



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** MAY 14, 2019

**DEPARTMENT:** PUBLIC WORKS

**FROM:** DAVID JACOBS, DIRECTOR

**BY:** DON REYNOLDS, ASSISTANT DIRECTOR

**TITLE:** APPROVE AN INTERIM AGREEMENT FOR TURF  
MOWING/EDGING MAINTENANCE SERVICES

### RECOMMENDED MOTION:

A motion is requested that ratifies and approves the payment of past invoices for turf mowing and edging maintenance services, and approves an Interim Agreement to continue said services until such a time that a new contract is competitively bid and awarded for landscape services in the City's parks, facilities, medians and greenbelts.

### RECOMMENDATION:

It is recommended that the City Council adopt a resolution that authorizes the Mayor and City Manager to:

- 1) Pay past due invoices for mowing services rendered by Smith and Enright Landscaping Inc. from January 1, 2019, to April 30, 2019, and until such a time that an Interim Agreement can be executed for said services; and
- 2) Execute the attached Interim Agreement for landscape services for the City's parks, facilities, medians and greenbelts with a term that expires on the date a new Agreement for said services is awarded, following a competitive, and publicly bid process.

### EXECUTIVE SUMMARY:

In June 2018, Public Works requested the existing Agreement with Smith and Enright Landscape Services Inc. ("Contractor") be extended from July 2018 until October 2018 until the services could be re-bid a new contract awarded. This report recommends a remedy to this situation by proposing that the City Council ratify and approve payment of past Contractor invoices, and approve the attached Interim Agreement until a new agreement can be competitively bid and awarded for the turf mowing/edging and maintenance services in the City's parks, facilities medians and greenbelts.

## DISCUSSION

The City relies more on contractual services to maintain the landscaping in its parks, facilities and greenbelts than it has in the past. This Contractor is one of two contractors awarded maintenance agreements in 2013, each for two consecutive three-year terms. The details of these services are outlined in “Attachment A” to the proposed Resolution and Interim Agreement.

This Agreement was set to expire in July 2018, but was extended in June until October 2018, when it was believed that new Agreements would be awarded. Unfortunately, the bid specifications were not completed and advertised until recently, and the Agreement expired. The Contractor continued to work at risk of not being paid in the City’s parks and facilities, medians and greenbelts until the City remedied the situation. The rate of compensation for these services is \$11,760 per month and for the first four months from January to April, 2019 the City spent but has not paid for a total of \$47,040. There is no agreement in place to pay invoices going forward until such a time that a new contract can be awarded.

Public bidding for these services began in April and will close May 7, 2019. These services are being re-bid because the previous Agreements have expired, because they are based on pricing from 2012, and the specifications need to be updated. Staff has targeted the Council’s July 2, 2019 meeting to bring forward the results of the bid process.

This report seeks the City Council’s approval to pay these past due invoices and authorize the execution of the attached Interim Agreement until the RFP results are tabulated and awarded in a new multi-year agreement for mowing and edging services. Consistent with Municipal Code 12-27, it is in the City’s best interest to not interrupt maintenance services performed by the Contractor, and the City and contractor that the use of the attached Interim Agreement is best remedy moving forward.

## CEQA CONSIDERATION:

A maintenance agreement of existing hardscape is not subject to CEQA review.

## STRATEGIC PLAN INITIATIVE:

The mowing and edging of City parks, facilities and greenbelts, align best with and respond directly to the City Council’s Strategic Plan Goal of a “Well Planned City and Excellent Infrastructure” and preserve the quality of life in Salinas.

## DEPARTMENTAL COORDINATION:

Public Works has worked closely with the Finance Department the City Attorney to assure the Contractor that the City intends to pay the past invoices.

## FISCAL AND SUSTAINABILITY IMPACT:

These costs are budgeted paid through the Parks Division operational budget.

## ATTACHMENTS: Proposed Resolution and Interim Agreement

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION APPROVING THE INTRIM AGREEMENT FOR TURF  
MOWING/EDGING MAINTENANCE AT  
CITY PARKS, FACILITIES AND GREENBELTS**

**WHEREAS**, on February 5, 2013, the City Council adopted Resolution # 20332 awarding an Agreement for turf mowing and edging maintenance services to Smith and Enright Landscaping Services Inc. (“Contractor”); and

**WHEREAS**, the Agreement expired October 2018, before a new contract was publicly bid and awarded, making it null and void, but the Contractor continued to work in the City’s parks, facilities, medians and greenbelts; and

**WHEREAS**, the fact that the Contractor was working without a valid Agreement, the Contractor has been working at risk of not being paid since January 2019 incurring costs \$47,040 through the end of April 2019 and is willing to continue working until a new Agreement is awarded; and

**WHEREAS**, to remedy this situation, it has been decided that the City Council will be asked to consider the ratification of the past invoices and approve them for payment, agree to execute an interim agreement,(provided in Exhibit A and attached to this Resolution), with a term equal to the time required for the City to approve and solicit a new request for proposals for turf mowing/edging maintenance services being provided in the City’s parks, facilities, medians and greenbelts, and a new Agreement can be awarded, approved and executed.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby finds and determines that the above recitals and accompanying staff report are true and correct and have served as the basis, in part, for the actions of the City Council set forth below.

**BE IT FURTHER RESOLVED**, that the City Council finds that consistent with City Code 12-27, it is in the City’s best interest to ratify past invoices for services rendered and pay them, and authorizes the Mayor to execute the attached Interim Agreement until a new Agreement for said services can be awarded based upon a competitively, properly and publicly bid proposal.

**BE IT FURTHER RESOLVED**, that the City Council authorize the City Manager to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution.

**PASSED AND APPROVED** this 14<sup>th</sup> day of May, 2019 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk

Exhibit A- Interim Turf Mowing/Edging Maintenance Services Agreement