

**FOURTH AMENDMENT TO AGREEMENT BETWEEN
CITY OF TEMECULA AND NIEVES LANDSCAPE, INC.**

**LANDSCAPE MAINTENANCE
CONTRACT NO. 2021-062**

THIS FOURTH AMENDMENT is made and entered into as of **May 28, 2024**, by and between the City of Temecula , a municipal corporation (hereinafter referred to as "City"), and **Nieves Landscape, Inc., a Corporation** (hereinafter referred to as "Contractor"). In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. This Amendment is made with the respect to the following facts and purposes:

a. On **April 27, 2021**, the City and Contractor entered into that certain Agreement entitled "Agreement for Minor Maintenance Services," in the amount of **\$1,757,796.00**.

b. On **August 10, 2021**, the City approved contingency for extra work in the amount of **\$351,559.20**.

c. On **October 26, 2021**, the City and Contractor entered into the **First Amendment** to that certain Agreement entitled "Agreement for **Minor Maintenance Services**," to add scope of work and increase the payment in the amount of **\$607,225.60**, plus contingency in the amount of **\$121,445**.

d. On **May 24, 2022**, the City and Contractor entered into the **Second Amendment** to that certain Agreement entitled "Agreement for **Minor Maintenance Services**," to extend the term and increase the payment in the amount of **\$2,748,693.48**, plus contingency in the amount of **\$549,737**.

e. On **January 24, 2023**, the City approved contingency for extra work in the amount of **\$150,000**.

f. On **June 13, 2023**, the City and Contractor entered into the **Third Amendment** to that certain Agreement entitled "Agreement for **Minor Maintenance Services**," to add scope of work, extend the term of the agreement to **June 30, 2025**, increase the payment in the amount of **\$2,836,584.00**, plus contingency in the amount of **\$567,316.80**.

g. The parties now desire to extend the term of the agreement to **June 30, 2025**, increase the payment in the amount of **\$2,918,844.96** and to amend the Agreement as set forth in this Amendment.

2. Section 1 of the Agreement entitled "**TERM**" is hereby amended to read as follows:

This Agreement shall remain and continue in effect until tasks herein are completed, but in no event later than **June 30, 2025**, unless sooner terminated pursuant to the provisions of this Agreement.

3. Section 3 of the Agreement entitled "**PAYMENT**" at paragraph "a" is hereby amended to read as follows:

The City agrees to pay Contractor monthly, in accordance with the payment rates and schedules and terms set forth in Exhibit B,

Payment Rates and Schedule, attached hereto and incorporated herein by this reference as though set forth in full, based upon actual time spent on the above tasks. Any terms in Exhibit B, other than the payment rates and schedule of payment, are null and void. The total amount of this Agreement shall not exceed **Twelve Million, Six Hundred Nine Thousand, Two Hundred and Two Thousand Dollars and Four Cents (\$12,609,202.04)**.

4. Exhibit **B** to the Agreement is hereby amended by adding thereto the items set forth on Attachment "A" to this Amendment, which is attached hereto and incorporated herein as though set forth in full.

5. Except for the changes specifically set forth herein, all other terms and conditions of the Agreement shall remain in full force and effect.

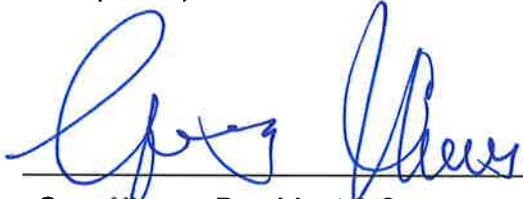
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

CITY OF TEMECULA

By: _____
James Stewart, Mayor

NIEVES LANDSCAPE, INC.

(Two Signatures of corporate officers required unless corporate documents authorize only one person to sign the agreement on behalf of the corporation.)

By:  _____
Greg Nieves, President & Secretary

ATTEST:

By: _____
Randi Johl, City Clerk

APPROVED AS TO FORM:

By: _____
Peter M. Thorson, City Attorney

CONTRACTOR

Nieves Landscape, Inc.

