

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2013-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A SECOND AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND GONZALEZ BROTHERS LANDSCAPING, INC. FOR LANDSCAPING AND FACILITIES MAINTENANCE SERVICES TO EXTEND SAME FOR A TWO YEAR PERIOD WITH AN OPTIONAL 2 YEAR RENEWAL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, in 2007 the City of Marathon, Florida (the "City") and Gonzalez Landscaping, Inc. ("Gonzalez") entered into a contract for landscaping and facilities maintenance at all of the City's parks and beaches (the "Contract"); and

**WHEREAS**, in 2009 the Contract was modified and extended by the City, and in 2011 the Contract was extended until September 30, 2013; and

**WHEREAS**, the City and Gonzalez desire to amend and extend the Contract, as reflected in the Second Amendment to the Contract as set forth herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**


**Section 1.** The above recitals are true and correct and incorporated herein.

**Section 2.** The Second Amendment between the City and Gonzalez, a copy of which is attached hereto as "Exhibit A", is hereby approved. The City Manager is authorized to execute the Second Amendment and expend budgeted funds on behalf of the City.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 11<sup>th</sup> DAY OF JUNE, 2013.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Mike Cinque, Mayor**

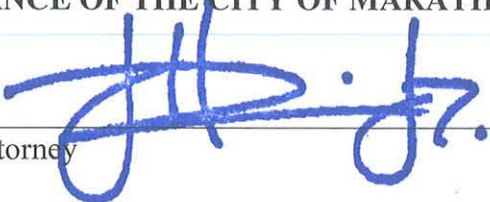
AYES: Bull, Keating, Ramsay, Snead, Cinque  
NOES: None  
ABSENT: None  
ABSTAIN: None

**ATTEST:**

  
\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND  
RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

  
\_\_\_\_\_  
City Attorney

**SECOND AMENDMENT TO CONTRACT  
FOR  
LANDSCAPE AND FACILITIES MAINTENANCE SERVICES**

This Second Amendment to the Contract for Landscape and Facilities Maintenance Services (the "Second Amendment") made and entered into this 11<sup>th</sup> day of June 2013 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as "City") and Gonzalez Landscaping Brothers, Inc., a Florida corporation, with its address at P.O. Box 501740, Marathon, Florida 33050 (hereinafter referred to as "Contractor").

**WITNESSETH:**

**WHEREAS**, on August 14, 2007, the City and Contractor entered into a Contract for Landscape and Facilities Maintenance Services (the "Contract"), attached as Exhibit "A;" and

**WHEREAS**, on July 14, 2009 the City and Contractor modified the Contract by a Change Order, attached as Exhibit "B"; and

**WHEREAS**, in 2011 the City and Contractor entered into a First Amendment to the Contract (the "First Amendment"), attached as Exhibit "C" that extended the Contract until September 30, 2013; and

**WHEREAS**, the City and Contractor desire to further amend the Contract as set forth herein.

**NOW THEREFORE**, in consideration of the mutual promises and covenants set forth in this Second Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

**Section 1. Amendment to Section 2.3 of the Contract**

**2.3 TERM:**

This Contract shall continue through September 30, ~~2013~~ 2015. The City may, at its sole option, extend this Contract on the same terms and conditions for an additional two (2) year term. Such extension shall be effective upon written notice from the City to the Contractor received no later than 30 days prior to the date of termination.

**Section 4. Amendment to Section 4 of the Contract**

Detailed Scope is replaced in entirety as follows with no change to contract pricing:

The Contractor shall furnish all labor, materials, supervision, equipment, supplies, tools, services, and all other necessary incidentals required to perform complete

Landscape and Facilities Maintenance Services. Existing Facilities serviced include: Marathon Community Park, Sombrero Beach Park, Coco Plum Beach Park, Rotary Park, Jesse Hobbs Park and 33<sup>rd</sup> Street Boat Ramp.

