

**AMENDMENT NUMBER THREE
TO MAINTENANCE SERVICES AGREEMENT
WITH
WEST COAST ARBORISTS, INC.**

This Amendment Number Three ("Amendment") is made and entered into this 21st day of February, 2023 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City"), and WEST COAST ARBORISTS, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into a Maintenance Services agreement dated October 1, 2019 for Contractor to provide tree maintenance services (the "Agreement") by piggybacking onto the Encinitas Contract; and

WHEREAS, the Agreement provided an initial term through November 30, 2021, with the option for the City to extend the term for one (1) successive two (2) year period, contingent upon an extension to the Encinitas Contract; and

WEHEREAS, the Encinitas Contract was extended for a period of three (3) years, through January 8, 2025; and

WHEREAS, on November 30, 2021, City and Contractor entered into Amendment Number One which extended the term for two (2) years, through November 30, 2023; and

WEHREAS, on February 17, 2021, City and Contractor entered into Amendment Number Two which increased prices and increased Contractor's maximum annual compensation to an amount not to exceed Six Hundred Twenty-Eight Thousand Six Hundred Seventy-Nine Dollars and Four Cents (\$628,679.04).

WHEREAS, City now desires to increase Contractor's maximum compensation by One Hundred and Fifty Thousand Dollars (\$150,000.00) for a total compensation not to exceed Seven Hundred Seventy-Eight Thousand Six Hundred and Seventy-Nine Dollars and Four Cents (\$778,679.04.00).

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 shall be amended to reflect that Contractor's total compensation shall not exceed Seven Hundred Seventy-Eight Thousand Six Hundred and Seventy-Nine Dollars and Four Cents (\$778,679.04.00). Contractor shall be paid according to the fee schedule set forth in the Agreement and Amendments to the Agreement.
2. All terms not defined herein shall have the same meaning and use as set forth in the Agreement.
3. All other terms, conditions, and provisions of the Agreement not in conflict with this Amendment shall remain in full force and effect.

4. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

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.

CONTRACTOR

Signature

Date: 02/22/23

Patrick Mahoney, President

Name and Title

CITY OF COSTA MESA

Lori Ann Farrell Harrison

Date: 3/23/2023

Lori Ann Farrell Harrison
City Manager

ATTEST:

Brenda Green 3/23/2023
Brenda Green
City Clerk



APPROVED AS TO FORM:

Kimberly Hall Barlow
Kimberly Hall Barlow
City Attorney

Date: 3/21/23

APPROVED AS TO INSURANCE:

Ruth Wang
Ruth Wang
Risk Management

Date: 3/24/23

APPROVED AS TO CONTENT:



Robert Ryan
Project Manager

Date: March 20, 2023

DEPARTMENTAL APPROVAL:



Raja Sethuraman
Public Works Director

Date: 3-21-23

APPROVED AS TO PURCHASING:



Carol Molina
Finance Director

Date: March 16, 2023