Attn: Joshua Cho

1629 E. Endinger Ave.

Santa Ana, CA 92705

Ph. (714) 641-3071

Jcho@nieveslandscape.com

ATTACHMENT A

EXHIBIT B PAYMENT RATES AND SCHEDULE Fiscal Year 2024-2025 Rate Schedules

Landscape Maintenance Service Area Fee Schedule			
FACILITIES			
Site No.	Site Name	Monthly Fee FY24/25	Annual Cost FY24/25
F-01	Community Recreation Center	\$ 2,619.83	\$ 31,437.96
F-02	Mary Phillips Senior Center	\$ 764.55	\$ 9,174.60
F-03A	Temecula Valley Entrepreneurs Exchange (TVE2)	\$ 1,091.77	\$ 13,101.24
F-03C	Field Operations Center (FOC)	\$ 109.07	\$ 1,308.84
F-04	Temecula Community Center	\$ 490.83	\$ 5,889.96
F-05	Fire Station #84	\$ 710.01	\$ 8,520.12
F-06	Old Town Temecula	\$ 3,275.31	\$ 39,303.72
F-10	Temecula Children's Museum	\$ 272.69	\$ 3,272.28
F-12	Temecula Community Theater	\$ 109.07	\$ 1,308.84
F-13	Temecula Public Library	\$ 1,200.84	\$ 14,410.08
F-15	Wolf Creek Fire Station #92	\$ 490.83	\$ 5,889.96
F-16	Fire Station #73	\$ 218.15	\$ 2,617.80
F-17A	Civic Center/Town Square	\$ 1,091.77	\$ 13,101.24
F-17B	Parking Garage	\$ 218.15	\$ 2,617.80
F-19	Roripaugh Fire Station #95	\$ 545.37	\$ 6,544.44
F-20	Overland Training Center	\$ 163.61	\$ 1,963.32
F-21	Margarita Recreation Center	\$ 218.15	\$ 2,617.80
F-30	Jefferson Recreation Center	\$ 109.07	\$ 1,308.84
TOTAL:		\$ 13,699.07	\$ 164,388.84

Landscape Maintenance Service Area Fee Schedule			
MEDIANS			
Site No.	Site Name	Monthly Fee FY24/25	Annual Cost FY24/25
M-01	Rancho California Road Medians	\$ 1,091.77	\$ 13,101.24
M-02	Ynez Road Medians	\$ 1,091.77	\$ 13,101.24
M-03	Butterfield Stage Road Medians	\$ 1,528.07	\$ 18,336.84
M-03	Butterfield Stage Road Medians (North)	\$ 1,746.21	\$ 20,954.52
M-04	Margarita Road Medians (North)	\$ 819.08	\$ 9,828.96
M-05	Margarita Road Medians (South)	\$ 163.61	\$ 1,963.32
M-06	Winchester Road at Jefferson Median	\$ 2,947.06	\$ 35,364.72
M-07	Pechanga Parkway Medians	\$ 1,746.21	\$ 20,954.52
M-08	Meadows Parkway Medians (North)	\$ 819.08	\$ 9,828.96
M-09	Paseo Del Sol Medians	\$ 819.08	\$ 9,828.96
M-10	Harveston Medians (Date Street/Margarita Road)	\$ 2,728.91	\$ 32,746.92
M-11	Jefferson Avenue Medians	\$ 163.61	\$ 1,963.32
M-13	Redhawk Medians	\$ 1,091.77	\$ 13,101.24
M-14	Temecula Parkway Medians	\$ 2,183.54	\$ 26,202.48
M-15	Wolf Valley Road Medians	\$ 87.47	\$ 1,049.64
M-16	Diaz Rd Medians / Parkway	\$ 655.47	\$ 7,865.64
M-17	Meadows Parkway Medians (South)	\$ 764.55	\$ 9,174.60
M-18	Murrieta Hot Springs Road Medians	\$ 545.37	\$ 6,544.44
M-19	De Portola Rd Medians at Temecula Valley Hospital	\$ 109.07	\$ 1,308.84
FW-01	Interstate 15 On/Off Ramps (Winchester Road, Rancho California Road, Temecula Parkway Interchange)	\$ 2,728.91	\$ 32,746.92
TOTAL:		\$ 23,830.61	\$ 285,967.32