### Fertilization

a. All Turf Areas March and September 24-5-11 @ 5lbs. Per 1000 square feet; May and July 14-4-14 with insecticide @ 6lbs. Per 1000 square feet; December 21-0-0 @ 4.5 lbs. per 1000 square feet. Fertilizer to be completed and shall include microelements such as Mg, Mn, Cu, Zn, S, and Mo. The Contractor shall submit a fertilizer label to the City representative for approval prior to application. No changes or substitutions will be permitted unless approval of the City representative is secured. Add 2 additional applications per year.

b. At times environmental conditions may require additional applications of nutrients, augmenting the above fertilization programs to see that turf areas are kept uniformly GREEN, healthy and in top condition. It shall be the responsibility of the Contractor to determine specific needs and requirements and notify the City representative when these additional applications are needed and being executed.

c. Fertilizers containing iron shall be removed from curbs, roads, walks, and driveways to avoid staining before the sprinklers are activated after application of the fertilizer.

d. The complete fertilizers specified shall contain a combination of soluble nitrogen and W.I.N. nitrogen. Such fertilizer shall be watered in promptly after application.

e. Provide 2 soil test samples per year in July and November to determine whether changes in the fertilizer pH or fertilizer formulations are indicated. The test results shall be given to the City representative and the Monroe County Horticultural Agent for review. If it is determined, by the City representative after this review, that the pH or fertilizer formulations should be changed, the City will so advise the Contractor in writing and the Contractor shall implement such change at the Contractor's expense within 2 weeks of receipt of said notice.

f. The method of application of fertilizer shall be the responsibility of the Contractor. If any turf is badly damaged or killed by excessive fertilizer, it shall be replaced by the Contractor at its expense.

g. Annual grassy weeds shall be controlled by pre-emergent herbicides applied before seed germination begins.

h. Annual grasses, annual broadleaf weeds, perennial broadleaf weeds and sedges may be treated in Bahia turf with post-emergent herbicides.

i. No spraying for weeds in either type of turf may be done when there is any danger of winds causing a spray drift into surrounding plants.

j. Weed control elsewhere than in turf. The Contractor shall keep all planted areas free of weeds at all times. This includes the bases of trees and shrubs, beds, and borders. In general, weeds shall be removed by hand from these areas. Chemicals which may cause plant injury, decline or death shall not be used. Granular Balan and Ronstar G under some circumstance may be used for pre-emergent control after weeds have been removed by hand.

k. Mechanical treatment may be necessary if and when directed by the City representative.

### **Insect and Pest Control**

a. An insect and pest control program designed to prevent damage to Bahia and St. Augustine turf will be provided by the Contractor on an "as needed" basis or whenever requested by the City representative. Particular attention to damage by mole crickets, sod web worms, and army worms will require that control programs be initiated promptly. Restricted chemicals may be used only by a certified pest control operator.

b. Infestations by other insects and pests shall be controlled by chemicals approved by the City representative prior to their use. Amdro shall be used on fire ants, Diazinon, Talstar and Sevin Dust 80% WP shall be used when needed on other species of ants. Diazinon, Oftanol and Talstar are approved for use on chiggers, fleas, ticks, and other insects. Diazinon and Talstar may also be used on white grubs, billbugs, spittlebugs, millipedes, earwigs, sowbugs. The earwig should not be sprayed if possible as it is a useful predator of lawn caterpillars. There are many chemical controls available. The Contractor may propose the use of other chemicals for approval by the City representative.

c. Trees and Shrubs - When insects such as scales, stinging caterpillars, hornworms, mealy bugs, spittlebugs, beetles, grasshoppers, katydids, leaf minors, leaf rollers, borers or others are detected and are reaching damaging levels on landscape plants, the Contractor shall apply the appropriate control measures. These may be general purpose sprays or systemic insecticides and their selection shall be related to the way they damage plants. The chemical selected shall control the target pest and be safe to use on the host plant. It is not necessary always to spray to control insect or mite populations. Whenever possible use a mechanical control method, biological controls or other non-chemical methods. The number of sprays per year needed cannot be predicted. Some plants will require repeated sprays to control scale or caterpillars. The Contractor shall plan for a minimum of two sprays for all plants as an average.

