

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

**LANDSCAPE MAINTENANCE**

**THIS THIRD AMENDMENT** is made and entered into as of **June 13, 2023** 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. The parties now desire to extend the term of the agreement to **June 30, 2024**, increase the payment in the amount of **\$2,836,584.00**, 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, 2024** 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 **THIRD** Amendment amount shall not exceed **Two Million**,

**Eight Hundred Thirty-Six Thousand, Five Hundred Eighty-Four Dollars and No Cents (\$2,836,584.00), for additional landscape maintenance services for a total Agreement amount of Nine Million, One Hundred Twenty-Three Thousand, Forty Dollars and Twenty-Eight Cents (\$9,123,040.28).**

for the total term of this agreement, unless additional payment is approved as provided in this agreement.

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

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: \_\_\_\_\_  
Zak Schwank, Mayor

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) 334-1677 → 936 8862  
Jcho@nieveslandscape.com

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| City Purchasing Mgr.<br>Initials and<br>Date:<br> |
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# ATTACHMENT A

## EXHIBIT B PAYMENT RATES AND SCHEDULE Fiscal Year 2023-24 Rate Schedules

| Landscape Maintenance Service Area Fee Schedule |  |                        |                        |
|---|--|------------------------|------------------------|
| FACILITIES                                      |  |                        |                        |
| Site No.  | Site Name  | Monthly Fee<br>FY23/24 | Annual Cost<br>FY23/24 |
| F-01  | Community Recreation Center                      | \$ 2,546.00            | \$ 30,552.00           |
| F-02  | Mary Phillips Senior Center                      | \$ 743.00              | \$ 8,916.00            |
| F-03A   | Temecula Valley Entrepreneurs<br>Exchange (TVE2) | \$ 1,061.00            | \$ 12,732.00           |
| F-03C   | Field Operations Center (FOC)                    | \$ 106.00              | \$ 1,272.00            |
| F-04  | Temecula Community Center                        | \$ 477.00              | \$ 5,724.00            |
| F-05  | Fire Station #84                                 | \$ 690.00              | \$ 8,280.00            |
| F-06  | Old Town Temecula                                | \$ 3,183.00            | \$ 38,196.00           |
| F-10  | Temecula Children's Museum                       | \$ 265.00              | \$ 3,180.00            |
| F-12  | Temecula Community Theater                       | \$ 106.00              | \$ 1,272.00            |
| F-13  | Temecula Public Library                          | \$ 1,167.00            | \$ 14,004.00           |
| F-15  | Wolf Creek Fire Station #92                      | \$ 477.00              | \$ 5,724.00            |
| F-16  | Fire Station #73                                 | \$ 212.00              | \$ 2,544.00            |
| F-17A   | Civic Center/Town Square                         | \$ 1,061.00            | \$ 12,732.00           |
| F-17B   | Parking Garage                                   | \$ 212.00              | \$ 2,544.00            |
| F-19  | Roripaugh Fire Station #95                       | \$ 530.00              | \$ 6,360.00            |
| F-20  | Overland Training Center                         | \$ 159.00              | \$ 1,908.00            |
| F-21  | Margarita Recreation Center                      | \$ 212.00              | \$ 2,544.00            |
| F-30  | Jefferson Recreation Center                      | \$ 106.00              | \$ 1,272.00            |
| <b>TOTAL:</b>                                   |  | <b>\$ 13,313.00</b>    | <b>\$ 159,756.00</b>   |

