

# OAKLEY



CALIFORNIA

Agenda Date: 08/08/2017

Agenda Item: 3.3

## STAFF REPORT

**Date:** Tuesday, August 8, 2017

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

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

**Subject:** Adopt a Resolution authorizing the City Manager to terminate the contract for Parks and Landscaping Maintenance Services with Marina Landscape, Inc.

Approved and Forwarded to City Council:

A handwritten signature in black ink, appearing to read 'B. Montgomery', written over a horizontal line.

Bryan H. Montgomery, City Manager

### Background and Analysis

The City of Oakley utilizes the services of municipal landscape contractors for the majority of the parks and street landscape maintenance services for the community. The firms of Terracare Associates and Marina Landscape, Inc. were selected through a Request for Proposal (RFP) process as the landscape maintenance contractors for the City of Oakley for a three year contract term that began November 1, 2013. These contracts were entered into with the option by the City of Oakley for a two year contract extension. Both of these contracts were renewed in November 2016 for an additional two year period to end on October 31, 2018.

The Public Works Department staff inspects the work performed by these landscape maintenance contractors to ensure compliance with the contract scope of work and specifications. The vitality of the City parks and street landscaping is a key element of what makes Oakley a special place to live and to be enjoyed by our residents. Any lack of proper maintenance negatively impacts this important asset of the community.

City staff has been noticing performance issues with Marina Landscape, Inc. for several months. On multiple occasions staff has discussed the landscaping maintenance service deficiencies with Marina Landscape, Inc. staff, through in person meetings, written correspondences, and phone calls; however, there have not been sufficient improvements to address landscape maintenance problems as evident by dead plants and vegetation, and broken irrigation systems.

Based on Marina Landscape, Inc.'s performance, staff has determined that their services are not fulfilling the City's requirements and service expectations. In section 8 of the City's agreement with Marina landscape, Inc. it states:

*“Termination. City may cancel this Agreement at any time and without cause upon written notification to Contractor.”*

Because the agreement was set up by Council action, further Council action is needed to proceed with the termination of the agreement. Upon termination of this contract with Marina Landscape, Inc., staff will work with our other maintenance contractor (Terracare Associates) to provide parks and landscape maintenance services for all the areas previously under Marina Landscape, Inc. service, to maintain a smooth transition. A formal letter has been provided to Marina Landscape, Inc. informing them of the contract termination according to the agreement. Staff will evaluate the on-going landscape maintenance contracts in early 2018 and will bring recommendations to the City Council for providing parks and street landscape maintenance services for FY 2018/19 and beyond.

The areas that Marina Landscape, Inc. has had under their maintenance are: Magnolia Park, Novarina Park, Daffodil Park, Briarwood Park, and Oak Grove Park. In addition to these parks, a number of streetscape sites have been maintained by Marina Landscape, Inc. as well. Staff will work diligently to ensure that there is no maintenance service disruptions during the transition phase of these locations.

**Fiscal Impact**

Funds for the Parks and Landscape maintenance services contracts are a part of the FY 2017/18 budget for the City’s Lighting and Landscape Districts (LLD) and no additional expenses are required from the General Fund as part of this action.

**Staff Recommendation**

Staff recommends that the City Council adopt the resolution terminating the contract with Marina Landscape, Inc. and approve Terracare Associates to take over the maintenance work that had previously been under the scope of work by Marina Landscape, Inc. for the remainder of FY 2017/18.

**Attachments**

- 1) Resolution

RESOLUTION NO. \_\_\_-17

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
AUTHORIZING THE CITY MANAGER TO TERMINATE THE AGREEMENT  
WITH MARINA LANDSCAPE, INC. FOR PROVIDING PARKS AND  
LANDSCAPE MAINTENANCE SERVICES**

**WHEREAS**, the City of Oakley desires to establish an effective long-term contractual service for maintenance of the City's parks and landscape zones; and

**WHEREAS**, on November 1, 2013, the City Council authorized the City Manager to execute a maintenance agreement with Marina Landscape, Inc. for maintenance related services for the City's parks and landscape zones; and

**WHEREAS**, Section 8 of the agreement states, that the City may cancel this Agreement at any time and without cause upon written notification to the Contractor; and

**WHEREAS**, City staff has determined that Marina Landscape, Inc.'s maintenance services are not sufficiently fulfilling the City's requirements and service expectations, and that the agreement should be terminated; and

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, that the City Council of the City of Oakley hereby authorizes the City Manager to terminate the agreement with Marina Landscape, Inc.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 8<sup>th</sup> of August, 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

APPROVED:

ATTEST:

\_\_\_\_\_  
Sue Higgins, Mayor

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

\_\_\_\_\_  
Date