### **Disease control**

a. Since diseases are easier to prevent than control, the Contractor shall apply at least three sprays per year to all plants known to be susceptible to the most common disease such as; Brown Patch, Dollar Spot, Gray Leaf Spot, Ruse and Helmenthosporium of St. Augustine. Fungicides approved by the City representative shall be used by the Contractor include; Daconil, Fore, Terson

1991, Thiram, Terraclor, Dyrene and Terson LSR, and Contractor will inspect weekly for turf grass disease and shall spray on an "as needed" basis. The City's representative to be informed on all activities or problems.

b. Tree and shrub fungicides shall be applied to assist in prevention of diseases on susceptible species. In some cases sprays or injections will be applied to combat other living agents such as bacteria, viruses, microplasmas, algae, nematodes, or viroids. The best method of control shall be used by the Contractor for the given situation. The most important consideration when combating disease is to have the spray on the plant before infection takes place; most fungicides are protectants not eradicates.

c. Diseases which commonly attack plants include; Botrytis Blight, Bacterial Wilt, Brown Gall, Mushroom Root Rot, Powdery Mildews, Pythium Root Rots, Thizonctonia Stem Rot, Sclerotonea Rot, and Southern Wilt. The Contractor shall apply preventative sprays such as Beomyl (Benlate), copper sulfate or Daconil as protectant sprays on an "as needed" basis.

d. If diseases are diagnosed which have no known method of control, the City representative shall be notified promptly. If the disease is confirmed, the plant shall be removed and destroyed off site. In some cases, the Contractor shall remove infected soil and replace with new soil before replacing the diseased plant.

e. Other chemicals to control or prevent disease may be used on selected plants.

f. The Contractor shall assume full responsibility for spray damage to plants. It or its applicator shall be properly trained and licensed for commercial spraying. A photocopy of the applicator's license shall be provided. Disease of Sabals includes leaf scab, Phytophthora Bud Rot , Black Mildew, and Manganese. The Contractor shall take prompt action to control these conditions either by spraying with appropriate chemicals such as Copper sulfate, Zineb, Tru Ban, and Benlate or in the case of Manganese deficiency either by applying Manganese to the soil or applying it as a one percent foliar spray.

### **Shrubs, Trees, Palms, and Annuals Fertilization**

a. The Contractor shall fertilize all trees, palms, shrubs, ground covers and annuals to maintain them in a healthy growing condition, free from symptoms of nutritional deficiency or undesirable appearance.

b. The number of fertilizer applications per year for shrubs, trees, and palms will normally be two (2) but annuals may require more applications as noted below.

c. A complete acid fertilizer such as an 8-4-8 organic with micro nutrients shall be applied in February, and September and at such other times as required by the City.

### **Landscape Trees and Plantings shall be fertilized as follows:**

a. Annuals - Apply 1 lb. Per 25 square feet of 14-12-14 analysis slow release every 3 months or as needed and follow at two week intervals with the application of 20-20-20 liquid fertilizer, at rates directed by the manufacturer.

b. Shrubs and Ground Covers- May and November; Apply 1/2 lb. Of 8-10-10 analysis fertilizer per plant.

c. Medium Shrubs- May and November; Apply 3/4 - 1 lb. Of 8-10-10 analysis fertilizer per plant.

d. Large Shrubs- May and November; Apply 1 3/4 - 2 lb. Of 8-10-10 analysis fertilizer per plant.

e. Distribution. The fertilizer shall be well scattered in an area from halfway between the stem and the drip line of the circumference. The fertilizer shall be distributed as evenly as possible by hand or by special mechanical applicator. The Contractor shall apply fertilizers to plants which are turgid and shall water-in the fertilizer promptly and thoroughly after application. Fertilizer which lands on leaves shall be shaken off or hosed off leaves.

