

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND ADMINISTER, THAT CERTAIN THIRD AMENDMENT WITH CSG CONSULTANTS, INC. TO PROVIDE PROGRAM MANAGEMENT SERVICES FOR THE FY 16/17 CAPITAL IMPROVEMENT PROGRAM

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, the issuance of the \$13M water and \$8M sewer bond proceeds has generated an increase in both water and sewer related Capital Improvement Projects, thus staff is temporarily in need of outside consultant services in order to address the increased work load; and

WHEREAS, on November 5, 2014, the City Council awarded CSG Consultants, Inc. a contract to provide program management services for utility infrastructure (the "Agreement"); and

WHEREAS, on June 3, 2015, the City Council amended the Agreement increasing the total compensation amount and extending the term; and

WHEREAS, on June 15, 2016 the City Council amended the Agreement increasing the total compensation amount and extending the term; and

WHEREAS, a third amendment to the Agreement is needed to extend the Agreement's term and increase the compensation amount to allow CSG Consultants to continue to provide program management services for the City's water and sewer bond related projects and to ensure projects are completed in compliance with the bond requirements and that the bond proceeds are spent expeditiously; and

WHEREAS, further reasons supporting the entrance of the City into that certain third 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 "THIRD AMENDMENT TO CSG CONSULTANTS, INC. AGREEMENT FOR PROGRAM MANAGEMENT SERVICES" submitted for City Council consideration at its meeting of September 21, 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 identified are not a project under the provisions of the California Environmental Quality Act of 1970; 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 2. 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 Third Amendment to Agreement with CSG Consultants, Inc. for program management services, substantially in the form attached hereto as Exhibit A and incorporated herein by this reference (the “Third Amendment”), is hereby approved; and
- b. That the City Manager is hereby delegated authority to and is authorized and directed to execute the Third Amendment substantially in the form attached hereto as Exhibit A provided, specifically, that the amounts to be paid by the City under the Agreement shall in no event exceed Three Hundred Thousand Dollars (\$300,000) for the Third Amendment for a total amount authorized not to exceed One Million Three Hundred Eighty Three Thousand Five Hundred Ninety Eight Dollars (\$1,383,598); 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 3. 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 21st day of September 2016 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

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 September 21, 2016.

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

DATE: _____

IRMA TORREZ, City Clerk