| Landscape Maintenance Service Area Fee Schedule |  |                        |                        |
|---|--|------------------------|------------------------|
| MEDIANS   |  |                        |                        |
| Site No.  | Site Name  | Monthly Fee<br>FY23/24 | Annual Cost<br>FY23/24 |
| M-01  | Rancho California Road Medians   | \$ 1,061.00            | \$ 12,732.00           |
| M-02  | Ynez Road Medians  | \$ 1,061.00            | \$ 12,732.00           |
| M-03  | Butterfield Stage Road Medians   | \$ 1,485.00            | \$ 17,820.00           |
| M-03  | Butterfield Stage Road Medians (North)   | \$ 1,697.00            | \$ 20,364.00           |
| M-04  | Margarita Road Medians (North)   | \$ 796.00              | \$ 9,552.00            |
| M-05  | Margarita Road Medians (South)   | \$ 159.00              | \$ 1,908.00            |
| M-06  | Winchester Road at Jefferson Median  | \$ 2,864.00            | \$ 34,368.00           |
| M-07  | Pechanga Parkway Medians   | \$ 1,697.00            | \$ 20,364.00           |
| M-08  | Meadows Parkway Medians (North)  | \$ 796.00              | \$ 9,552.00            |
| M-09  | Paseo Del Sol Medians  | \$ 796.00              | \$ 9,552.00            |
| M-10  | Harveston Medians (Date Street/Margarita Road)   | \$ 2,652.00            | \$ 31,824.00           |
| M-11  | Jefferson Avenue Medians   | \$ 159.00              | \$ 1,908.00            |
| M-13  | Redhawk Medians  | \$ 1,061.00            | \$ 12,732.00           |
| M-14  | Temecula Parkway Medians   | \$ 2,122.00            | \$ 25,464.00           |
| M-15  | Wolf Valley Road Medians   | \$ 85.00               | \$ 1,020.00            |
| M-16  | Diaz Rd Medians / Parkway  | \$ 637.00              | \$ 7,644.00            |
| M-17  | Meadows Parkway Medians (South)  | \$ 743.00              | \$ 8,916.00            |
| M-18  | Murrieta Hot Springs Road Medians  | \$ 530.00              | \$ 6,360.00            |
| M-19  | De Portola Rd Medians at Temecula Valley Hospital  | \$ 106.00              | \$ 1,272.00            |
| FW-01   | Interstate 15 On/Off Ramps (Winchester Road, Rancho California Road, Temecula Parkway Interchange) | \$ 2,652.00            | \$ 31,824.00           |
| <b>TOTAL:</b>                                   |  | <b>\$ 23,159.00</b>    | <b>\$ 277,908.00</b>   |
|   |  |                        |                        |

| Landscape Maintenance Service Area Fee Schedule |   |                        |                        |
|---|---|------------------------|------------------------|
| Passive Parks, Streetscapes & Trails            |   |                        |                        |
| Site No.  | Site Name                               | Monthly Fee<br>FY23/24 | Annual Cost<br>FY23/24 |
| P-01  | Veterans Park                           | \$ 2,016.00            | \$ 24,192.00           |
| P-02  | Sam Hicks Monument Park                 | \$ 1,697.00            | \$ 20,364.00           |
| P-03  | Calle Aragon Park                       | \$ 318.00              | \$ 3,816.00            |
| P-04  | Bahia Vista Park                        | \$ 318.00              | \$ 3,816.00            |
| P-05  | Loma Linda Park                         | \$ 1,326.00            | \$ 15,912.00           |
| P-06  | Riverton Park                           | \$ 2,122.00            | \$ 25,464.00           |
| P-07  | John Magee Park                         | \$ 583.00              | \$ 6,996.00            |
| P-09  | Voorburg Park                           | \$ 424.00              | \$ 5,088.00            |
| P-10  | Nicolas Road Park                       | \$ 1,273.00            | \$ 15,276.00           |
| P-11  | Butterfield Stage Park                  | \$ 1,273.00            | \$ 15,276.00           |
| P-12  | Temecula Duck Pond Park                 | \$ 2,652.00            | \$ 31,824.00           |
| P-13  | Rotary Park                             | \$ 371.00              | \$ 4,452.00            |
| P-14  | Nakayama Park                           | \$ 371.00              | \$ 4,452.00            |
| P-15  | Winchester Creek Park                   | \$ 1,697.00            | \$ 20,364.00           |
| P-16  | Long Canyon Creek Park                  | \$ 1,697.00            | \$ 20,364.00           |
| P-17  | Vail Ranch Park                         | \$ 7,108.00            | \$ 85,296.00           |
| P-18  | Stephen Michael Linen Jr. Memorial Park | \$ 849.00              | \$ 10,188.00           |
| P-19  | Pablo Apis Park                         | \$ 849.00              | \$ 10,188.00           |
| P-20  | Crowne Hill Park                        | \$ 1,591.00            | \$ 19,092.00           |
| P-21  | Meadows Park                            | \$ 2,122.00            | \$ 25,464.00           |
| P-22  | Pauba Ridge Park                        | \$ 2,122.00            | \$ 25,464.00           |
| P-23  | Serena Hills Park                       | \$ 1,379.00            | \$ 16,548.00           |
| P-24  | Harveston Lake Park                     | \$ 4,031.00            | \$ 48,372.00           |
| P-25  | Sunset Park                             | \$ 690.00              | \$ 8,280.00            |
| P-26  | Paseo Gallante Park                     | \$ 796.00              | \$ 9,552.00            |
| P-27  | Temecula Creek Trail Park               | \$ 2,016.00            | \$ 24,192.00           |
| P-28  | Redhawk Community Park                  | \$ 6,578.00            | \$ 78,936.00           |
| P-29  | Wolf Creek Trail Park                   | \$ 3,183.00            | \$ 38,196.00           |
| P-30  | Wolf Creek Park                         | \$ 265.00              | \$ 3,180.00            |
| P-31  | Skyview Park                            | \$ 1,910.00            | \$ 22,920.00           |
| PR-01   | Temecula Park & Ride                    | \$ 690.00              | \$ 8,280.00            |
| SS-01   | Via Eduardo Streetscape                 | \$ 265.00              | \$ 3,180.00            |
| SS-03   | Margarita Road Right-of-Way             | \$ 849.00              | \$ 10,188.00           |
| FC-01   | Nada Lane                               | \$ 212.00              | \$ 2,544.00            |
| T-01  | Santa Gertrudis Creek Trail             | \$ 646.00              | \$ 7,752.00            |
| T-02  | Temecula Creek Village Trail            | \$ 212.00              | \$ 2,544.00            |
| T-03  | Murrieta Creek Multi-Purpose Trail      | \$ 1,761.00            | \$ 21,132.00           |
| T-04  | Murrieta Creek Trail - Phase 2*         | \$ 1,910.00            | \$ 22,920.00           |
| <b>TOTAL:</b>                                   |   | <b>\$ 60,172.00</b>    | <b>\$ 722,064.00</b>   |

