Project; and
- c. That the City’s previously adopted Fiscal Year 2015-16 Annual Budget, as the same has been amended to date, is hereby further amended in accordance with and as reflected on Exhibit A attached hereto and incorporated herein by this reference; and
- d. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City’s Assistant City Manager for Administrative Services, who is hereby authorized and directed to take all actions necessary to implement the terms of this Resolution pertaining to the Fiscal Year 2015-16 Annual Budget of the City; and
- e. 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.

Section 3. This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Regular Meeting held on the 1<sup>st</sup> day of June, 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 Regular City Council Meeting of June 1, 2016.

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

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**