

THIRD AMENDMENT TO AGREEMENT

This Third Amendment is entered into this ____ day of June, 2007, by and between the City of Costa Mesa, a California municipal corporation (“City”) and West Coast Arborists, Inc., a California corporation (“Contractor”).

WITNESSETH:

WHEREAS, City and Contractor entered into an Agreement dated October 4, 1993 (“Agreement”), wherein Contractor agreed to perform certain tree maintenance services for the City;

WHEREAS, City and Contractor entered into an Amendment dated October 2, 1995, wherein the City and Contractor extended the term of the Agreement for ten years; and

WHEREAS, City and Contractor entered into a Second Amendment dated on or about May 1, 2004 to extend the term of the Agreement by another ten years through and including April 30, 2014; and

WHEREAS, City issued, and Contractor accepted, in July 2005, Change Order #1, in the amount of \$14,250, to fund additional services needed for the trimming and/or removal of trees related to an emergency tree hazard situation; and

WHEREAS, City now desires to accelerate the tree trimming cycle for the scope of work provided for in the Agreement, as amended.

NOW, THEREFORE, for adequate consideration the sufficiency of which is hereby acknowledged, the parties agree to the following:

1. Paragraph 2b. of the Agreement shall be amended as follows:
 - b. All of said work to be performed and materials to be furnished shall be in strict accordance with the Details and Specifications and the provisions of the Contract Documents hereinabove enumerated and incorporated herein by reference, except that the frequency of trimming of pine tree species throughout the City shall be on a biannual schedule as approved by the Maintenance Services Manager, and all other City trees shall be trimmed on a 3-4 year tree trimming schedule (requiring trimming of approximately 1632 trees per year over the current schedule) as approved by the Maintenance Services Manager.
2. Paragraph 4 of the Agreement shall be amended as follows:
 - c. City shall pay Contractor a sum not to exceed Four Hundred Fifty Four Thousand Two Hundred Seventy Six Dollars (\$454,276), plus any properly allowed CPI increases pursuant to subparagraph d hereof, for services rendered each year of the remaining seven year term of this Contract. Payment shall be made according to the billing schedule set forth in Paragraph 6 of this Contract.
3. Except as expressly amended by this Third Amendment to the Agreement, all other terms and

conditions of the Agreement, as previously amended, and all exhibits thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Third Amendment to the Agreement to be executed on the day and year first written above.

CITY OF COSTA MESA

WEST COAST ARBORISTS, INC.

Mayor

Patrick O. Mahoney, President

ATTEST:

APPROVED AS TO FORM:

City Clerk and ex-officio
Clerk of the City of Costa Mesa

City Attorney