

RESOLUTION NO. 3231

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH BROWN & CALDWELL, INC. FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE BOECKMAN CREEK FLOW MITIGATION PROJECT (CAPITAL IMPROVEMENT PROJECT NO. 7068).

WHEREAS, the City has planned and budgeted for engineering consulting for Capital Improvement Project (CIP) No. 7068 known as the Boeckman Creek Flow Mitigation project (the Project); and,

WHEREAS, Brown and Caldwell was selected to provide engineering consulting services for CIP No. 7068 using the Direct Appointment Procedure provided by OAR 137-048-0200(1)(d) that duly followed State of Oregon Public Contracting Rules and the City of Wilsonville Municipal Code; and,

WHEREAS, CIP No. 7068 includes two elements:

1. Boeckman Creek stream restoration work to provide fish passage which includes removing the existing culvert and flow control structure and associated massive grading, and
2. Mitigation for the resulting Boeckman Creek flow differential after removing the flow control structure; and,

WHEREAS, Council approved Resolution No. 3114 on February 22, 2024 that authorized a Professional Services Agreement with Brown and Caldwell, Inc. for engineering consulting services for element #2 above; and,

WHEREAS, Council approved Resolution No. 3103 on August 5, 2024 that authorized a first Amendment for engineering consulting services, adding element #1 above to the Brown and Caldwell, Inc. Professional Services Agreement; and,

WHEREAS, the City Manager authorized on December 2, 2025 a second Amendment with Brown and Caldwell for additional engineering consulting services for element #1 above in the amount of \$57,000; and,

WHEREAS, the City conducted contract negotiations with Brown and Caldwell to develop the Scope and Fee for construction administration services of elements #1 and #2 above that are

found to be acceptable and appropriate for the services to be provided, which requires a third amendment to the agreement authorized by Resolution No. 3114; and,

WHEREAS, Resolution No. 3231 authorizes this third amendment.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

Section 1. The City Council, acting as the Local Contract Review Board, authorizes the City Manager to enter into and execute, on behalf of the City of Wilsonville, the Third Amendment to the Professional Services Agreement with Brown and Caldwell for a not-to-exceed amount of \$248,074 which is substantially similar to that presented in Exhibit A attached hereto.

Section 2. In order to allow future minor contract amendments, if needed, to occur without having to come back to City Council, the authorized Professional Services Agreement contract total is hereby adjusted up to \$1,667,351, allowing for continued Contracting Agency approval of contract amendments that exceed this adjusted amount by twenty-five percent (25%) in accordance with City Code requirements.

Section 3. Effective Date. This Resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 20th day of April, 2026, and filed with the Wilsonville City Recorder this date.

Shawn O'Neil, Mayor

ATTEST:

Kimberly Veliz, MMC, City Recorder

SUMMARY OF VOTES:

Mayor O'Neil

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Council President Berry

Councilor Cunningham

Councilor Scull

Councilor Shevlin

EXHIBITS:

- A. Third Amendment to Contract No. 242210, Professional Services Agreement for Ash Meadows Flow Mitigation Project, CIP No. 7068