



Council Agenda Report

To: Mayor Uhring and the Honorable Members of the City Council

Prepared by: Arthur Aladjadjian, Public Works Superintendent

Reviewed by: Rob Duboux, Public Works Director/City Engineer

Approved by: Steve McClary, City Manager

Date prepared: September 19, 2023 Meeting date: October 9, 2023

Subject: Amendment to Professional Services Agreement with Newbury Park Tree Service, Inc.

RECOMMENDED ACTION: Authorize the Mayor to execute Amendment No. 2 to the Professional Services Agreement with Newbury Park Tree Services, Inc. in the amount of \$45,000 for a total not to exceed amount of \$225,000 to extend the tree maintenance services for one year.

FISCAL IMPACT: No additional appropriation is required. Funding for this amendment was included in the Adopted Budget for FY 2023-24 in Account No. 100-3001-5200 (Tree Maintenance).

WORK PLAN: This item was included as Item #8.a. in the Adopted Work Plan for FY 2023-24. Staff continue to work on ongoing projects and normal business while the FY 2023-24 Work Plan is finalized.

DISCUSSION: There are approximately 4,500 trees located in the City's public rights-of-way. Trees improve our quality of life and in many ways are an integral part of the character of our rural community. When properly maintained, trees can be an important and valued public asset and enhance the rural character of the City.

On October 14, 2019, the City entered into a Professional Services Agreement with Newbury Park Tree Services, Inc., to perform annual tree maintenance services. The scope of work under this agreement included updating the City's tree inventory program and conducting the annual tree maintenance for a period of two years. The City tree inventory program was prepared by a certified arborist that identified each tree, created

data that contained location, species, tree height, tree diameter, health status and future maintenance tasks. The annual tree maintenance services includes tree trimming, tree removal, tree pruning based on the tree inventory program.

On October 10, 2022 City Council approved Amendment No. 1 extending the term of the Agreement for one year in and increased the compensation in the amount of \$45,000 for a total not to exceed \$180,000.

The proposed amendment extends the term of the agreement one year and increases the total compensation by \$45,000 to include the upcoming year's annual tree maintenance. Staff recommends executing Amendment No. 2 to extend the existing term of the agreement for one year to expire October 14, 2024 and to increase the compensation by \$45,000 for a total a total not to exceed amount of \$225,000 for the City's tree maintenance services.

ATTACHMENTS: Amendment No. 2 to Newbury Park Tree Service, Inc.

AMENDMENT NO. 2 TO AGREEMENT

THIS AMENDMENT NO. 2 TO AGREEMENT is made and entered in the City of Malibu on October 9, 2023, by and between the CITY OF MALIBU, hereinafter referred to as City, and Newbury Park Tree Service, hereinafter referred to as Consultant.

The City and the Consultant agree as follows:

RECITALS

- A. On October 14, 2019, the City entered into an Agreement with Consultant for City's annual tree maintenance services (the "Agreement").
- B. On October 10, 2022 the City amended the Agreement extending the term of the Agreement October 14, 2023 and modified Section 4.0, Compensation of Services for a not to exceed \$180,000.
- C. The City desires to amend the Agreement to extend the term and compensation for services of the agreement. The Consultant has submitted a proposal for this purpose that is acceptable to the City.

NOW THEREFORE, in consideration of their mutual promises, obligations and covenants hereinafter contained, the parties hereto agree as follows:

1. Section 2.0 – Term of Agreement, of the Agreement, is hereby extended to October 14, 2024.
2. Section 4.0 – Compensation for Services, of the Agreement, is hereby amended to increase an additional \$45,000 for a not to exceed amount of \$225,000.
3. The Parties agree that this Amendment will be considered signed when the signature of a party is delivered physically or by facsimile transmission or scanned and delivered via electronic mail. Such facsimile or electronic mail copies will be treated in all respects as having the same effect as an original signature.
4. All terms and conditions of the Agreement not amended by this Amendment No. 2 remain in full force and effect.

This Agreement is executed on _____, at Malibu, California, and effective as of October 14, 2023.

CITY OF MALIBU:

STEVE UHRNG, Mayor

ATTEST:

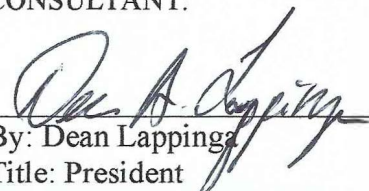
KELSEY PETTIJOHN, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

TREVOR RUSIN, Interim City Attorney

CONSULTANT:



By: Dean Lapping
Title: President