

AMENDMENT NUMBER ONE
TO PROFESSIONAL SERVICES AGREEMENT
WITH COMPLETE LANDSCAPE CARE, INC.

This Amendment is made and entered into September 20, 2016 ("Effective Date"), by and between the CITY OF COSTA MESA, a municipal corporation ("City") and COMPLETE LANDSCAPE CARE, INC., a California corporation ("Contractor").

WHEREAS, City and Contractor entered into a Professional Services Agreement on March 1, 2015 ("Agreement") to provide landscape maintenance services; and

WHEREAS, Section 2.1 of the Agreement provides that Contractor's total annual compensation shall not exceed Seven Hundred Six Thousand Six Hundred Ninety-Two Dollars (\$706,692.00); and

WHEREAS, Contractor requests an increase in compensation based on the Consumer Price Index (CPI); and

WHEREAS, City and Contractor desire to amend the Agreement to permit annual compensation adjustments based on the CPI; and

WHEREAS, City and Contractor agree to an initial increase of one and a half percent (1.5%).

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

1. Section 2.1 is hereby amended to allow for an annual compensation adjustment based upon the CPI as follows:

"2.1. Compensation. Contractor shall be paid in accordance with the Proposal attached hereto and made a part of this Agreement. Contractor's total compensation for the first year of this Agreement shall not exceed Seven Hundred Six Thousand Six Hundred Ninety-Two Dollars (\$706,692.00). 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. Contractor 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 will provide Contractor 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. Notwithstanding the foregoing, the parties agree that the compensation adjustment for services rendered from March 1, 2016 through February 28, 2017 shall be an increase of 1.5% of the current compensation. Section 2.1 is further amended to add Ten Thousand Six Hundred Dollars and Thirty-Eight Cents (\$10,600.38) to the maximum annual compensation to reflect the 1.5% increase.

3. All other terms 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

Chief Executive Officer

Date: _____

CONTRACTOR

Signature

Date: _____

Name and Title

Social Security or Taxpayer ID Number

ATTEST:

City Clerk

Date: _____

APPROVED AS TO FORM:

City Attorney

Date: _____

APPROVED AS TO INSURANCE:

_____ Date: _____
Risk Management

APPROVED AS TO CONTENT:

_____ Date: _____
Project Manager

DEPARTMENTAL APPROVAL:

_____ Date: _____
Interim Public Services Director

APPROVED AS TO PURCHASING:

_____ Date: _____
Interim Finance Director