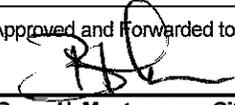




## STAFF REPORT

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

**Date:** Tuesday, May 26, 2015

**To:** Bryan H. Montgomery, City Manager

**From:** Kevin Rohani, Public Works Director/City Engineer

**Subject:** Contract Amendment No. 1 with Damon Pombo Livestock for On-Call Maintenance Grazing Services

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### **Background and Analysis**

On December 15, 2014, an agreement was executed between the City of Oakley and Damon Pombo Livestock for goat grazing services for weed and brush removal in various locations within the City. Since City staff had no specific experience with contracting for this type of service, this was primarily a trial period to see how effective the services would be. The initial contract was in the amount of \$24,900.00. This Council action would extend the expenditure amount beyond the \$25,000 threshold the City Manager can approve.

To date, approximately twenty acres have been cleared in two storm drain basins and the levee adjacent to Emerson Ranch. The goats have performed very well, clearing nearly all vegetation down to ground level, and there have been no issues related to their work.

Staff intends to continue using the goats for vegetation removal in other storm drain basins and at the levee along the east side of Marsh Creek, north of the railroad tracks, adjacent to Cypress Grove. Staff also plans to use the goats on an as-needed basis through the end of Fiscal Year 2015/16.

Staff is also requesting approval for the City Manager to be able to extend the contract period an additional two years after the end of Fiscal Year 2015/16, assuming the work continues to be satisfactory.

### **Fiscal Impact**

The proposed work will be paid for from the City of Oakley Community Facilities District No. 1 (Cypress Grove) and Stormwater maintenance funds.

**Staff Recommendation**

Staff recommends that the City Council adopt the Resolution amending the agreement with Damon Pombo Livestock and authorizing the City Manager to execute the agreement.

**Attachments**

- 1) Resolution approving the amendment
- 2) Contract amendment
- 3) Cost proposal from Damon Pombo Livestock

RESOLUTION NO. XX -15

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
APPROVING CONTRACT AMENDMENT NUMBER 1 TO THE AGREEMENT WITH  
DAMON POMBO LIVESTOCK FOR ON-CALL MAINTENANCE GRAZING SERVICES**

**WHEREAS**, each year weeds grow in various locations throughout the City of Oakley and require removal and cleanup; and

**WHEREAS**, on December 15, 2014 a contract was executed with Damon Pombo Livestock for grazing services for weed removal in the amount of \$24,900.00 under the authority of the City Manager; and

**WHEREAS**, over twenty acres of levees and storm drain basins have been cleared by goats provided by Damon Pombo Livestock; and

**WHEREAS**, staff would like to continue using Damon Pombo Livestock for clearing weeds throughout FY 2015/16, and would like to increase the budget to \$30,000.00 for the remainder of FY 2014/15, and an additional \$30,000.00 for FY 2015/16; and

**WHEREAS**, this amendment approval would also allow the City Manager the authority to extend the contract an additional two years if the work continues to be satisfactory.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the City Council of the City of Oakley that the contract amendment number 1 with Damon Pombo Livestock is hereby approved. A copy of the Agreement is attached hereto as Exhibit A.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on this 26<sup>th</sup> day of May, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

ATTEST:

\_\_\_\_\_  
Doug Hardcastle, Mayor

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

**AMENDMENT NO.1 TO THE AGREEMENT BETWEEN THE CITY OF OAKLEY AND DAMON POMBO LIVESTOCK FOR ON-CALL MAINTENANCE GRAZING SERVICES**

This Amendment is entered into by and between the City of Oakley, a municipal corporation (hereinafter referred to as "City"), and DAMON POMBO LIVESTOCK, (hereinafter referred to as "Contractor"), effective as of the 26th day of May, 2015.

**RECITALS**

- A. On December 15, 2014 the City and Contractor executed an Agreement for \$24,900.00 (hereinafter referred to as the "Agreement"); and,
- B. City and Contractor now desire that the following amendments be made to the Contractor's services: an increase of \$35,100.00 to bring the original agreement amount from \$24,900.00 to \$60,000.00 for On-Call Maintenance Grazing Services for the remainder of Fiscal Year 2014/15 and to include FY 2015/16.

**AGREEMENT**

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, City and Contractor mutually agree and covenant as follows:

- 1. Except as provided herein, the terms used in this Amendment shall have the same meaning as the same terms have in the Agreement.
- 2. The Agreement is hereby amended as follows: Paragraph Section 2, Paragraph 1, amended as follows: City hereby agrees to pay Contractor a sum not to exceed \$30,000.00 for Fiscal Year 2014/15 and an additional \$30,000.00 for Fiscal Year 2015/16 with the authority for the City Manager to extend the agreement an additional 2 years.
- 3. Except as provided herein, all other terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Oakley, a municipal corporation in the State of California, has authorized the execution of this Amendment in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. \_\_\_\_\_, adopted by the Council of the City of Oakley on the 26<sup>th</sup> day of May, 2015, and the parties have caused this Amendment to be executed in duplicate.

City

Contractor

City of Oakley, a municipal corporation

Damon Pombo Livestock

By: \_\_\_\_\_  
Bryan H. Montgomery, City Manager

By: \_\_\_\_\_  
Damon Pombo, Owner

ATTEST:

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Libby Vreonis, City Clerk

APPROVED AS TO FORM:

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Derek P. Cole, City Attorney

# Grazing Contract

Damon Pombo Livestock  
City of Oakley  
Oakley CA

## SCOPE OF SERVICES

### A. Tenant (Damon Pombo) will provide:

1. 100-200 goats
2. Guard dog if necessary
3. Portable electric fencing to fence grazing area
4. Water tank, water troughs for goats
5. Food and water for the dog
6. All supplies required for the care of the goats
7. Tenant will keep the goats contained to a designated grazing area
8. Monitor goats daily
9. Keep records
10. Will provide certified proof of insurance

### B. Tenants fee will be \$1,000 an acre for two acres or more, \$1,350 an acre for less than two acres

1. This Proposal does not include any additional services

### C. About Damon Pombo Livestock Operation:

I have been in the Cattle and Goat business for over 15 years. I currently run about 600 head of Goats. On grazing contracts I use all portable electric fences that are set up in small sections and move the goats often to get the best brush and weed abatement results. I have contracts with multiple Reclamation Districts and do many small jobs around San Joaquin, Stanislaus, Alameda, Contra Costa and Calaveras Counties.

### D. References

1. Pescadero Reclamation District # 2058
2. Kasson Reclamation District # 2085
3. Paradise Junction Reclamation District # 2095