Landscape Maintenance Service Area Fee Schedule			
Passive Parks, Streetscapes & Trails			
Site No.	Site Name	Monthly Fee FY24/25	Annual Cost FY24/25
P-01	Veterans Park	\$ 2,074.46	\$ 24,893.52
P-02	Sam Hicks Monument Park	\$ 1,746.21	\$ 20,954.52
P-03	Calle Aragon Park	\$ 327.22	\$ 3,926.64
P-04	Bahia Vista Park	\$ 327.22	\$ 3,926.64
P-05	Loma Linda Park	\$ 1,364.45	\$ 16,373.40
P-06	Riverton Park	\$ 2,183.54	\$ 26,202.48
P-07	John Magee Park	\$ 599.91	\$ 7,198.92
P-09	Voorburg Park	\$ 436.30	\$ 5,235.60
P-10	Nicolas Road Park	\$ 1,309.92	\$ 15,719.04
P-11	Butterfield Stage Park	\$ 1,309.92	\$ 15,719.04
P-12	Temecula Duck Pond Park	\$ 2,728.91	\$ 32,746.92
P-13	Rotary Park	\$ 381.76	\$ 4,581.12
P-14	Nakayama Park	\$ 381.76	\$ 4,581.12
P-15	Winchester Creek Park	\$ 1,746.21	\$ 20,954.52
P-16	Long Canyon Creek Park	\$ 1,746.21	\$ 20,954.52
P-17	Vail Ranch Park	\$ 7,314.13	\$ 87,769.56
P-18	Stephen Michael Linen Jr. Memorial Park	\$ 873.62	\$ 10,483.44
P-19	Pablo Apis Park	\$ 873.62	\$ 10,483.44
P-20	Crowne Hill Park	\$ 1,637.14	\$ 19,645.68
P-21	Meadows Park	\$ 2,183.54	\$ 26,202.48
P-22	Pauba Ridge Park	\$ 2,183.54	\$ 26,202.48
P-23	Serena Hills Park	\$ 1,418.99	\$ 17,027.88
P-24	Harveston Lake Park	\$ 4,147.90	\$ 49,774.80
P-25	Sunset Park	\$ 710.01	\$ 8,520.12
P-26	Paseo Gallante Park	\$ 819.08	\$ 9,828.96
P-27	Temecula Creek Trail Park	\$ 2,074.46	\$ 24,893.52
P-28	Redhawk Community Park	\$ 6,768.76	\$ 81,225.12
P-29	Wolf Creek Trail Park	\$ 3,275.31	\$ 39,303.72
P-30	Wolf Creek Park	\$ 272.69	\$ 3,272.28
P-31	Skyview Park	\$ 1,965.39	\$ 23,584.68
PR-01	Temecula Park & Ride	\$ 710.01	\$ 8,520.12
SS-01	Via Eduardo Streetscape	\$ 272.69	\$ 3,272.28
SS-03	Margarita Road Right-of-Way	\$ 873.62	\$ 10,483.44
FC-01	Nada Lane	\$ 218.15	\$ 2,617.80
T-01	Santa Gertrudis Creek Trail	\$ 664.73	\$ 7,976.76
T-02	Temecula Creek Village Trail	\$ 218.15	\$ 2,617.80
T-03	Murrieta Creek Multi-Purpose Trail	\$ 1,812.07	\$ 21,744.84
T-04	Murrieta Creek Trail - Phase 2*	\$ 1,965.39	\$ 23,584.68
TOTAL:		\$ 61,916.99	\$ 743,003.88

Landscape Maintenance Service Area Fee Schedule			
SLOPES - (Service Level C)			
Site No.	Site Name	Monthly Fee FY24/25	Annual Cost FY24/25
S-01	Saddlewood (Pavilion Point)	\$ 2,292.61	\$ 27,511.32
S-02	Winchester Creek (I and II)	\$ 1,582.60	\$ 18,991.20
S-03	Rancho Highlands	\$ 1,800.75	\$ 21,609.00
S-04	The Vineyards	\$ 317.96	\$ 3,815.52
S-05	Signet Series	\$ 1,637.14	\$ 19,645.68
S-06	Woodcrest Country	\$ 819.08	\$ 9,828.96
S-07	Ridgeview	\$ 545.37	\$ 6,544.44
S-08	Village Grove	\$ 6,113.29	\$ 73,359.48
S-09	Rancho Solana	\$ 82.32	\$ 987.84
S-10	Martinique	\$ 272.69	\$ 3,272.28
S-11	Meadowview	\$ 67.91	\$ 814.92
S-12	Vintage Hills	\$ 3,820.68	\$ 45,848.16
S-13	Presley Development (Veranda, Country Glen, Bridlevale)	\$ 1,255.38	\$ 15,064.56
S-14	Morrison Homes (Mirada)	\$ 490.83	\$ 5,889.96
S-15	Barclay Estates	\$ 436.30	\$ 5,235.60
S-16	Tradewinds	\$ 1,037.23	\$ 12,446.76
S-17	Monte Vista	\$ 77.18	\$ 926.16
S-18	Temeku Hills	\$ 4,147.90	\$ 49,774.80
S-19	Chantemar (Campos Verde)	\$ 2,728.91	\$ 32,746.92
S-20	Crowne Hill	\$ 6,004.22	\$ 72,050.64
S-21	Vail Ranch	\$ 10,319.84	\$ 123,838.08
S-22	Sutton Place	\$ 176.99	\$ 2,123.88
S-23	Pheasant Run	\$ 245.93	\$ 2,951.16
S-24	Harveston	\$ 6,004.22	\$ 72,050.64
S-25	Serena Hills	\$ 1,910.85	\$ 22,930.20
S-26	Gallery Traditions	\$ 67.91	\$ 814.92
S-27	Avondale	\$ 272.69	\$ 3,272.28
S-28	Wolf Creek	\$ 9,279.52	\$ 111,354.24
S-29	Gallery Portraits	\$ 109.07	\$ 1,308.84
TOTAL:		\$ 63,917.37	\$ 767,008.44

