

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

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

THIS FIFTH AMENDMENT is made and entered into as of **February 25, 2025**, 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, 2024**, increase the payment in the amount of **\$2,836,584.00**, plus contingency in the amount of **\$567,316.80**.
 - g. On **May 28, 2024**, the City and Contractor entered into the **Fourth Amendment** to that certain Agreement entitled "Agreement for **Minor Maintenance Services**," to extend the term to **June 30, 2025** and increase the payment in the amount of **\$2,918,844.96**.
 - H. The parties now desire to increase the contingency amount for extra work in the amount of **\$250,000**.

2. 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, Eight Hundred Fifty-Nine Thousand, Two Hundred and Two Thousand Two Dollars and Four Cents (\$12,859,202.04)**.

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

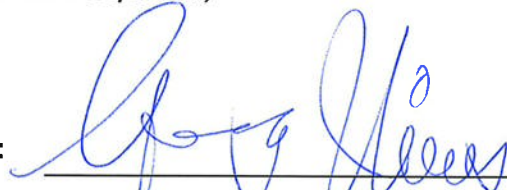
IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

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: _____
~~James Stewart, Mayor~~
Brenden Kalfus, 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

Jcho@nieveslandscape.com