f. Palms- May and November; apply a 13-3-13 analysis fertilizer at the rate of one pound per foot of clear trunk (5 to 10 pounds, maximum).

g. Trees- May and November; Apply a 8-10-10 analysis fertilizer at the rate of 1 to 2 lbs. per inch of diameter for trees 6 inches or less and 2 to 4 lbs. per inch of diameter for trees 6 inches or more. Do not fertilize within 2 feet of the trunk of a small tree or within 4 feet of a trunk of a large tree.

h. Distribution- The hole or punch-bar method is required for applying fertilizer to tree and palms. The holes should be as close to a foot deep as possible, one to two inches in diameter and two feet apart, expending about two feet past the drip line of the tree or palm. Fill holes with fertilizer after having established amount as herein before specified.

i. Not less than seventy-two (72) hours prior to the application or placement of any fertilizer, the Contractor shall notify the City representative of the time and date that the Contractor will apply fertilizers.

### **Pruning**

a. All pruning shall be performed as required to maintain the natural shape and characteristics of the plant species. The City representative shall be made aware of all pruning activities.

b. Pruning shall also include removal of trees, palms, shrubs, or ground covers that are dead, broken or diseased. When diseased plant material is removed, the cut should be made well into healthy plant tissue or the plant totally removed.

- c. Pruning shall include the removal of inward growing branches, water suckers and crossing or rubbing branches. The crossing branch facing inward will generally be selected for removal.
- d. Major pruning shall be done by the Contractor to shape individual plant species and/or to renew the vigor of the particular plant species.
- e. Prune all trees in January, in accordance with pruning standards for shade trees as prescribed by the National Arborists Association.
- f. Starting the week after the traditional Easter Holiday, trim all ornamental grasses (Fountain, Fakahatchee etc.) to the ground.
- g. Follow the completion of the ornamental grass pruning with pruning on Philodendrum, Pittosporum, Sea Grapes, Bouganvillia, Silver Buttonwood, Coco Plum, Jasmine, Liriope, and Purple Queen and other non-flowering shrub species. As soon as the major flowering of the Oleander species has been completed in late spring, any necessary required pruning should occur.
- h. Palms and related plants shall be pruned in August and early September. Pruning shall require the removal of all fronds as close to the trunk as possible when they are brown on the tips or when the fronds are infested with the leaf scarifier. Dead and live inflorescence shall be removed at the same time. Do not remove all green healthy fronds (just to make it easier to reach dead fruiting stalks or emerging florescence) and avoid nicking the petioles of adjacent healthy fronds. Unsightly dead fronds that occur at other times of the year shall be removed immediately.
- i. An additional trim, to the ground, of the ornamental grass may be required in September.
- j. When major pruning begins on a particular species of plant, it shall continue until all plants of that species have been pruned within the City subject to this Contract.
- k. Minor pruning shall occur throughout the year to keep individual plants within desired limits on an "as needed" basis.
- l. The Contractor shall prune vertical growth at a 45 degree angle. Branches shall be removed flush with the trunk.
- m. The Contractor is required to remove all pruned materials and debris from the site each day.
- n. Plant materials shall be trimmed on a regular basis from around landscape lighting accent fixtures and signage.



## Special Requirements

a. All tree bracing systems shall be checked regularly and tightened or removed as needed.

b. Mulch shall be replenished in November, February, May, and August, or at the City's request as it deteriorates, is blown, washed away, or becomes unsightly. Mulch shall be Grade "B" Dark Red Shredded Cypress. Mulch shall be kept one foot away from the base of all trees and palm trunks and six inches away from the base of all shrub stems. The depth of mulch in no case shall be greater than a three inch depth. If mulch build up occurs greater than three inches in depth, the existing mulch shall be removed and the area re-mulched to the proper three inch depth.

c. Seasonal Planting - All seasonal plantings shall be maintained by the Contractor in the following manner: Soil Bed Preparation:

1. Remove all grass, weeds, stones, and other debris from seasonal color beds.

2. Treat all beds for nematodes with Clandosan (or approved equal). Apply accordingly to label directions.

3. Apply four pounds 8-4-8 acid fertilizer per 100 sq. feet of bed area. Spade, roto- till or otherwise mix well until uniform and level off.

