

RESOLUTION NO. 10-93

INTRODUCED BY:

Councilperson Gilbert

Councilperson Hamilton-Brewer

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF CASTLE PINES, COLORADO
APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
WITH MCGRADY AND ASSOCIATES, INC. FOR PROVISION OF
UTILITY MANAGEMENT SERVICES TO THE CITY OF CASTLE PINES**

WHEREAS, the City Council previously entered into an agreement for professional services with McGrady and Associates, Inc. (the "Consultant") by Resolution No. 10-44, effective as of May 11, 2010, related to the provision of certain utility management and other consulting services to the City; and

WHEREAS, the professional services agreement (the "Agreement") is scheduled to terminate on December 31, 2010; and

WHEREAS, the City desires to retain the Consultant beyond the termination date of December 31, 2010 to continue to provide the services outlined in the Agreement to the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO:

Section 1. The City Council hereby (a) approves the First Amendment to Professional Services Agreement, in substantially the form attached hereto as **Exhibit A** (the "First Amendment"), (b) authorizes the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the First Amendment as may be appropriate that do not substantially increase the obligations of the City, and (c) authorizes the Mayor to execute the same on behalf of the City with the approval of the City Attorney.

Section 2. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 3. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES by a vote of six (6) in favor, none against and one (1) absent this 14th day of December, 2010.


Jeffrey T. Huff, Mayor

ATTEST:


Sharon DeRouen, City Clerk

APPROVED AS TO FORM:


Linda C. Michow, City Attorney

EXHIBIT A
FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT WITH
MCGRADY AND ASSOCIATES, INC. FOR PROVISION OF UTILITY
MANAGEMENT SERVICES TO THE CITY OF CASTLE PINES

**FIRST AMENDMENT TO
CITY OF CASTLE PINES AND MCGRADY AND ASSOCIATES, INC.
PROFESSIONAL SERVICES AGREEMENT**

THIS FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (the "First Amendment") is made and entered into this 14th day of December, 2010, by and between the **City of Castle Pines**, a Colorado municipal corporation (the "City") and **McGrady and Associates, Inc.**, a Colorado corporation (the "Consultant").

WHEREAS, the City and Consultant are parties to that certain Professional Services Agreement dated May 1, 2010 (the "Agreement"), for certain utility management services and other services as more particularly set forth and described in the Agreement (the "Services"); and

WHEREAS, the Agreement was approved pursuant to City Resolution No. 10-44 dated May 11, 2010; and

WHEREAS, the Agreement is scheduled to terminate on December 31, 2010; and

WHEREAS, the Agreement provides that the Agreement may be extended by mutual agreement of the parties; and

WHEREAS, the City desires to retain the Consultant beyond the termination date of December 31, 2010 to continue to provide the Services to the City,

NOW, THEREFORE, the City and the Consultant, in consideration of the mutual covenants hereinafter set forth and for other good and valuable consideration, agree to amend the Agreement between the parties dated May 1, 2010, as follows:

1. Term. It is mutually agreed by the Parties that the term of the Agreement shall extend until December 31, 2011, unless earlier terminated in accordance with the remaining terms of the Agreement.
2. No Further Amendments. Nothing contained in this First Amendment shall affect any other provisions of the Agreement except as specifically set forth herein.

THE REMAINDER OF PAGE LEFT INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS.

IN WITNESS WHEREOF, the City and the Consultant have executed this First Amendment as of the dates set forth below.

CITY OF CASTLE PINES, a Colorado municipal corporation

BY: 
Jeffrey T. Huff, Mayor

DATE: 1-7-11

ATTEST:


City Clerk or Deputy City Clerk

DATE: 1/7/11

APPROVED AS TO LEGAL FORM:


Linda C. Michow, City Attorney

DATE: 12/22/10

CONSULTANT:

MCGRADY AND ASSOCIATES, INC., a Colorado corporation

BY: 
James McGrady

DATE: 12-21-10