

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A DEDUCTIVE CHANGE ORDER IN THE AMOUNT OF \$177,684 FOR THE MONTEREY UNDERGROUND UTILITIES PROJECT AND APPROPRIATE \$300,000 FROM FUND 346 TO PROJECT #512093 FOR PG&E WORK CONTINGENCY.**

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 (“City”), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, those certain specifications for the Monterey Underground Utilities Project (the “Project”) were prepared by the City of Morgan Hill (the “Specifications”) and previously approved by the City Council at its meeting of July 16, 2014 along with the award of a contract to Northern Underground Construction, Inc. in an amount not to exceed \$1,186,288.75 (with approved contingency funds in the amount of \$118,629); and

WHEREAS, the City has determined that the scope of work shall be reduced, thereby decreasing the project budget by \$177,684 for a revised total project budget of \$1,127,234; 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 consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to the application 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 meeting 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 activities allowed under this Resolution are exempt under the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated thereunder, and more specifically pursuant to Section 15302 of the CEQA Guidelines setting forth a categorical exemption for the repair, maintenance or minor alteration of existing City facilities involving negligible or no expansion of use of those facilities; 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 Councils 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 deductive change order to the construction contract with Northern Underground Construction, Inc. in the amount of One-Hundred-Seventy-Seven-Thousand-and-Six-Hundred-Eighty-Four Dollars (\$177,684) is hereby authorized and
- b. 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
- c. That the City Clerk is hereby authorized and directed to forward a copy of this Resolution to the City’s Finance Director, 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 City.

Section 3. 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 1st day of June 2016 by the following vote:

|                 |                         |
|-----------------|-------------------------|
| <b>AYES:</b>    | <b>COUNCIL MEMBERS:</b> |
| <b>NOES:</b>    | <b>COUNCIL MEMBERS:</b> |
| <b>ABSTAIN:</b> | <b>COUNCIL MEMBERS:</b> |
| <b>ABSENT:</b>  | <b>COUNCIL MEMBERS:</b> |

**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 June 1, 2016.

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

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

**Irma Torrez, CITY CLERK**