

RESOLUTION NO. RES-2023-127

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING THE FOURTH AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT NUMBER F002270 WITH GEARY, SHEA, O'DONNELL, GRATTAN & MITCHELL P.C. FOR LEGAL REPRESENTATION

WHEREAS, effective October 2, 2019, City entered into Professional Services Agreement Number F002270 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. in the amount of \$75,000 for legal representation in the matter of *Pelayo, et al. v. Utility Partners of America, City of Santa Rosa, et al.*; and

WHEREAS, on June 29, 2021, Council, by Resolution RES-2021-120, approved a First Amendment to the PSA increasing compensation by \$100,000; and

WHEREAS, on June 30, 2022, the City Manager approved a Second Amendment to the PSA increasing compensation by \$75,000 for continued legal services; and

WHEREAS, on December 20, 2022, the City Manager approved a Third Amendment to the PSA increasing compensation by \$25,000 for continued legal services up to the City Manager's authority; and

WHEREAS, the services and terms of the Agreement have been reviewed, and the City Attorney's Office and Santa Rosa Water wish to extend the compensation amount under the Agreement to allow for continued legal services; and

WHEREAS, a Fourth Amendment to Professional Services Agreement Number F002270 in the amount of \$75,000 is being presented to Council for approval.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves the Fourth Amendment to the Professional Services Agreement Number F002270 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C. in the amount of \$75,000, for a total contract amount not to exceed \$350,000, in substantially the same form as Exhibit A to the resolution, subject to approval as to form by the City Attorney, for continued legal representation.

IN COUNCIL DULY PASSED this 25th day of July, 2023.

AYES: (6) Vice Mayor MacDonald, Council Members Alvarez, Fleming, Okrepkie, C. Roger, Stapp

NOES: (0)

ABSENT: (1) Mayor N. Rogers

ABSTAIN:

ATTEST: _____ APPROVED: _____
City Clerk Vice Mayor

APPROVED AS TO FORM: _____
City Attorney

Exhibit A - Fourth Amendment to the Professional Services Agreement Number F002270 with Geary, Shea, O'Donnell, Grattan & Mitchell, P.C.