



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: August 18, 2015

Agenda Item CeD

Approvals:

City Manager [Signature]
Dept. Head [Signature]
Attorney SS
Finance JV

Department: Community Development
Prepared By: Brent Panas, Code Compliance Supervisor

Subject: *AMENDMENT TO CONTRACT FOR WEED ABATEMENT*

Fiscal Impact: **Yes.** Funds are available in in the weed abatement budget to cover the contract amendment, which has a total cost of \$140,400.

Summary: Weed abatement cost vary from year to year. The 10 year average for the Weed Abatement program is \$136,235.46. The City's current contract was put in place in 2006 and was extended for an additional 5 years in 2012. City Council approved the weed abatement budget for FY 2016 for \$140,400. The proposed amendment reflects an increase to \$140,400 to reflect increased cost associated with additional clearings identified by the Orange County Fire Authority. Every year the Orange County Fire Authority, along with the Weed Abatement Contractor, inspects City property for compliance with the City's fire safety standards. During those inspections, the Orange County Fire Authority identifies additional areas for clearing, in addition to areas normally done. These additional clearings increase the City's weed abatement cost.

Background: As the Orange County Fire Authority adopts new fire prevention measures, high fire danger areas, and fuel mod standards, the City's weed abatement cost increase. Every year the Orange County Fire Authority identifies City owned canyons, reservoir sites, and property which require clearing. The Orange County Fire Authority inspections are distributed over multiple years, which aids in keeping annual costs down and allows the City to budget appropriately.

Recommended

Action: STAFF RECOMMENDS THAT the City Council: Approve the amendment and authorize the Mayor to execute Contract Amendment _____ by and between the City of San Clemente and E. Stewart and Associates for Weed Abatement, with a "not to exceed" annual amount of \$140,400.

Attachments: Contract amendment. The Weed Abatement contract and prior amendments are on file at the City Clerk's Office.

Notification: E. Stewart and Associates, Inc.

**SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR
WEED ABATEMENT**

This Second Amendment ("Second Amendment") to the Professional Services Agreement for WEED ABATEMENT is made and entered into on this ____ day of _____, 20__, by and between the CITY OF SAN CLEMENTE, a municipal corporation ("City"), and E. Stewart & Associates, 1000 Negocio, San Clemente CA 92673 ("Contractor").

RECITALS:

- A. City and Contractor entered into the Professional Services Agreement for Weed Abatement on March 6, 2007 ("Agreement.")
- B. City and Contractor entered into the First Amendment to Professional Services Agreement for Weed Abatement on March 6, 2012 ("First Amendment")
- C. City and Contractor desire to amend the Existing Agreement as set forth herein.

COVENANTS:

Section 1: Section 3.1 of the Existing Agreement is hereby amended by changing the table to reflect an increase in the annual amount figures:

Year	Annual Amount Words	Annual Amount Figures
July 1, 2015-June 30, 2016	One Hundred Forty Thousand Four Hundred Dollars	\$140,400.00
July 1, 2016-June30, 2017	One Hundred Forty Thousand Four Hundred Dollars	\$140,400.00

Section 3: Except as expressly amended by this Second Amendment, the remaining portions of the Existing Agreement shall remain in full force and effect.

End of Text

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to be duly executed on the respective dates set forth opposite their signatures.

CITY OF SAN CLEMENTE

By: _____

Its: _____

Dated: _____, 201__

ATTEST:

CITY CLERK of the City of
San Clemente, California

Approved as to form:

City Attorney

("CONTRACTOR")

By: _____

Its: _____

Dated: _____, 201__