

**AMENDMENT NO. 4
TO AGREEMENT FOR CONTRACTOR SERVICES (ON-CALL)
West Coast Arborists, Inc.**

Annual Citywide Tree Maintenance Service

This Amendment No. 4 to Agreement for Contractor Services ("Amendment No. 4") is made and entered into as of July 1, 2018 by and between the City of Lake Elsinore, a municipal corporation ("City"), and West Coast Arborists, Inc., a California corporation ("Contractor").

RECITALS

A. The City and Contractor have entered into that certain Agreement for Contractor Services dated as of June 23, 2015 (the "Original Agreement"). Except as otherwise defined herein, all capitalized terms used herein shall have the meanings set forth for such terms in the Original Agreement.

B. The Original Agreement provided for compensation to Contractor in an amount not to exceed Eighty (\$85,000) for the term ending June 30, 2016. The Original Agreement allows the City to extend the term on a 12-month basis, not to exceed four (4) additional 12-month renewals.

C. Amendment No.1 extended the contract an additional 12-month term for tree trimming and maintenance services and increased the agreement to One Hundred Fifteen Thousand Dollars (\$115,000) for those services.

D. Amendment No.2 increased the funding to Three Hundred Thousand Dollars (\$300,000) to purchase and plant new trees for the upgrading of the landscape throughout the City in Fiscal Year 2016/2017.

E. Amendment No. 3 extended the contract and an additional 12-month term and adjusted the compensation to One Hundred Fifty Thousand Dollars (\$150,000) for FY 2017/2018.

F. The parties now desire to exercise the third extension option offered in the Original Agreement and extend the term for an additional 12 months through FY18-19 and increase the compensation by an additional \$56,000 for a not to exceed amount of \$206,000 for FY18-19.

NOW, THEREFORE, in consideration of the mutual covenants and conditions set forth herein, City and Contractor agree as follows:

1. Section 2, subpart C, Term, is hereby amended to add the following:

Unless earlier terminated as provided elsewhere in the Original Agreement, this Amendment No. 4 shall continue in full force and effect for a period of twelve (12) months, commencing on July 1, 2018 and ending on June 30, 2019. The City may, at its sole discretion, extend the term of this Agreement on a 12-month basis not to exceed one (1) additional twelve (12) month renewal terms by giving written notice

thereof to Contractor not less than thirty (30) days before the end of the contract term, such notice to be exercised by the City Manager.

2. Section 3, Compensation, is hereby amended to and restated in its entirety as follows:

Compensation to be paid to Contractor shall be in accordance with the fees set forth in the Contractor's Proposal Exhibit A to the Original Agreement, and Exhibit A-1 to Amendment No.4.

In no event shall Contractor's compensation related to Contractor's Proposal to Amendment No. 4 exceed Two Hundred Six Thousand Dollars (\$206,000) for Fiscal Year 2018-2019 without additional written authorization from the City.

Notwithstanding any provision of Contractor's Proposal to the contrary, out of pocket expenses set forth in Exhibit A in Original Agreement and Exhibit A-1 attached to Amendment No. 4, shall be reimbursed at cost without an inflator or administrative charge. Payment by City under this Agreement, as amended, shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

3. Except for the changes specifically set forth herein, all other terms and conditions of the Original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment No. 4 to be executed on the respective dates set forth below.

"CITY"

CITY OF LAKE ELSINORE, a municipal corporation

"CONTRACTOR"

West Coast Arborists, Inc., a California corporation

Grant Yates, City Manager

Patrick Mahoney, President

Date: _____

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

AMENDMENT NO. 2

[ATTACHED]

AMENDMENT NO. 1

[ATTACHED]

ORIGINAL AGREEMENT

[ATTACHED]