

**FOURTH AMENDMENT TO AGREEMENT BETWEEN
THE CITY OF MILPITAS AND JARVIS, FAY, DOPORTO & GIBSON, LLP**

THIS AMENDMENT is entered into this ___ day of February, 2014, by and between the City of Milpitas, hereinafter "City," and Jarvis, Fay, Doportto & Gibson, LLP, hereinafter "Firm."

Recitals:

Whereas, the parties entered into a written agreement (the "Agreement") for legal services dated March 1, 2010 by Firm and dated March 2, 2010 by City, with a not-to-exceed amount of \$10,000; and

Whereas, the parties amended the Agreement on June 20, 2011 by written amendment (the "First Amendment"), which increased the compensation amount of the Agreement by \$9,950.00, for a new total not-to-exceed amount of \$19,950; and

Whereas, the parties further amended the Agreement on June 19, 2012 by written amendment (the "Second Amendment"), which increased the compensation amount of the Agreement by \$90,000, for a new total not-to-exceed amount of \$109,950; and

Whereas, the parties further amended the Agreement on June 13, 2013 by written amendment (the "Third Amendment"), which increased the compensation amount by \$19,500, for a new total not-to-exceed amount of \$129,450; and

Whereas, the parties wish to further amend the Agreement as set forth below.

NOW, THEREFORE, **IT IS HEREBY AGREED** as follows:

1. The compensation amount stated on the Agreement is increased by \$80,000.
2. All other terms and conditions remain unchanged.

APPROVED BY:

CITY OF MILPITAS

Jarvis, Fay, Doportto & Gibson, LLP

Thomas C. Williams, City Manager

By: 

Dan Doportto, Partner

APPROVED AS TO FORM:

Michael J. Ogaz, City Attorney