| Landscape Maintenance Service Area Fee Schedule |   |                        |                        |
|---|---|------------------------|------------------------|
| SLOPES - (Service Level C)                      |   |                        |                        |
| Site No.  | Site Name   | Monthly Fee<br>FY23/24 | Annual Cost<br>FY23/24 |
| S-01  | Saddlewood (Pavilion Point)                             | \$ 2,228.00            | \$ 26,736.00           |
| S-02  | Winchester Creek (I and II)                             | \$ 1,538.00            | \$ 18,456.00           |
| S-03  | Rancho Highlands  | \$ 1,750.00            | \$ 21,000.00           |
| S-04  | The Vineyards   | \$ 309.00              | \$ 3,708.00            |
| S-05  | Signet Series   | \$ 1,591.00            | \$ 19,092.00           |
| S-06  | Woodcrest Country                                       | \$ 796.00              | \$ 9,552.00            |
| S-07  | Ridgeview   | \$ 530.00              | \$ 6,360.00            |
| S-08  | Village Grove   | \$ 5,941.00            | \$ 71,292.00           |
| S-09  | Rancho Solana   | \$ 80.00               | \$ 960.00              |
| S-10  | Martinique  | \$ 265.00              | \$ 3,180.00            |
| S-11  | Meadowview  | \$ 66.00               | \$ 792.00              |
| S-12  | Vintage Hills   | \$ 3,713.00            | \$ 44,556.00           |
| S-13  | Presley Development (Veranda, Country Glen, Bridlevale) | \$ 1,220.00            | \$ 14,640.00           |
| S-14  | Morrison Homes (Mirada)                                 | \$ 477.00              | \$ 5,724.00            |
| S-15  | Barclay Estates   | \$ 424.00              | \$ 5,088.00            |
| S-16  | Tradewinds  | \$ 1,008.00            | \$ 12,096.00           |
| S-17  | Monte Vista   | \$ 75.00               | \$ 900.00              |
| S-18  | Temeku Hills  | \$ 4,031.00            | \$ 48,372.00           |
| S-19  | Chantemar (Campos Verde)                                | \$ 2,652.00            | \$ 31,824.00           |
| S-20  | Crowne Hill   | \$ 5,835.00            | \$ 70,020.00           |
| S-21  | Vail Ranch  | \$ 10,029.00           | \$ 120,348.00          |
| S-22  | Sutton Place  | \$ 172.00              | \$ 2,064.00            |
| S-23  | Pheasant Run  | \$ 239.00              | \$ 2,868.00            |
| S-24  | Harveston   | \$ 5,835.00            | \$ 70,020.00           |
| S-25  | Serena Hills  | \$ 1,857.00            | \$ 22,284.00           |
| S-26  | Gallery Traditions                                      | \$ 66.00               | \$ 792.00              |
| S-27  | Avondale  | \$ 265.00              | \$ 3,180.00            |
| S-28  | Wolf Creek  | \$ 9,018.00            | \$ 108,216.00          |
| S-29  | Gallery Portraits                                       | \$ 106.00              | \$ 1,272.00            |
| <b>TOTAL:</b>                                   |   | <b>\$ 62,116.00</b>    | <b>\$ 745,392.00</b>   |

