

## **RESOLUTION NO.**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE, THE SECOND AMENDMENT TO SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH HYDROSCIENCE ENGINEERS, INC. FOR THE OAK CANYON BOOSTER STATION REHABILITATION 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 Oak Canyon Booster Station Rehabilitation project was included in the adopted FY 2014/15 Capital Improvement Program budget; and

WHEREAS, on February 4, 2015, the City Council approved entering into a Professional Services Agreement with HydroScience Engineers, Inc. (Hydroscience) for \$115,302 for the design of the Oak Canyon Booster Station Rehabilitation project; and

WHEREAS, on May 25, 2016, the City Manager extended the term of the contract to December 31, 2016 (First Amendment to Agreement) of the Professional Services Agreement with HydroScience; and

WHEREAS, a Second Amendment to the Professional Services Agreement is needed to allow HydroScience to continue supporting the Oak Canyon Booster Station Rehabilitation project during construction for an additional \$19,140, thus the total not to exceed Second Amendment amount is \$134,442; and

WHEREAS, further reasons supporting the entrance of the City into that certain Second Amendment to Agreement described in, and that is the subject of, this Resolution are set forth in detail in that certain City Council Staff Report entitled “SECOND AMENDMENT TO SERVICE AGREEMENT FOR DESIGN PROFESSIONALS WITH HYDROSCIENCE ENGINEERS, INC. FOR THE OAK CANYON BOOSTER STATION REHABILITATION 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, the activities allowed under this Resolution are categorically exempt under CEQA, specifically pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), as the subject work involves the repair, maintenance, or minor alteration of existing City facilities involving negligible or no expansion of use of those facilities; 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 HydroScience Engineering, Inc., for professional design services, substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the "Second Amendment"), is hereby approved; and
- b. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Second Amendment, substantially in the form attached hereto as Exhibit A, provided, specifically, that the amounts to be paid by the City under the Second Amendment shall in no event exceed One Hundred Thirty Four Thousand Forty Two Dollars (\$134,442); 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.

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

**PASSED AND ADOPTED** by the City Council of the of the City of Morgan Hill at a Regular Meeting held on the 24<sup>th</sup> day of August 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>

**ATTEST:**

---

**IRMA TORREZ, City Clerk**

---

**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**