4. Test soil pH. Soil pH needs to be 5.5 to 7.0, correct with sulfur to lower pH as needed.

d. Plantings - Seasonal plantings are installed once per year. Plant material being installed shall be a minimum of 4 ½ " container and in a condition acceptable to the resident project representative.

e. Fertilizing

1. Fertilize with a soluble 20-20-20 fertilizer every two weeks mixed at the rate as directed on the label.

2. Soluble salts should be checked on a regular basis to ensure that roots will not be damaged by excessive fertilizer applications.

f. Watering - Watering needs to be performed about as often as turf needs to be watered. Monitor for possible additional watering requirements.

g. Weeding - Remove all weeds weekly so they do not compete for water and nutrients.

h. Insect and Disease Control - Check weekly for insects and possible disease, and follow through with the appropriate treatments.

i. Trash removal and litter pick-up - The City will provide a dumpster for the disposal of trash and litter collected within the City's parks and boat launches. The dumpsters will be available at the Sombrero Beach Park, the City Marina and the Community Park.

j. Skate Park Maintenance

1. Includes daily inspections and minor corrective actions.
2. Daily trash pick-up and litter removal.

## COMMUNITY PARK AND MARINA

(all supplies provided by Contractor unless otherwise noted)

### Community Park

- a. Open restrooms daily at 7:00 a.m. – Close at 10:00 p.m.
- b. Clean and restock restroom daily.
- c. Open tennis courts daily at 7:00 a.m. – Close at 10:00 p.m.
- d. Blow tennis courts daily.
- e. Open basketball courts daily at 7:00 a.m. – Close at 10:00 p.m.
- f. Open baseball fields daily at 7:00 a.m. – Close at 10:00 p.m.
- g. Cut and vacuum grass on baseball fields and soccer fields twice weekly.
- h. Fertilize baseball and soccer fields quarterly.
- i. Aerate and sand baseball fields twice yearly.
- j. Drag and line baseball fields.
- k. Maintain baseball foul line-paint on grass. Drag and line baseball fields four (4) times per week during baseball season (may include Switlik field – will include additional linings as needed at Parks & Recreation request).
- l. Replenish Grade A clay on baseball field as needed.
- m. Paint bases as needed on baseball fields.
- n. Weed baseball and soccer fields continually.
- o. Weed all beds and trim trees. Remove dead trees as needed.
- p. Replace red mulch as needed to maintain 3" depth in all beds.
- q. Blow all walkways daily to include dugouts, bleacher area and parking lots.
- r. Blow playground and check for safety continually; notify City of any problems.
- s. Change all garbage cans daily.
- t. Monitor and remove all invasive exotics from park.
- u. Walk park daily, identify ant beds and destroy.
- v. Replenish sand in playground annually.
- w. Blow pavilions daily. Hose and bleach pavilions 2 times per month.
- x. Blow skate park daily.
- y. Clean up after any scheduled City functions.
- z. Keep dumpster area clean.
- aa. Keep all irrigation access valve covers grass free.
- bb. Check and replenish doggie refuse bags as needed.
- cc. Keep sewer treatment plant and lift station weeded.
- dd. Remove coconuts from palms.