| <b>Landscape Maintenance Service Area Fee Schedule</b> |   |                                |                                |
|--|---|--------------------------------|--------------------------------|
| <b>SPORTS PARKS/SCHOOL SITES</b>                       |   |                                |                                |
| <b>Site No.</b>  | <b>Site Name</b>  | <b>Monthly Fee<br/>FY23/24</b> | <b>Annual Cost<br/>FY23/24</b> |
| SP-01  | Ronald Reagan Sports Park                                       | \$ 15,688.00                   | \$ 188,256.00                  |
| SP-02  | Paloma Del Sol Park   | \$ 5,837.00                    | \$ 70,044.00                   |
| SP-03  | Friendship Park   | \$ 3,370.00                    | \$ 40,440.00                   |
| SP-04  | Kent Hintergardt Park   | \$ 5,787.00                    | \$ 69,444.00                   |
| SP-05  | Michael "Mike" Naggar Community Park                            | \$ 5,714.00                    | \$ 68,568.00                   |
| SP-06  | Temeku Hills Park   | \$ 6,012.00                    | \$ 72,144.00                   |
| SP-07  | Harveston Community Park  | \$ 9,352.00                    | \$ 112,224.00                  |
| SP-08  | Patricia H. Birdsall Sports Park                                | \$ 14,147.00                   | \$ 169,764.00                  |
| SP-09  | Sports Ranch at Sommers Bend                                    | \$ 8,986.00                    | \$ 107,832.00                  |
| SC-01  | Temecula Middle School - baseball fields                        | \$ 450.00                      | \$ 5,400.00                    |
| SC-02  | Temecula Elementary School - baseball fields                    | \$ 462.00                      | \$ 5,544.00                    |
| SC-03  | James L Day Middle School - baseball fields                     | \$ 382.00                      | \$ 4,584.00                    |
| SC-04  | Temecula Valley High School - tennis courts                     | \$ 451.00                      | \$ 5,412.00                    |
| SC-06  | Vail Ranch Middle School - baseball<br>fields/basketball courts | \$ 625.00                      | \$ 7,500.00                    |
| SC-09  | Great Oak High School - tennis courts                           | \$ 359.00                      | \$ 4,308.00                    |
| <b>TOTAL:</b>  |   | <b>\$ 77,622.00</b>            | <b>\$ 931,464.00</b>           |



**LANDSCAPE MAINTENANCE EXTRA WORK  
PRICE SHEET**

**I. Turf Maintenance (All Turf Areas)**

**Unit Cost**

|  |    |        |             |
|--|----|--------|-------------|
| 1. Mowing (Including Bagging of Clippings) | \$ | 0.0103 | sq. ft.     |
| 2. Edging                                  | \$ | 0.0026 | linear ft.  |
| 3. String Trimming                         | \$ | 0.0026 | linear ft.  |
| 4. Aerification (Core/3")                  | \$ | 0.0155 | sq. ft.     |
| 5. Aerification (Deep Tine/6")             | \$ | 0.0165 | sq. ft.     |
| 6. Weed Removal (Manual)                   | \$ | 41.20  | per man hr. |
| 7. Pest Control (Manual)                   | \$ | 51.50  | per man hr. |
| 8. Fertilization (Placement Only)          | \$ | 0.0026 | 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)               | \$ | 0.0052       | 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')              | \$ | 463.50       | each        |
| 5. Weed Removal (Manual)               | \$ | 41.20        | per man hr. |
| 6. Pest Control (Manual)               | \$ | 51.50        | per man hr. |
| 7. Fertilization (Placement Only)      | \$ | 0.0026       | 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)       | \$ | 3.09         | each    |
| 2. Ground Cover                      | \$ | 36.05        | flat    |
| 3. One (1) Gallon                    | \$ | 11.33        | each    |
| 4. Five (5) Gallon                   | \$ | 32.96        | each    |
| 5. Fifteen (15) Gallon               | \$ | 97.85        | each    |
| 6. 24" Box Tree                      | \$ | 406.85       | each    |
| 7. Seeded Turf                       | \$ | 2.81         | sq. ft. |
| 8. Sodded Turf                       | \$ | 3.61         | 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                       | \$ | 66.95        | 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                                   | \$ | 59.74 | per hr.   |
| 2. Repair (Main Line, Lateral Line, Sprinklers) | \$ | 59.74 | per hr.   |
| 3. Parts  |    | 25.00 | % mark-up |

**V. General Pest Control**

**Unit Cost**

|                                  |    |       |           |
|----------------------------------|----|-------|-----------|
| 1. Written Recommendation by PCA | \$ | 51.50 | each      |
| 2. Qualified Applicator (QAC)    | \$ | 72.10 | per hr.   |
| 3. Trained Applicator            | \$ | 66.95 | per hr.   |
| 4. Material                      |    | 25.00 | % mark-up |

**VI Labor Rates (Regular Work Hours )**

**Unit Cost**

|                             |    |       |         |
|-----------------------------|----|-------|---------|
| 1. Laborer (Maintenance)    | \$ | 41.20 | per hr. |
| 2. Foreman (Maintenance)    | \$ | 59.74 | per hr. |
| 3. Supervisor (Maintenance) | \$ | 87.55 | per hr. |