

RESOLUTION NO. 2024-81

A RESOLUTION OF THE CITY OF MARINA APPROVING AMENDMENT NO. 2 TO AGREEMENT BETWEEN CITY OF MARINA AND NEW IMAGE LANDSCAPE COMPANY OF FREMONT, CALIFORNIA, TO EXTEND THE AMENDED CONTRACT FOR TWO YEARS, INCREASE THE COMPENSATION TO THE CONTRACTOR BY \$31,344.00 ANNUALLY AND AUTHORIZE THE CITY MANAGER TO EXECUTE AMENDMENT NO. 2 ON BEHALF OF THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, at the regular meeting of June 5, 2018, the City Council adopted Resolution 2018-58, awarding the Landscape Maintenance Services Contract to New Image Landscape Company of Fremont, California. The awarded contract period was for one year with the option for extending the contract by amendment, and;

WHEREAS, at the regular meeting of August 7, 2019, the City Council adopted Resolution 2019-83, amending the Landscape Maintenance Services Contract which covers the three landscape districts, Locke Paddon Community Facilities District, and the Marina Branch Library, and;

WHEREAS, Airport landscape maintenance had been accomplished through an ongoing contract with Commercial Environment Landscape (CEL) of Gilroy, California by Council approval of Resolution 2008-141. Since then, Airport staff have evaluated the maintenance efforts and deemed the Contractor's work as not sufficient for the City's needs. On April 5, 2024, a notice of cancellation was sent to the Contractor to cease all work and cancel the existing contract, and;

WHEREAS, to continue with the ongoing maintenance, staff recommends expanding the existing scope of work with New Image Landscape Company for the Airport (see "Exhibit A") and extend the contract for two years in conformance with section A2.20 of the contract specifications which allows the contract to be extended per written approval by the Contractor and the City of Marina. Airport maintenance shall be phased in a 6-month cycle (twice annually) with the main City Airport Administration Building landscaping maintained every other week. The amendment will also include the landscape maintenance of the new Martin Luther King Jr. statue landscaping area at the Marina Branch Library (see "Exhibit B"). The proposed Amendment No. 2 would increase the total contract amount by \$31,344.00 to a total annual amount of \$57,024.00 ("Exhibit C"). This action, if approved, would be effective July 1, 2024, and;

WHEREAS, should the City Council approve this request, the total compensation payable to New Image Landscape Company under the Agreement would be increased by \$31,344.00 to a total amount of \$57,024.00 annually. The Districts' current account balances with approved budgets will allow for the contract increase.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina does hereby:

1. Approve Amendment No. 2 to the Agreement between City of Marina and New Image Landscape Company of Fremont, California, to extend the amended contract for two years and increase the compensation payable to the Contractor by \$31,344.00 annually, and;
2. Authorize the City Manager to execute Amendment No. 2 on behalf of the City subject to final review and approval by City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of July 2024, by the following vote:

