

**RESOLUTION NO. 2018-050**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA,  
COUNTY OF NAPA, STATE OF CALIFORNIA, AUTHORIZING AMENDMENT  
NO. 1 TO THE CONSULTANT SERVICES AGREEMENT WITH JOHN  
DRAPER, P.E. FOR CONSULTING SERVICES FOR CAPITAL IMPROVEMENT  
PROJECT DEVELOPMENT AND PROJECT MANAGEMENT IN AN AMOUNT  
NOT TO EXCEED \$50,000 AND AUTHORIZING THE CITY MANAGER TO  
EXECUTE THE AGREEMENT**

**WHEREAS**, on June 21, 2017 Council approved a Consultant Services Agreement with John Draper, P.E. in the amount of \$50,000 for engineering management services related to capital projects, including obtaining proposals from engineering design firms, preparing bid documents, managing project construction, and performing various project related tasks; and

**WHEREAS**, additional projects are planned for the remainder of FY 2017/18 and FY 2018/19 that require these services to ensure timeliness and successful completion of capital projects; and

**WHEREAS**, staff wishes to enter into Amendment No. 1 to the Consultant Services Agreement for additional engineering and construction management services based on Purchase Orders or Task Orders approved by the Public Works Director.

**NOW THEREFORE BE IT RESOLVED** that the City Manager is hereby authorized to enter into Amendment No. 1 to the Consulting Services Agreement with John Draper, P.E. in an amount not to exceed \$50,000 for capital project management services for a total Agreement cost not to exceed \$100,000.


**BE IT FURTHER RESOLVED** that appropriations in Account # 01-5402-4905-4915 (Pavement Maintenance) are hereby authorized to be used to fund this agreement, or other CIP accounts depending on the actual work performed.

**PASSED AND ADOPTED** as a resolution of the City of Calistoga at the regular meeting held on this 15<sup>th</sup> day of May 2018, by the following vote:

**AYES:** Councilmembers Barnes, Kraus and Lopez-Ortega, Vice Mayor  
Dunsford and Mayor Canning  
**NOES:** None  
**ABSENT:** None  
**ABSTAIN:** None

  
\_\_\_\_\_  
**CHRIS CANNING, Mayor**

**ATTEST:**

  
\_\_\_\_\_  
**Kathy Flanigan, City Clerk**

**AMENDMENT NO. 1  
TO THE CONSULTANT SERVICES AGREEMENT  
BETWEEN THE CITY OF CALISTOGA AND  
JOHN DRAPER, P.E.**

**Related to Professional Consulting Services Agreement  
For Various Capital Improvement Projects  
(Authorizing Agreement No. 724  
Amending Agreement No. 724-01)**

THIS AMENDMENT NO. 1 to the Consultant Services Agreement between the City of Calistoga and John Draper, P.E., to perform specific tasks including but not limited to obtaining proposals from engineering design firms, preparing bid documents, contract and construction management, and project bidding associated with individual capital improvement projects such as pavement maintenance and utility replacement (hereinafter Amendment No. 1) is hereby entered into as of the 15th day of May, 2018, by and between the City of Calistoga, a municipal corporation (hereinafter referred to as "City") and John Draper, P.E., (hereinafter referred to as "Consultant").

**RECITALS**

WHEREAS, City and Consultant have previously entered into a Consultant Services Agreement to perform specific tasks including but not limited to obtaining proposals from engineering design firms, preparing bid documents, contract and construction management, and project bidding associated with individual capital improvement projects such as pavement maintenance and utility replacement, said Agreement being dated June 21, 2017 (hereinafter referred to as "Agreement"); and

WHEREAS, City and Consultant now desire to enter into this Amendment No. 1 to provide additional services related to various capital improvement projects.

NOW, THEREFORE, the parties do hereby mutually agree to amend the Agreement as follows:

1. Under Paragraph 1, Scope of Services, Subsection A is added as follows:
  - A. Subject to such policy direction and approvals as the City through its staff may determine from time to time, Consultant shall perform the additional services based on individual Purchase Orders or Task Orders approved by the Public Works Director.
  
2. Under Paragraph 3, Compensation and Method of Payment, Subsection A and C are revised as follows:
  - A. Compensation. The compensation to be paid to Consultant shall be at the fees included in the Agreement (\$50,000) and also and additional \$50,000

(Addendum No. 1) for specific tasks authorized by the Public Works Director including but not limited to obtaining proposals from engineering design firms, preparing bid documents, contract and construction management, and project bidding associated with individual capital improvement projects such as pavement maintenance and utility replacement. However, in no event shall the total amount exceed One Hundred Thousand Dollars (\$100,000), with such amount including both the original Agreement amount and the additional fees associated with this Amendment No. 1. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

C. Changes in Compensation. Consultant will not undertake any work that will incur costs in excess of the amount of One Hundred Thousand Dollars (\$100,000).

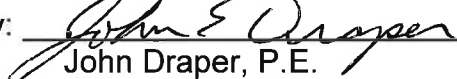
3. Except as specifically modified by Amendment No. 1, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Consultant have executed this Amendment No. 1 as of the date first above written.

CITY OF CALISTOGA

By:   
Dylan Feik  
Title: City Manager

CONSULTANT

By:   
John Draper, P.E.

ATTEST:

  
Kathy Flannison  
City Clerk