

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

AGREEMENT

29274

THIS AGREEMENT is made and entered, in duplicate, as of April 1, 2005 for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting held on April 12, 2005, by and between LENNY ARKINSTALL SR. dba THE LOS CERRITOS WETLANDS STEWARDSHIP, INC., a California corporation, with its principal office at 6289 E. Pacific Coast Highway, Slip F39, Long Beach, California 90803 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation, located at 333 West Ocean Boulevard, Long Beach, California 90802 ("City");

WHEREAS, City requires professional services for the maintenance and management of environmentally sensitive areas, including Golden Shore Marine Biological Reserve, Jack Dunster Marine Biological Reserve, Colorado Lagoon, Rainbow Lagoon, Sims Pond, the Colorado Lagoon - adjacent Pacific and Electric Right-of-Way greenbelt and debris control at Catalina Landing and Rainbow Harbor; and

WHEREAS, due to conditions requiring immediate attention, a \$50,000 blanket Purchase Order ("Purchase Order") was issued by the City; and

WHEREAS, the expenditures by the City will exceed \$100,000 so that a contract is now required;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed as follows:

1. Contractor shall continue to furnish services as described in the Purchase Order, attached to this Agreement as Exhibit "A" and incorporated by this reference. City shall pay to Contractor an annual amount not to exceed \$125,000. As of July 5, 2005, Contractor has already been paid approximately \$31,200. As a result, the total contract amount (not to exceed \$125,000) shall be reduced by actual accumulated payments made under the Purchase Order as of July 5, 2005.

2. The term of this Agreement shall commence on April 1, 2005 and shall end on March 31, 2006 provided, however, that City shall have the right to terminate this

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1 Agreement without penalty and without cause by giving thirty (30) days prior notice to
2 Contractor. The City, in its sole discretion, may extend this Agreement for two (2)
3 additional one-year periods at an annual amount not to exceed \$125,000.

4 3. Any notice which, under the terms of the Agreement, must be given or
5 made by either party, shall be in writing and personally delivered or deposited in the U.S.
6 Postal Service, certified or registered mail, return receipt, addressed to the respective
7 parties as follows:

8 If to Contractor:

9 Lenny Arkinstall Sr. dba The Los Cerritos Wetlands Stewardship, Inc.
10 P.O. Box 81
Sunset Beach, CA 90742

11 copy to: Lenny Arkinstall Sr. dba The Los Cerritos Wetlands Stewardship, Inc.
12 6289 E. Pacific Coast Highway, Slip F39
Long Beach, CA 90803

13 If to City:

14 City Manager
15 City of Long Beach
333 W. Ocean Boulevard
16 Long Beach, CA 90802

17 Notice or other communication shall be deemed to have been given or made
18 on the date personal delivery is made or the date shown on the return receipt. Addresses
19 for notice may be changed at any time by giving thirty (30) days prior notice.

20 4. This Agreement may be changed only by a written amendment executed
21 by the authorized representative of the parties. No amendment or modification shall be
22 made by course of performance, course of dealing or usage of trade. This Agreement
23 shall be governed by the laws of the State of California, excluding those laws relating to
24 conflicts of laws.

25 5. Contractor shall not assign or transfer this Agreement without the prior
26 written consent of City. Any transfer or assignment without City's prior written consent shall
27 constitute a material default of this Agreement and shall be void ab initio.

28 6. If one or more of the provisions contained in this Agreement are, for any

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1 reason, held to be unenforceable under the laws of California, such unenforceability shall
2 not effect any other provision of this Agreement.

3 7. In the performance of this Agreement, Contractor shall not discriminate
4 against any employee or applicant for employment because of race, religious creed, color,
5 national origin, ancestry, physical handicap, medical condition, AIDS, HIV status, marital
6 status, sexual preference, sex, or age.

7 8. The acceptance of services or the payment of money by City shall not
8 operate as a waiver of any provision of this Agreement, or of any right to damages. The
9 waiver of a breach shall not constitute a waiver of any other or subsequent breach.

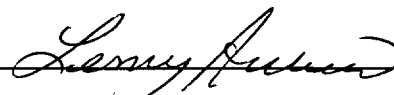
10 9. If there is any legal proceeding between the parties to enforce or interpret
11 this Agreement or to protect or establish any rights or remedies under this Agreement, then
12 the prevailing party shall be entitled to its reasonable attorney's fees and court costs.

13 10. If there is any conflict between the Purchase Order and this Agreement,
14 then this Agreement shall govern.

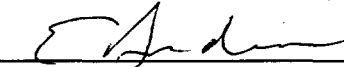
15 IN WITNESS WHEREOF, the parties have caused this Agreement to be duly
16 executed with all formalities required by law as of the date first stated above.

17 LENNY ARKINSTALL SR dba THE LOS CERRITOS
18 WETLANDS STEWARDSHIP, INC.

19 7/15/05, 2005

By: 
Officer's Title: CHIEF EXECUTIVE OFFICER

20 7/15, 2005

By: 
Officer's Title: SECRETARY

"Contractor"

CITY OF LONG BEACH, a municipal corporation

25 9.23., 2005

By: 
City Manager

"City"

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This Agreement is approved as to form on 9-16, 2005.

ROBERT E. SHANNON, City Attorney

By Charles Palkin
Deputy

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JCP:sek
07/07/05 (revised final)
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BPO/CONTRACT ID : BPPR04000022	ACTION IND : P	COPY TYPE: (B/R)
PURCHASING TYPE : BP	INTERFACE TYPE : BP	PRINT : Y (Y/N)
CONTRACT AMOUNT : 90,000.00	TERMS IND : Y	NOTE PAD : Y (Y/N)
REMAINING VALUE : 236.00	.	:
EFFECTIVE DATE : 01/01/2004	ITB ID :	AWARD:
EXPIRATION DATE : 01/01/2005	F.O.B. POINT : DEST	STATUS: POST
INSURANCE CERT : N	DISCOUNT TERMS : NET14	AUTO TL: N
CHANGE NO :	MULTIPLE SCHED : N	BPO IND :
BPO TITLE : ENVIRONMENTAL CONSULTING SERVICES	CREATE : 04/01/2004	
DEPARTMENT : PRBS01	BUSINESS OPS- ADMIN	UPDATE : 10/04/2005
BUYER : 6020	MICHELLE MILLER	POST : 04/08/2004
VENDOR/SUFFIX : 954804390 / 01	LOS CERRITOS WETLANDS	STEWARDS INC
ATTN-1:		
ATTN-2:		
ATTN-3:		
STREET: PO BOX 81		
CITY: SUNSET BEACH	ST: CA ZIP: 90742	CTRY: USA
PHONE : 562-500-9359	CONTRACT/SPEC :	

EXHIBIT "A"

***** CITY OF LONG BEACH ADPICS *****
SPECIFICATIONS/TERMS SELECTION

DOCUMENT ID : BPPR04000022 LINE NO : 000
S ID SHORT TITLE S ID SHORT TITLE

BLOCK FUNCTION : (TERM ID TO COPY, ISRT, DLET, DUP) BLOCK 001 OF 001
TERM ORDER FOR THE PERIOD COMMENCING 01/01/2004 TO 01/01/2005 FOR <
FURNISHING AND DELIVERING ENVIRONMENTAL CONSULTING SERVICES AND <
OVERALL MAINTENANCE FOR VARIOUS SITES OF THE CITY OF LONG BEACH IN <
ACCORDANCE WITH DEPARTMENTAL NEEDS AND/OR FUND AVAILABILITY. <
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EXHIBIT "A"