



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: JUNE 16, 2009

ITEM NUMBER:

**SUBJECT: HERNANDEZ CART SERVICES, INC – CART RENEWAL**

**DATE: JUNE 2, 2009**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: KIMBERLY BRANDT, AICP, ACTING DEVELOPMENT SERVICES DIRECTOR**

**FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP  
PRINCIPAL PLANNER – 714.754.5153**

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## **RECOMMENDATION:**

Staff recommends that Council authorize the Mayor to sign the contract with Hernandez Cart Services, Inc. for FY 09-10, in the amount of \$48,000.

## **BACKGROUND:**

On June 17, 2003 the City Council adopted Ordinance No. 03-6 and Resolution 03-42 declaring abandoned shopping carts an eye sore and public nuisance. In order to attain a full year of cart retrieval services for FY 09-10, a renewal of the contract with Hernandez Cart Services, Inc. is required.

At your May 12th, study session, Council expressed an interest in adopting a shopping cart containment ordinance that is similar to the City of Westminster's program. The City Attorney anticipates that the draft ordinance will be ready for City Council consideration this summer. If Council ultimately adopts the ordinance, staff anticipates that it will take some months to get all affected businesses into compliance with the new containment regulations.

Since the attached contract includes a 30-day termination clause, staff recommends that Council approve its renewal so there is not a lapse between shopping cart retrieval and the new containment program requirements, should it be adopted.

## **FISCAL REVIEW:**

At the time this staff report was prepared, \$48,000.00 was allocated in the FY 09-10 budget for cart retrieval services.

## **LEGAL REVIEW:**

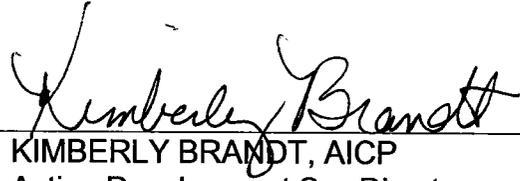
The City Attorney's office has reviewed and approved the amendment to the Professional Services Agreement.

**CONCLUSION:**

While the contract shows a full renewal for the FY 09-10, it may be terminated with 30 days notice.



WILLA BOUWENS-KILLEEN, AICP  
Principal Planner



KIMBERLY BRANDT, AICP  
Acting Development Svs Director

DISTRIBUTION: City Manager  
Asst. City Manager  
City Attorney  
Public Services Director  
City Clerk (2)  
Staff (4)  
File (2)

ATTACHMENTS: 1 Amendment to Prof. Svs. Agreement

File Name: 061609HernandezCitySvs	Date: 060209	Time: 9:30 a.m.
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**AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT**

THIS AMENDMENT, is made and entered into this 1st day of July, 2009, ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation (the "City") and HERNANDEZ CITY SERVICES, INC., a California corporation ("Contractor").

RECITALS

WHEREAS, the City and Contractor entered into an Agreement dated July 1, 2007 (the "Agreement"); and

WHEREAS, the term of the original Agreement expired on June 30, 2008; and

WHEREAS, the Agreement provides for a maximum of two (2) extensions for a period of one (1) year each, at the same payment rate as set forth in the Agreement; and

WHEREAS, the first extension was exercised and is due to expire on June 30, 2009; and

WHEREAS, City and Contractor wish to exercise the second extension.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby amend the Agreement as follows:

1. Paragraph 4.1 is hereby amended and replaced as follows:

This Agreement shall commence on July 1, 2007, and continue until June 30, 2010, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

2. All other provisions of the Agreement shall remain in full force and effect.

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

CITY OF COSTA MESA,  
A municipal corporation

\_\_\_\_\_  
City Manager

Date: \_\_\_\_\_

HERNANDEZ CITY SERVICES, INC.

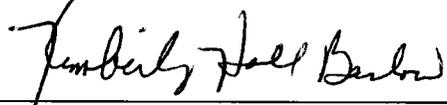
  
Signature

Date: 5/28/09

ENRIQUE HERNANDEZ (President)  
Name and Title

Hernandez City Services, Inc.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

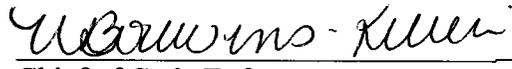
Date: 5/27/09

APPROVED AS TO INSURANCE:

  
\_\_\_\_\_  
Risk Management

Date: 5/28/09

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Chief of Code Enforcement

Date: 5.28.09