Landscape Maintenance Service Area Fee Schedule			
SPORTS PARKS/SCHOOL SITES			
Site No.	Site Name	Monthly Fee FY24/25	Annual Cost FY24/25
SP-01	Ronald Reagan Sports Park	\$ 16,142.95	\$ 193,715.40
SP-02	Paloma Del Sol Park	\$ 6,006.27	\$ 72,075.24
SP-03	Friendship Park	\$ 3,467.73	\$ 41,612.76
SP-04	Kent Hintergardt Park	\$ 5,954.82	\$ 71,457.84
SP-05	Michael "Mike" Naggar Community Park	\$ 5,879.71	\$ 70,556.52
SP-06	Temeku Hills Park	\$ 6,186.35	\$ 74,236.20
SP-07	Harveston Community Park	\$ 9,623.21	\$ 115,478.52
SP-08	Patricia H. Birdsall Sports Park	\$ 14,557.26	\$ 174,687.12
SP-09	Sports Ranch at Sommers Bend	\$ 9,246.59	\$ 110,959.08
SC-01	Temecula Middle School - baseball fields	\$ 463.05	\$ 5,556.60
SC-02	Temecula Elementary School - baseball fields	\$ 475.40	\$ 5,704.80
SC-03	James L Day Middle School - baseball fields	\$ 393.08	\$ 4,716.96
SC-04	Temecula Valley High School - tennis courts	\$ 464.08	\$ 5,568.96
SC-06	Vail Ranch Middle School - baseball fields/basketball courts	\$ 643.13	\$ 7,717.56
SC-09	Great Oak High School - tennis courts	\$ 369.41	\$ 4,432.92
TOTAL:		\$ 79,873.04	\$ 958,476.48

**LANDSCAPE MAINTENANCE EXTRA WORK
PRICE SHEET**

I. Turf Maintenance (All Turf Areas)

Unit Cost

1. Mowing (Including Bagging of Clippings)	\$	0.0106	sq. ft.
2. Edging	\$	0.0027	linear ft.
3. String Trimming	\$	0.0027	linear ft.
4. Aerification (Core/3")	\$	0.0159	sq. ft.
5. Aerification (Deep Tine/6")	\$	0.0170	sq. ft.
6. Weed Removal (Manual)	\$	42.39	per man hr.
7. Pest Control (Manual)	\$	52.99	per man hr.
8. Fertilization (Placement Only)	\$	0.0027	sq. ft.
9. Materials (Fertilizer, Soil Amends)		25.00	% mark-up

II. General Landscape Maintenance (Planters and Slope Areas)

Unit Cost

1. Edging (Ground Cover)	\$	0.0053	linear ft.
2. Trimming (Shrubs, Ground Cover)			per proposal sq. ft.
3. Pruning/Shrubs, Vines, Roses			per proposal sq. ft.
4. Pruning/Trees (To 18')	\$	476.94	each
5. Weed Removal (Manual)	\$	42.39	per man hr.
6. Pest Control (Manual)	\$	52.99	per man hr.
7. Fertilization (Placement Only)	\$	0.0027	sq. ft.
8. Vegetation Removal			per proposal sq. ft.
9. Materials (Fertilizer, Soil Amends)		25.00	% mark-up

III. Plant Material (Installed, All Areas)

Unit Cost

1. Annual Color (4" Container)	\$	3.18	each
2. Ground Cover	\$	37.10	flat
3. One (1) Gallon	\$	11.66	each
4. Five (5) Gallon	\$	33.92	each
5. Fifteen (15) Gallon	\$	100.69	each
6. 24" Box Tree	\$	418.65	each
7. Seeded Turf	\$	2.89	sq. ft.
8. Sodded Turf	\$	3.71	sq. ft.
9. Hydroseed			per proposal sq. ft.
10. Soil Preparation (Existing Area)			per proposal sq. ft.
11. Soil Preparation (New Area)			per proposal sq. ft.
12. Wood Mulch	\$	68.89	cu. yd.

Note: plant materials quoted above are for standard shrub varieties - premium varieties are subject to additional cost based on market rate. 15 gallon size trees will incur additional charge for stakes and ties.

