

**SECOND AMENDMENT
TO PROFESSIONAL SERVICES AGREEMENT
WITH
CLEANSTREET**

This Second Amendment ("Amendment") is made and entered into this 2nd day of January, 2018 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and CLEANSTREET, a California corporation ("Consultant").

WHEREAS, City and Consultant entered into an agreement on March 1, 2015 for Consultant to provide street sweeping services (the "Agreement"); and

WHEREAS, on June 15, 2015, City and Consultant amended the Agreement to permit Consultant to lease space at City's Corporation Yard to store equipment used in connection with Consultant's services; and

WHEREAS, City and Consultant now desire to amend the Agreement to permit annual adjustments to Consultant's compensation based on Consumer Price Index ("CPI") data for the Los Angeles-Riverside-Orange County area; and

WHEREAS, Consultant requested an increase of 2.6 percent (2.6%) based upon the CPI increase from March 2016 to March 2017; and

WHEREAS, City and Consultant desire to increase Consultant's maximum annual compensation accordingly by Eighteen Thousand One Hundred Ninety Dollars (\$18,190.00), to Seven Hundred Seventeen Thousand Seven Hundred Ninety Dollars (\$717,790.00).

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Section 2.1 of the Agreement is hereby deleted in its entirety and replaced as follows:

Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "B" (the "Fee Schedule"). Consultant's total annual compensation for the first two years of this Agreement shall not exceed Six Hundred Ninety-Nine Thousand Six Hundred Dollars (\$699,600.00). Thereafter, the annual compensation may be increased or decreased on an annual basis using the Consumer Price Index for All Urban Consumers for the Los Angeles – Riverside – Orange County area ("CPI-U"), based on an increase or decrease to the CPI-U for the twelve (12) month period preceding the anniversary date of this Agreement. Consultant may request an increase in the annual compensation based on an increase in the CPI-U following each anniversary date during the term of this Agreement by submitting a written request to City that includes documentation evidencing the increase ("Request for Increase"). If there is a decrease in the CPI-U, then City may provide Consultant with written notice of such decrease and documentation evidencing the decrease ("Notice of Decrease"). Following a Request for Increase or Notice of Decrease, the parties will enter into an amendment to this Agreement reflecting the adjustment to the total annual compensation. No adjustment to the annual compensation will be retroactive.

2. Consultant's maximum annual compensation shall be increased by Eighteen Thousand One Hundred Ninety Dollars (\$18,190.00), to Seven Hundred Seventeen Thousand Seven Hundred Ninety Dollars (\$717,790.00).
3. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
4. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by and through their respective authorized officers, as of the date first written above.

CITY OF COSTA MESA

Thomas R. Hatley
 City Manager

Date: 1/23/18

CONSULTANT

R. Anderson
 Signature

Date: 1/5/18

Rick Anderson/ Director of Business Development
 Name and Title

ATTEST:

Brenda Green 1/24/18
 City Clerk



APPROVED AS TO FORM:

[Signature]
 City Attorney

Date: 01/22/18

APPROVED AS TO INSURANCE:

[Signature]
 Risk Management

Date: 1/19/18

APPROVED AS TO CONTENT:



Project Manager

Date: 1-17-18

DEPARTMENTAL APPROVAL



Public Services Director

Date: 1-17-18

APPROVED AS TO PURCHASING:



Finance Director

Date: 1-22-18



June 14, 2017

Mr. Bruce Lindemann
Maintenance Superintendent
77 Fair Drive
Costa Mesa, CA 92626

Email: Bruce.Lindemann@costamesaca.gov

Dear Mr. Lindemann,

As per the terms of our street sweeping contract with the City of Costa Mesa, CleanStreet is requesting a CPI increase of 2.6% based upon the period of 2-2016 to 3-2017.

We appreciate your business very much and hope to continue our excellent working relationship for years to come.

Please feel free to give me a call if you have any questions or comments.

Sincerely,
CLEANSTREET

Rick Anderson
Director of Business Development

Cell: (310) 538-8015
Office: (800) 225-7316
randerson@cleanstreet.com