

RESOLUTION NO. \_\_\_\_\_ (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WATSONVILLE (1) APPROVING SECOND AMENDMENT TO CONTRACT BETWEEN THE CITY OF WATSONVILLE AND DANIEL B. STEPHENS & ASSOCIATES, INC., A CORPORATION, ADDING TO “SECTION 1. SCOPE OF SERVICES” FOR THE IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN FOR SITE LOCATION IN VICINITY OF 1350 FREEDOM BOULEVARD; (2) EXTEND “TERM OF AGREEMENT” FROM DECEMBER 31, 2023, THROUGH DECEMBER 31, 2025; (3) APPROPRIATING FUNDS FROM THE WASTEWATER ENTERPRISE FUND ADDING TO THE COMPENSATION (INCREASING THE CONTRACT BY \$1,061,308) FOR A REVISED AMOUNT NOT TO EXCEED \$1,687,162.76 FROM 530 CONSULTANT CONTRACT ACCOUNT, PROJECT NUMBER 11046; AND (4) AUTHORIZING AND DIRECTING THE CITY MANAGER TO EXECUTE SAME

**WHEREAS**, on September 8, 2020, Council adopted Resolution No. 165-20 (CM) awarding a Contract for Consultant Services to Daniel B. Stephens & Associates, Inc., a corporation, (DBS&A) for work associated with soil contamination sampling, monitoring, and mitigation from a former dry cleaning business in the vicinity of 1350 Freedom Boulevard; development of Risk Assessment; and conducting semi-annual monitoring and reporting activities, for an amount not to exceed \$259,569; and

**WHEREAS**, on December 13, 2022, Council adopted Resolution No. 248-22 (CM) approving a first amendment to the contract, adding to the scope of work, amending the compensation to increase the contract amount by \$319,176 for a revised total amount not to exceed \$625,854.76, and extending the contract term from September 30, 2022, to December 31, 2023; and

**WHEREAS**, additional work must be performed for the cleanup activities; and

**WHEREAS**, the contract must be increased by \$1,061,308 for a revised total amount not to exceed \$1,687,162.76; and

**WHEREAS**, the term of contract must be extended from December 31, 2023, through December 31, 2025.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE, CALIFORNIA, AS FOLLOWS:**

1. This action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a Resolution approving First Amendment to Contract with Daniel B. Stephens & Associates does not meet CEQA's definition of a "project," because the action does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and if a "project," is exempt under the "common sense" exception (14 Cal. Code Regs. § 15061(b)(3)) because it can be seen with certainty that there is no possibility that this action may have a significant effect on the environment.

2. This Second Amendment to Contract between the City of Watsonville and Daniel B. Stephens & Associates, Inc., a corporation, a copy of which Second Amendment is attached hereto and incorporated herein by this reference is hereby approved.

3. The City Manager is hereby authorized and directed to execute said Second Amendment for and on behalf of the City of Watsonville with minor revisions that may be approved by the City Manager and the City Attorney.

4. That the budget appropriation of \$1,061,308 from the Wastewater Enterprise fund balance to project account: 710-530-7361-11046 is hereby authorized.

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