

SECOND AMENDMENT TO AGREEMENT NO. 34275

34275

THIS SECOND AMENDMENT TO AGREEMENT NO. 34275 is made and entered, in duplicate, as of December 3, 2018, for reference purposes only, pursuant to a minute order adopted by the City Council of the City of Long Beach at its meeting on March 22, 2016, by and between THE LOS CERRITOS WETLAND STEWARDSHIP, INC., a California corporation, with a place of business at 6289 E. Pacific Coast Highway, Long Beach, California 90802 ("Contractor"), and the CITY OF LONG BEACH, a municipal corporation ("City").

WHEREAS, City requires specialized services requiring unique skills to be performed in connection with the maintenance and management of environmentally sensitive areas; and

WHEREAS, City and Contractor (the "Parties") entered into Agreement No. 34275 (the "Agreement") whereby Contractor agreed to perform these specialized services; and

WHEREAS, the Parties entered into a First Amendment to the Agreement to extend the term one (1) additional one-year period and add the contingency amount of \$54,720 to each annual term; and

WHEREAS, the Parties desire to reduce the not-to-exceed Agreement amount to \$398,820, eliminate PEROW Greenbelt from the scope of work, and amend the scope of work and the rates associated with Sims Pond;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions herein contained, the Parties agree as follows:

1. Sections 7.7 and 7.8 contained in Exhibit "A-2" to the Agreement, pertaining to the scope of work associated with Sims Pond and PEROW Greenbelt, respectively, are hereby replaced and superseded by Exhibit "A-3" attached to this Second Amendment.

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2. The rates for Sims Pond contained in Exhibit "B" to the Agreement are hereby replaced and superseded by Exhibit "B-1" attached to this Second Amendment.

3. Except as expressly modified herein, all of the terms and conditions contained in Agreement No. 34275 are ratified and confirmed and shall remain in full force and effect.

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

THE LOS CERRITOS WETLAND
STEWARDSHIP, INC., a California
corporation

FEBRUARY 21, 2019, 2018

By [Signature]
Name LEONARD ARKINSTAY
Title CEO

FEBRUARY 21, 2019, 2018

Tom Modica
Assistant City Manager

By [Signature]
Name EUGENE ANDERSON
Title SECRETARY

**EXECUTED PURSUANT
TO SECTION 301 OF
THE CITY CHARTER**

"Contractor"

CITY OF LONG BEACH, a municipal
corporation

March 1, 2019
2018

By [Signature]
City Manager

"City"

This Second Amendment to Agreement No. 34275 is approved as to form on

2-22, 2019
2018.

CHARLES PARKIN, City Attorney

By [Signature]
Deputy

EXHIBIT “A-3”

Scope of Work

7.7 Sims Pond

The maintenance of Sims Pond shall be conducted in compliance with the Sims Pond Maintenance and Management Plan and the California Department of Fish and Game Guidelines and Permit.

The area to be maintained includes all the fenced-in area, including the sidewalk, as shown on the attached map (**Exhibit 12**).

- 7.7.1 This site requires additional inspections and monitoring before, during and after rains and/or storms. This is to include monitoring of water levels, culverts and perimeter.
- 7.7.2 Aquatic vegetation needs to be monitored and controlled to maintain outflow and assist with mosquito abatement. This is done twice per year, before and after nesting periods. Bio-waste may be kept on site.
- 7.7.3 Identify exotic weeds and non-desirable plants for the purpose of eradication by manual methods. The Vendor is also expected to identify exotic weeds nondesirable plants for control by herbicide spraying which is to be done by City staff.
- 7.7.4 Remove invasive plants and to supply and replant desirable species as necessary in accordance with the planting plan. City staff is to pre-approve changes to the site and/or planting plan.
- 7.7.5 Under the direct supervision of the City's Representative, the Awarded Contractor may be required to control habitats which support the propagation of mosquitos.
- 7.7.6 As needed tree trimming of trees 4 inches in diameter or less is required in this area to assure access, maintain trail clearance, prevent blocking of outflows and assist with mosquito abatement, fence clearance and protection of private and public property. Awarded Contractor shall notify the Contract Monitor regarding necessary trimming of any tree over 4-inches in diameter.
- 7.7.7 Any significant change in existing conditions must be reported to Department staff immediately with an assessment of the problems/issues.
- 7.7.8 Monitor water quality for algae and cyanobacteria blooms, aquatic vegetation, and water levels. Report all issues to the City Representative.

7.8 Pacific Electric Right-of-Way (PEROW) Greenbelt

Intentionally Omitted.

EXHIBIT “B-1”

Rates or Charges

6. Sims' Pond

\$12,000 per year, billed monthly at \$1,000 per month.