IV. Irrigation System Maintenance

Unit Cost

- | | | | |
|---|----|-------|-----------|
| 1. Inspection | \$ | 61.47 | per hr. |
| 2. Repair (Main Line, Lateral Line, Sprinklers) | \$ | 61.47 | per hr. |
| 3. Parts | | 25.00 | % mark-up |

V. General Pest Control

Unit Cost

- | | | | |
|----------------------------------|----|-------|-----------|
| 1. Written Recommendation by PCA | \$ | 52.99 | each |
| 2. Qualified Applicator (QAC) | \$ | 74.19 | per hr. |
| 3. Trained Applicator | \$ | 68.89 | per hr. |
| 4. Material | | 25.00 | % mark-up |

VI Labor Rates (Regular Work Hours)

Unit Cost

- | | | | |
|-----------------------------|----|-------|---------|
| 1. Laborer (Maintenance) | \$ | 42.39 | per hr. |
| 2. Foreman (Maintenance) | \$ | 61.47 | per hr. |
| 3. Supervisor (Maintenance) | \$ | 90.09 | per hr. |



**State of California
Secretary of State**

S

E-J34320

FILED

In the office of the Secretary of State of the State of California

Jan - 26 2012

This Space For Filing Use Only

Statement of Information

(Domestic Stock and Agricultural Cooperative Corporations)

FEES (Filing and Disclosure): \$25.00. If amendment, see instructions.

IMPORTANT - READ INSTRUCTIONS BEFORE COMPLETING THIS FORM

1. CORPORATE NAME

C1704312
NIEVES LANDSCAPE INC.
GREG NIEVES
1629 E. EDINGER AVE
SANTA ANA CA 92705

Due Date:

Complete Addresses for the Following (Do not abbreviate the name of the city. Items 2 and 3 cannot be P.O. Boxes.)

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE	CITY	STATE	ZIP CODE
1629 E. EDINGER AVE SANTA ANA CA 92705			

3. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY	CITY	STATE	ZIP CODE
1629 E. EDINGER AVE SANTA ANA CA 92705			

4. MAILING ADDRESS OF THE CORPORATION, IF DIFFERENT THAN ITEM 2	CITY	STATE	ZIP CODE
GREG NIEVES 1629 E. EDINGER AVE SANTA ANA CA 92705			

Names and Complete Addresses of the Following Officers (The corporation must list these three officers. A comparable title for the specific officer may be added; however, the preprinted titles on this form must not be altered.)

5. CHIEF EXECUTIVE OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
GREG NIEVES	1599 PARKRIDGE AVENUE NORCO, CA 92860			

6. SECRETARY	ADDRESS	CITY	STATE	ZIP CODE
GREG NIEVES	1599 PARKRIDGE AVENUE NORCO, CA 92860			

7. CHIEF FINANCIAL OFFICER/	ADDRESS	CITY	STATE	ZIP CODE
GREG NIEVES	1599 PARKRIDGE AVENUE NORCO CA 92860			

Names and Complete Addresses of All Directors, Including Directors Who Are Also Officers (The corporation must have at least one director. Attach additional pages, if necessary.)

8. NAME	ADDRESS	CITY	STATE	ZIP CODE
GREG NIEVES	1599 PARKRIDGE AVENUE NORCO, CA 92860			

9. NAME	ADDRESS	CITY	STATE	ZIP CODE

10. NAME	ADDRESS	CITY	STATE	ZIP CODE

11. NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY:

Agent for Service of Process (If the agent is an individual, the agent must reside in California and Item 13 must be completed with a California street address (a P.O.Box address is not acceptable). If the agent is another corporation, the agent must have on file with the California Secretary of State a certificate pursuant to California Corporations Code section 1505 and Item 13 must be left blank.)

12. NAME OF AGENT FOR SERVICE OF PROCESS

GREG NIEVES

13. STREET ADDRESS OF AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL	CITY	STATE	ZIP CODE
1599 PARKRIDGE AVENUE NORCO, CA 92860			

Type of Business

14. DESCRIBE THE TYPE OF BUSINESS OF THE CORPORATION
LANDSCAPE MAINTENANCE

15. BY SUBMITTING THIS STATEMENT OF INFORMATION TO THE CALIFORNIA SECRETARY OF STATE, THE CORPORATION CERTIFIES THE INFORMATION CONTAINED HEREIN, INCLUDING ANY ATTACHMENTS, IS TRUE AND CORRECT.

01/26/2012

GREG NIEVES

PRESIDENT

DATE

TYPE OR PRINT NAME OF PERSON COMPLETING THE FORM

TITLE

SIGNATURE