

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

**FROM:** Allen Walter, Landscape and Parks Maintenance Superintendent *AW*

**DATE:** January 4, 2013 (CC Meeting February 6, 2013)

**SUBJECT:** Consider Amendment No. 4 to Agreement with Azteca Landscape Services, Inc., for Landscape Maintenance Services at the Ruben Castro Human Services Center and Authorize the City Manager to Execute the Agreement

**DISCUSSION**

On June 21, 2011, the City and Azteca Landscape Services Inc. entered into an agreement pertaining to landscape maintenance services for the Moorpark Landscape Maintenance District Citywide Zones, Zones of Benefit, and miscellaneous City properties.

In October 2012, construction of the Ruben Castro Human Services Center (RCHSC), located at 612 Spring Road was completed. The site construction included landscape and hardscape areas that require maintenance. The contractor, Balfour Beatty Construction, was required by the City to maintain the landscaped areas for a 90-day maintenance period. Turnover was completed on January 24, 2013.

Staff is requesting Council approve Amendment No. 4 to the Agreement with Azteca Landscape Services Inc. to include landscape services at the Ruben Castro Human Services Center, located at 612 Spring Road at an annual cost of \$4,800, and a total cost of \$14,440 for three (3) years, which would commence from the original agreement dated June 21, 2011, and authorize the City Manager to execute the Amendment, subject to final language approval of the City Manager and City Attorney.

**FISCAL IMPACT**

\$4,800 was included in the FY 2012/13 operation budget. Staff is not requesting additional appropriation to cover this cost.

In FY 2013/14 and FY 2014/15, staff will include \$4,800 to the operating budget to cover this cost, should the City extend the service agreement for each additional year.

**STAFF RECOMMENDATION:**

Subject to final language approval by the City Manager and the City Attorney authorize the City Manager to Approve Amendment No. 4 to the Landscape Maintenance Services Agreement with Azteca Landscape Services to add the provision of landscape services at the Ruben Castro Human Services Center.

**AMENDMENT NO. 4 TO AGREEMENT BETWEEN THE CITY OF MOORPARK  
AND AZTECA LANDSCAPE SERVICES, INC., FOR LANDSCAPE MAINTENANCE  
SERVICES AT THE MOORPARK LANDSCAPE MAINTENANCE DISTRICT  
CITYWIDE ZONES, ZONES OF BENEFIT, AND MISCELLANEOUS PROPERTIES**

**THIS FOURTH AMENDMENT TO AGREEMENT**, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Moorpark, a municipal corporation hereinafter referred to as "City" and Azteca Landscape Services Inc., a corporation, hereinafter referred to as "Contractor".

**WITNESSETH**

**WHEREAS**, on June 21, 2011, the City and Contractor entered into an Agreement pertaining to landscape maintenance services at the Moorpark Landscape Maintenance District Citywide Zones, Zones of Benefit, and Miscellaneous Properties; and

**WHEREAS**, on January 18, 2012, the City Council, authorized the City Manager to approve Amendment No. 1 to the June 21, 2011, Agreement for additional landscape maintenance services with a not to exceed contingency amount of fifteen percent (15%) in the amount of \$69,177.00, and weed abatement services not to exceed \$4,800.00; and

**WHEREAS**, on June 28, 2012, the City approved Amendment No. 2 to the June 21, 2011 Agreement to extend the term of the Agreement twelve (12) months, expiring June 30, 2013; and

**WHEREAS**, on October 17, 2012 the City approved Amendment No. 3, providing compensation for the Landscape Maintenance Services Agreement with Azteca Landscape Services for three (3) additional one (1) year periods, at a total cost of \$1,605,480.00, which includes three (3) years of landscape services at a total cost of \$1,383,549.00, (\$535,160.00 annually), 15% contingency at a total of \$207,531.00 (\$69,177.00 annually) and three (3) years of weed abatement services at a total cost of \$14,400.00, (\$4,800.00 annually) expiring June 30, 2015, unless sooner terminated, as provided for within the Agreement; and

**WHEREAS**, at the February 6, 2013, City Council meeting Council authorized the City Manager to amend and execute Agreement Amendment No. 4 with Azteca Landscape Services Inc., to include landscape services at the Ruben Castro Human Services Center located at 612 Spring Road at a total cost of \$14,440.00 (\$4,800.00 annually) for three (3) one (1) year periods. The City and Contractor have discussed and agreed to said amendment as described herein, and now wish to document said agreement by jointly approving this Amendment No. 4 to the June 21, 2011, Agreement.

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

**I. Section 2, Scope of Services, is amended to include:**

Additional landscape maintenance services at the Ruben Castro Human Services Center located at 612 Spring Road as described in the proposal dated February 27, 2012, attached hereto and incorporated herein as Exhibit G to the Agreement by this fourth Amendment.

**II. Section 5, Payment, is amended to:**

The City hereby increases the compensation to the Landscape Maintenance Services Agreement with Azteca Landscape Services to add the provision of landscape services at the RCHSC, increasing the compensation by an additional \$4,800 per year, and thereby increasing the maximum annual compensation from \$535,160 to \$539,960, or \$1,619,880 for three (3) additional one (1) year periods which includes three (3) years of landscape services at a total cost of \$1,397,949, a 15% contingency at a total of \$207,531.00 and three (3) years of weed abatement services at a total cost of \$14,400.00 expiring June 30, 2015, unless sooner terminated, as provided for within the Agreement.

**III. Remaining Provisions:**

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

CITY OF MOORPARK:

AZTECA LANDSCAPE SERVICES:

\_\_\_\_\_  
Steven Kueny, City Manager

\_\_\_\_\_  
Aurora Farias, President

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk

Attachment: Exhibit G

# EXHIBIT G



1027 E. Acacia Street, Ontario, CA 91761  
 800-794-0063 Fax: 909-673-9192  
 www.aztecalandscape.com

## Proposal

DATE	NUMBER
2/27/2012	4767

TO:

City of Moorpark  
 Attn: Allen Walter  
 799 Moorpark Ave  
 Moorpark, CA 93021

JOB NAME AND DESCRIPTION
Human Services Center at 612 Spring Road Monthly Maintenance

PHONE NO.	FAX NO.	REP.
805 517-6283	805 532-2550	

We hereby submit specifications and estimates for:	Total
Monthly landscape and irrigation maintenance at Moorpark Human Services Center on 612 Spring Road	
Monthly total cost	400.00
<b>PAYMENT TERMS: Net 30 Days</b>	<b>Total \$400.00</b>

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

*Noe Ferris*  
 \_\_\_\_\_  
 Authorized Signature

Note: This proposal may be withdrawn by us, if not accepted withing 30 days.

### Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance \_\_\_\_\_

Signature \_\_\_\_\_