

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Jeremy Laurentowski, Parks and Recreation Director *SL*

BY: Chris Ball, Management Analyst *CB*

DATE: September 14, 2016 (CC Meeting of 09/21/16)

SUBJECT: Consider Amendment No. 2 to Agreement with Mariposa Landscape, Inc., to Extend the Term for One Additional Year and Clarify Annual Compensation

BACKGROUND

On October 1, 2014, the City Council approved an Agreement with Mariposa Landscapes, Inc. for tree maintenance services at the various City Landscape Maintenance Districts, Parks, and City properties at a cost of five hundred thirteen thousand five hundred ninety dollars (\$513,590) for the initial twenty-four (24) month period, and an annual cost of two hundred fifty-six thousand seven hundred ninety-five dollars (\$256,795) for every subsequent year that the contract is extended. Amendment No. 1 to the Agreement was executed on June 1, 2016 to include tree maintenance services along the Tierra Rejada Road corridor and included a one-time cost of three hundred thirty-four thousand seven hundred eighty-eight dollars (\$334,788). The initial twenty-four (24) month term of the Agreement ends on September 30, 2016. The Agreement includes an option to extend the agreement for three (3) additional one (1) year periods.

DISCUSSION

At the time of initial approval, the Staff Recommendation mistakenly identified that the total Agreement cost was two hundred fifty-six thousand seven hundred ninety-five dollars (\$256,795), rather than the annual cost for services as specified in the Agreement. Staff has brought this item back to the City Council to clarify that the annual cost is two hundred fifty-six thousand seven hundred ninety-five dollars (\$256,795) for each year of service under the Agreement, and authorize Amendment No. 2 to the Agreement to extend the Term for one additional year.

FISCAL IMPACT

Sufficient funding is included in the FY 16/17 budget for this work.

STAFF RECOMMENDATION

Approve Amendment No. 2 to the Agreement with Mariposa Landscapes, Inc., for tree maintenance services for a total contract value of one million one hundred five thousand one hundred seventy-three dollars (\$1,105,173); and authorize the City Manager to execute the Amendment, subject to final language approval of the City Manager.

Attachment: Amendment No.2 to the Agreement Between the City of Moorpark and Mariposa Landscapes, Inc.

**AMENDMENT NO. 2
TO AGREEMENT BETWEEN THE CITY OF MOORPARK AND
MARIPOSA LANDSCAPES, INC., FOR TREE MAINTENANCE SERVICES**

This Amendment No. 2 to the Agreement between the City of Moorpark, a municipal corporation ("City"), and Mariposa Landscapes, Inc., a corporation ("Contractor"), for tree maintenance services ("Agreement"), is made and entered into this _____ day of _____, 2016.

RECITALS

WHEREAS, on December 23, 2014, the City and Contractor entered into an Agreement to have the Contractor provide tree maintenance services; and

WHEREAS, on June 1, 2016, the City and Contractor amended the Agreement to include removal of trees along the Tierra Rejada Road corridor, and increase the compensation for services to be performed by Contractor from five hundred thirteen thousand five hundred ninety dollars (\$513,590), by a value of three hundred thirty-four thousand seven hundred eighty-eight dollars (\$334,788), for a total contract value of eight hundred forty-eight thousand three hundred seventy-eight dollars (\$848,378), and documented said Agreement to amend by jointly approving Amendment No. 1 to the Agreement; and

WHEREAS, the City and Contractor now desire to amend the Agreement to extend the term for one additional year; and

WHEREAS, the City and Contractor now desire to amend the Agreement to increase the compensation for services to be performed by Contractor from eight hundred forty-eight thousand three hundred seventy-eight dollars (\$848,378), by two hundred fifty-six thousand seven hundred ninety-five dollars (\$256,795), for a total contract value of one million one hundred five thousand one hundred seventy-three dollars (\$1,105,173), and document said agreement to amend by jointly approving Amendment No. 2 to the Agreement.

NOW, THEREFORE, it is mutually agreed by and between the parties to the Agreement as follows:

I. Section 1, TERM, is amended by replacing this section in its entirety as follows:

"The term of the Agreement shall be from the date of execution and will expire on September 30, 2017, unless terminated as provided by this Agreement. At the City's sole discretion, and the Contractor's mutual consent, the term of this Agreement may be extended for two (2) additional one (1) year periods."

II. Section 5, PAYMENT, is amended by replacing the first paragraph in its entirety as follows:

"The City agrees to pay Contractor monthly, in accordance with the terms and the schedule of payment as set forth in Exhibits B and E,

attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. This amount shall not exceed three hundred thirty-four thousand seven hundred eighty-eight dollars (\$334,788) for removal of trees along the Tierra Rejada Road corridor, and for all other services performed under this Agreement five hundred thirteen thousand five hundred ninety dollars (\$513,590) for the initial twenty-four (24) month term of the Agreement and two hundred fifty-six thousand seven hundred ninety-five dollars (\$256,795) for every subsequent year that the contract is extended, which extensions require a written Amendment to this Agreement executed by both parties, for a total contract value of one million one hundred five thousand one hundred seventy-three dollars (\$1,105,173), unless additional payment is approved as provided in this Agreement."

III. Remaining Provisions:

Except as revised by this Amendment No. 2, all of the provisions of the Agreement shall remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF MOORPARK

MARIPOSA LANDSCAPES, INC.

Steven Kueny
City Manager

Terry Noriega
President

Attest:

Maureen Benson
City Clerk