AYES: COUNCIL MEMBERS: McAdams, McCarthy, Biala, Visscher, Delgado

NOES: COUNCIL MEMBERS: None

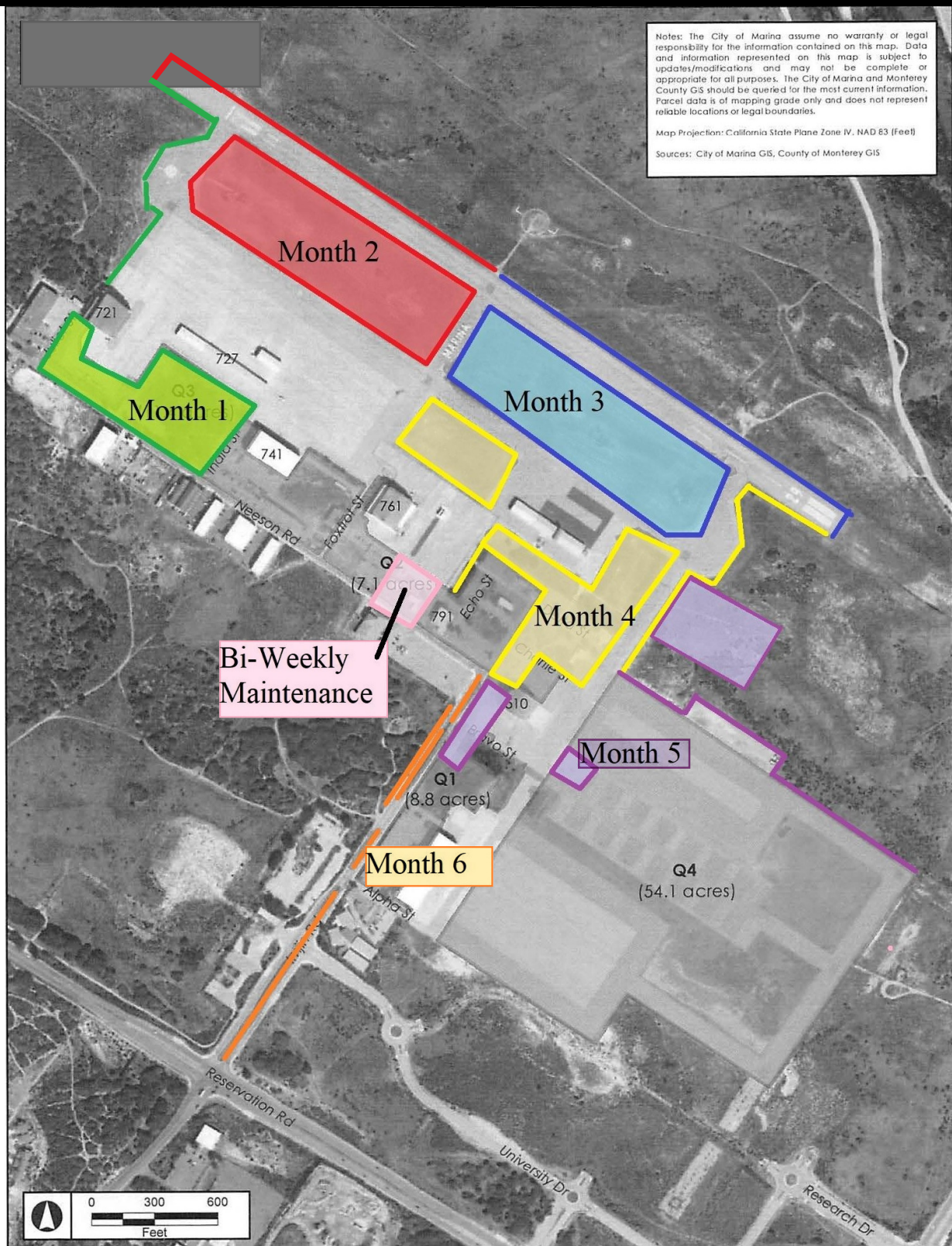
ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk



PUBLIC WORKS DEPARTMENT
CITY OF MARINA
211 HILLCREST AVENUE
MARINA, CALIFORNIA 93933

PH: (831) 884-1212
FAX: (831) 384-0425



Marina Airport
Routine Landscape
Maintenance Areas
for Contract Amendment 2
(6-month cycle, twice annually)

SCALE: NONE

**EXHIBIT
A**

06/11/2024

**LEGEND**

Existing Maintenance
0.75 Acres



MLK Statue
0.14 Acres

**PUBLIC WORKS DEPARTMENT**

CITY OF MARINA
211 HILLCREST AVENUE
MARINA, CALIFORNIA 93933

PH: (831) 884-1212
FAX: (831) 384-0425

**Marina Branch Library**

Routine Landscape
Maintenance Areas
for Contract Amendment 2

SCALE: NONE

**EXHIBIT
B**

05/14/2024

**AMENDMENT NO. 2
TO LANDSCAPE MAINTENANCE SERVICES AGREEMENT
CYPRESS COVE II, SEABREEZE, MONTEREY BAY ESTATES, LOCKE-PADDON
COMMUNITY FACILITIES DISTRICT, MARINA BRANCH LIBRARY**

This Amendment No. 2 ("Amendment No. 2") to the Landscape Maintenance Services Agreement by and between the City of Marina, a California charter city, hereinafter referred to as "City," and New Image Landscape Company, of Fremont, California, a California corporation, hereinafter referred to as "Contractor" is made and entered into as of the 1st day of July 2020, even though the parties may have executed it after said date.

In consideration of the mutual promises contained herein, City and Contractor agree that the Terms and Conditions set forth herein are incorporated into the Agreement for Landscape Maintenance Services between City and Contractor dated August 2, 2018 (the "Agreement") as amended by Amendment No. 1 made and entered into as of July 1, 2019. Only the provisions of the numbered sections of said Agreement which are being modified hereby are included in this Amendment No. 2, and all other terms and conditions of said Agreement shall remain unchanged.

1. The first three paragraphs of the Third Section of the Agreement are replaced in their entirety to read as follows:

"THIRD: That said Contractor, from and after the date of Amendment No. 2 [July 1, 2024], agrees to receive and accept the following price as full compensation for furnishing all materials and for doing all the work embraced and contemplated in the Proposal adopted by the City of Marina, a true copy thereof hereto attached, also, for all loss or damage arising out of the nature of said work, or from the action of the elements or from any unforeseen difficulties or obstructions which may arise or be encountered in the prosecution of the work until the acceptance thereof by the City of Marina and for all risk connected with the work, and for well and faithfully completing the work, and the whole thereof, in the manner and according to the said Plans and Specifications and the provisions of this Agreement, and the requirements of the Engineer under them, to wit: The price as set forth in the Proposal of said Contractor for the work to be constructed and completed under this Agreement, which process shall be considered as though repeated herein.

