



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/03/2022

ITEM NO: 12

DATE: April 27, 2022
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to Increase Compensation for Fiscal Year 2021/22 in an Amount of \$25,000 for a Total Annual Amount Not to Exceed \$125,000, for a Total Agreement Amount Not to Exceed \$966,000

RECOMMENDATION:

Authorize the Town Manager to execute a third amendment (Attachment 1) to the Agreement for Services with Brightview Tree Care Services, Inc. to increase compensation for Fiscal Year (FY) 2021/22 in an amount of \$25,000 for a total annual amount not to exceed \$125,000, for a total agreement amount not to exceed \$966,000.

BACKGROUND:

The Town of Los Gatos utilizes contractual tree trimming and removal services to maintain the Town's urban forest. On June 5, 2018, the Town Council authorized the Town Manager to execute a five-year Agreement for Services (Attachment 2) with Brightview Tree Care Services, Inc. for tree trimming and maintenance services. The original agreement included \$247,000 for year one of the agreement and \$100,000 plus annual consumer price index adjustments annually thereafter.

On August 7, 2019, Council authorized the Town Manager to execute a first amendment to the Agreement for Services to provide for an additional \$100,000 for FY 2019/20.

On June 2, 2020, Council authorized the Town Manager to execute a second amendment (Attachment 3) to the Agreement for Services to increase compensation for FY 2019/20 and FY

PREPARED BY: Jim Harbin
Superintendent

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Interim Director of Parks and Public Works

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SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement for Services with Brightview Tree Services, Inc.

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BACKGROUND (continued):

2020/21 in amounts of \$47,000 and \$147,000 respectively for total annual contract amounts not to exceed \$247,000. Compensation for years four and five of the agreement were to remain at \$100,000 annually.

On December 7, 2021, Council authorized the Town Manager to execute a second Agreement for Services (Attachment 4) with West Coast Arborists (WCA) in an amount not to exceed \$100,000 to supplement unmet tree maintenance services as Brightview Tree Services struggled to keep up with the workload.

DISCUSSION:

While waiting for the contract with WCA to process and be fully executed, safety related work needing immediate attention had to continue. Brightview Tree Care Services performed the work; however, their contract had already reached the compensation limits. This amendment increases the Brightview Tree Service contract by \$25,000 to allow payment of the emergency safety services performed.

Staff will create change orders to the current purchase orders by reducing the WCA amount by \$25,000 and adding \$25,000 to Brightview to address the overage.

CONCLUSION:

Authorize the Town Manager to execute a third amendment to the Agreement for Services with Brightview Tree Care Services, Inc. to increase compensation for FY 2021/22 in an amount of \$25,000 for a total annual amount not to exceed \$125,000, for a total agreement amount not to exceed \$966,000.

FISCAL IMPACT:

The Adopted FY 2021/22 Operating Budget has sufficient funds for tree maintenance. This action will have no additional fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

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SUBJECT: Authorize the Town Manager to Execute a Third Amendment to the Agreement
for Services with Brightview Tree Services, Inc.

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Attachments:

1. Third Amendment to the Agreement for Services (Brightview Tree Care Services, Inc.)
2. Agreement and First Amendment (Brightview Tree Care Services, Inc.)
3. Second Amendment to the Agreement for Services (Brightview Tree Care Services, Inc.)
4. Agreement for Services (West Coast Arborists)