

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 
Prepared By: Shaun Kroes, Senior Management Analyst

DATE: January 25, 2013 (CC Meeting of 02/06/13)

SUBJECT: Consider Amendment No. 7 to Agreement with Pacific Sweep for Street Sweeping Services

BACKGROUND/DISCUSSION

On January 5, 2000, the City entered into an Agreement with Pacific Sweep for street sweeping services. Pacific Sweep sweeps City-owned streets, the Metrolink parking lots, and Caltrans' streets that are within the city limits (Los Angeles Avenue, Moorpark Avenue, and Walnut Canyon Road). The City receives reimbursement from Caltrans for State streets swept by Pacific Sweep.

The Agreement has been amended six times. The first amendment was on October 10, 2005, when the Agreement's term was extended from December 31, 2005, to December 31, 2010. The second amendment was on April 8, 2010, when Pacific Sweep's name was changed from Pacific Sweep to David S. Hopkins doing business as Pacific Sweep. The third amendment was on December 30, 2010, when the Agreement's term was extended from December 31, 2010, to June 30, 2011. The third amendment also granted Pacific Sweep permission to store one of its street sweeping vehicles on City property and included additional insurance and indemnification requirements. The fourth amendment was on June 9, 2011, when the Agreement's term was extended from June 30, 2011 to December 31, 2011. The fifth amendment was on December 28, 2011, when the Agreement's term was extended from December 31, 2011 to June 30, 2012. The sixth amendment was on July 2, 2012, extending the Agreement's term from June 30, 2012 to December 31, 2012. The sixth amendment also adjusted the Consumer Price Index (CPI) increase limit from seven percent to five percent.

The current Agreement with Pacific Sweep expired on December 31, 2012. Amendment No. 6 authorized the City Manager to extend the Agreement for an additional six months (January 1, 2013 – June 30, 2013). The City Manager executed Amendment No. 7 on

January 16, 2013, extending the Agreement through June 30, 2013. Since the extension was not executed prior to the Agreement expiration on December 31, 2012, staff is requesting the City Council's concurrence with the executed Amendment No. 7.

Future street sweeping costs may be reimbursed to the City from the City's franchise solid waste haulers. On December 5, 2012, the City Council approved extending the City's existing solid waste Franchise Agreements to June 30, 2013, while transition discussions continue. Consequently, the street sweeping Agreement has been extended for another six months, to June 30, 2013, while the City's solid waste Franchise Agreements' negotiations continue.

FISCAL IMPACT

The City's FY 2012/13 draft budget has sufficient funds to cover the extension of street sweeping services.

STAFF RECOMMENDATION

Concur with Amendment No. 7 to the Agreement with Pacific Sweep for Street Sweeping Services extending the Agreement until June 30, 2013.

Attachment:

Amendment No. 7 for Street Sweeping Services

AMENDMENT NO. 7

AGREEMENT BETWEEN THE CITY OF MOORPARK AND DAVID S. HOPKINS DOING BUSINESS AS PACIFIC SWEEP FOR STREET SWEEPING SERVICES

THIS AMENDMENT TO AGREEMENT, made and entered into this 16th day of January, 2013, by and between the City of Moorpark, a municipal corporation located in the County of Ventura, State of California, hereinafter referred to as "City" and David S. Hopkins doing business as Pacific Sweep, hereinafter referred to as "Contractor".

WITNESSETH

Whereas, on January 5, 2000, the City and Contractor entered into an Agreement for certain street sweeping services to be provided to City by Contractor; and

Whereas, on October 10, 2005, Amendment No. 1 to the Agreement was approved, extending the Term to December 31, 2010; and

Whereas, on April 8, 2010, Amendment No. 2 to the Agreement was approved, changing Contractor's name from Pacific Sweep to David S. Hopkins doing business as Pacific Sweep; and

Whereas, on December 30, 2010, Amendment No. 3 to the Agreement was approved, amending the Agreement to permit storage of a street sweeping vehicle on City property, and extending the Agreement from December 31, 2010 to June 30, 2011; and

Whereas, on June 9, 2011, Amendment No. 4 to the Agreement was approved, extending the Agreement from June 30, 2011 to December 31, 2011, with an option for an additional six (6) month extension from December 31, 2011 to June 30, 2012; and

Whereas, on December 28, 2011, Amendment No. 5 to the Agreement was approved, extending the Agreement from December 31, 2011 to June 30, 2012; and

Whereas, on June 6, 2012, Amendment No. 6 to the Agreement was approved, adjusting the cost-of-living increase formula detailed in Section III(B)(4) of the original Agreement from seven percent (7.00%) to five percent (5.00%). Amendment No. 6 also extended the Agreement from June 30, 2012 to December 31, 2012, with an option for an additional six (6) month extension from December 31, 2012 to June 30, 2013; and

Whereas, the City desires the option to extend the Agreement for an additional six (6) months from December 31, 2012 to June 30, 2013; and

Whereas, both City and Contractor agree to the adjustment to the Agreement and now wish to document said Agreement by jointly approving this Amendment No. 7 to the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, benefits, and premises herein stated, the parties hereto agree to amend the aforesaid Agreement as follows:

I. TERM

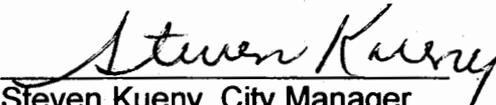
The term of the Agreement is extended to June 30, 2013.

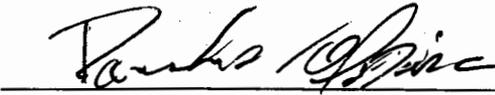
II. Remaining Provisions

All other provisions of the aforesaid Agreement shall remain in full force and effect.

CITY OF MOORPARK:

DAVID S HOPKINS, DBA PACIFIC SWEEP:


Steven Kueny, City Manager


David S. Hopkins, Owner

ATTEST:


Maureen Benson, City Clerk