Twenty-Five Thousand Six Hundred Eighty Dollars Annually
(\$ 25,680.00)

Payable at the rate of
Two Thousand One Hundred Forty Dollars per Month
(\$2,140.00)

The term of this Agreement shall begin on the date first written above [August 2, 2018] and shall expire on June 30, 2026, unless extended by amendment or terminated earlier as provided in the City of Marina Specifications for the Landscape Maintenance Services.

The remainder of the Third Section follows without change.

All other aspects of the Agreement will remain unchanged and continue in full force and effect.

IN WITNESS WHEREOF, Contractor and the City by their duly authorized representatives, have executed this Amendment No. 2 on the date first set forth above at Marina, California.

CITY OF MARINA

CONTRACTOR

Name: _____

Layne Long
Title: _____
City Manager

Date: _____

Per Resolution 2024-

By: _____
City Clerk

Approved as to form:

By: _____
City Attorney

Name: _____

Title: _____
Vice President

Date: _____

June 11, 2024

Item No. **10g(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of July 2, 2024

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2024-,
APPROVING AMENDMENT NO. 2 TO AGREEMENT BETWEEN CITY
OF MARINA AND NEW IMAGE LANDSCAPE COMPANY OF
FREMONT, CALIFORNIA, TO EXTEND THE AMENDED CONTRACT
FOR TWO YEARS, INCREASE THE COMPENSATION TO THE
CONTRACTOR BY \$31,344.00 ANNUALLY AND AUTHORIZE THE
CITY MANAGER TO EXECUTE AMENDMENT NO. 2 ON BEHALF OF
THE CITY SUBJECT TO FINAL REVIEW AND APPROVAL BY THE
CITY ATTORNEY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2024-___, approving Amendment No. 2 to the Agreement between City of Marina and New Image Landscape Company of Fremont, California, to extend the amended contract for two years and increase the compensation payable to the Contractor by \$31,344.00 annually, and;
2. Authorize the City Manager to execute Amendment No. 2 on behalf of the City subject to final review and approval by City Attorney.

BACKGROUND:

At the regular meeting of June 5, 2018, the City Council adopted Resolution 2018-58, awarding the Landscape Maintenance Services Contract to New Image Landscape Company of Fremont, California. The awarded contract period was for one year with the option for extending the contract by amendment.

At the regular meeting of August 7, 2019, the City Council adopted Resolution 2019-83, amending the Landscape Maintenance Services Contract which covers the three landscape districts, Locke Paddon Community Facilities District, and the Marina Branch Library.

ANALYSIS:

Airport landscape maintenance had been accomplished through an ongoing contract with Commercial Environment Landscape (CEL) of Gilroy, California by Council approval of Resolution 2008-141. Since then, Airport staff have evaluated the maintenance efforts and deemed the Contractor's work as not sufficient for the City's needs. On April 5, 2024, a notice of cancellation was sent to the Contractor to cease all work and cancel the existing contract.

To continue with the ongoing maintenance, staff recommends expanding the existing scope of work with New Image Landscape Company for the Airport (see "Exhibit A") and extend the

contract for two years in conformance with section A2.20 of the contract specifications which allows the contract to be extended per written approval by the Contractor and the City of Marina. Airport maintenance shall be phased in a 6-month cycle (twice annually) with the main City Airport Administration Building landscaping maintained every other week. The amendment will also include the landscape maintenance of the new Martin Luther King Jr. statue landscaping area at the Marina Branch Library (see “Exhibit B”). The proposed Amendment No. 2 would increase the total contract amount by \$31,344.00 to a total annual amount of \$57,024.00 (“Exhibit C”). This action, if approved, would be effective July 1, 2024.

FISCAL IMPACT:

Should the City Council approve this request, the total compensation payable to New Image Landscape Company under the Agreement would be increased by \$31,344.00 to a total amount of \$57,024.00 annually. The Districts’ current account balances with approved budgets will allow for the contract increase.

CONCLUSION:

This request is submitted for City Council consideration and possible action.

Respectfully submitted,

Edrie Delos Santos, P.E.
Public Works Department
City of Marina

REVIEWED/CONCUR:

Nourdin Khayata, P.E.
Interim Public Works Director
City of Marina

Layne Long
City Manager
City of Marina