

**FIRST AMENDMENT TO AGREEMENT BETWEEN  
THE CITY OF MILPITAS AND KELLY SMITH, INDIVIDUALLY  
AND DBA THE SMITH FIRM**

**THIS AMENDMENT** is entered into this 3<sup>rd</sup> day of \_\_\_\_\_, 2015, by and between the City of Milpitas, hereinafter “City,” and Kelly Smith, individually and dba The Smith Firm, hereinafter “Consultant.” City and Consultant are jointly referred to herein as “the parties.”

Recitals:

Whereas, the parties entered into a written agreement for consulting services dated January 14, 2015 (the “Agreement”), and now wish to amend that Agreement as set forth below;

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

1. The compensation amount shall be amended by the addition of \$20,000.00 to the current amount of \$15,000.00, for a total amount not to exceed \$35,000.00.
2. The Scope of Services (Exhibit A to the Agreement) is amended to add the following:

“Preparation and filing of 44307 petition and possible Superior Court petition for writ or take other action to contest solid waste permit.”

3. All other terms and conditions remain unchanged.

CITY OF MILPITAS

CONSULTANT

\_\_\_\_\_  
Thomas C. Williams, City Manager

\_\_\_\_\_  
Kelly T. Smith, The Smith Firm

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael J. Ogaz, City Attorney