- ee. Maintain all grass area-cut. Weed and edge every 10 – 12 days.
- ff. Grass clippings are to be collected during the mowing operation and removed from the areas mowed. Mulching type mowers are acceptable. However, clippings that are visible 24 hours after mowing are to be removed from turf areas.
- gg. Streets, parking lots, curbs, sidewalks, bike paths, plant beds, and borders shall be maintained free of grass clippings.
- hh. Mechanical edging of all turf grass areas next to curbs, streets, sidewalks, bike paths, beds, and borders shall be done at least every mowing to prevent grass encroachment. All plant beds and obstacles are to be edged every other week throughout the year. All areas that are inaccessible with a mower are to be string trimmed at each mowing.
- ii. Chemical edging shall not be permitted unless written approval is secured from the City representative.
- jj. Dirt, trash, and debris resulting from edging operations shall be removed and all areas shall be left in clean condition before the end of the working day. Chemical treatment of curb road joints is permitted.

### **Marina**

- a. Twenty Four (24) cuts per year, on a as need basis, determined by Harbormaster.
- b. Cut grass and weed Marina area, Marina spit and parking lot areas.
- c. Maintain parking lot free of weeds.
- d. Trim trees and shrubs as needed.
- e. Keep dumpster area clean.

### **SOMBRERO AND COCO PLUM BEACH**

**(all supplies provided by Contractor unless otherwise noted)**

- a. Clean and restock restrooms daily.
- b. Change all garbage cans daily.
- c. Replenish doggie refuse bags as needed.
- d. Walk beach, parking areas (to include both sides of street) and pick up litter.
- e. Blow walkways, handicap areas, pavers, finger pier, dune crossovers, walkways and pavilions daily. Pick up debris.
- f. Spray parking lot for weeds twice monthly.
- g. Maintain all grass area-cut. Weed and edge all grass areas every 10 days to include residence at Sombrero Beach.
- h. Maintain sea oats invasive exotic free.
- i. Remove coconuts from palms on beach.
- j. Replace Cypress mulch to maintain 3” depth in all beds.
- k. Walk beach and pick up loose debris.
- l. Fertilize quarterly per specifications.
- m. Open and close beach at posted times (Coco Plum only).
- n. Keep mangrove line weed free along beach front (Coco Plum only).
- o. Change garbage can daily at end of Coco Plum road. Mow and weed end of Coco Plum road twice monthly.

- p. Blow sand out of restrooms at Coco Plum Beach.
- q. Visually check playground equipment. Notify City of any deficiencies.
- r. Clean out bar-b-q grills.
- s. Replenish volley-ball court with silica sand twice yearly.
- t. Keep dumpster area clean.
- u. Provide additional services for July 4<sup>th</sup> celebration to include – hourly cleaning and restocking restrooms, continual trash hauling during event, final cleanup next morning (minimum 4 people)

**ROTARY PARK AND JESSE HOBBS PARK**  
**(all supplies provided by Contractor unless otherwise noted)**

**Rotary Park**

- a. Open and close park entrance and restrooms 7:00 a.m. to 7:00 p.m.
- b. Clean and restock restroom daily.
- c. Walk playground and parking lot for litter daily.
- d. Change garbage cans in park daily.
- e. Replenish doggie refuse bags as needed.
- f. Redistribute manufactured mulch under playground equipment weekly.
- g. Replenish sand box sand twice yearly.
- h. Blow walkways, to include pavilion daily.
- i. Maintain park area cypress mulch to a depth of 3”.
- j. Maintain all grass area-cut to include R-O-W areas around park.
- k. Maintain parking lot free of weeds.
- l. Cut all trees and shrubs as needed.
- m. Perform weed control and insect control as needed.
- n. Check all equipment regularly.

**Jesse Hobbs Park**

- a. Change all garbage cans in parks daily.
- b. Spray parking lot for weeds and remove weeds from parking lot area.
- c. Walk parking lot and playground area and pick up debris daily.
- d. Maintain all grass area-cut.
- e. Replenish playground sand twice yearly.
- f. Blow basketball court and handicapped parking area two (2) times per week.
- g. Check all equipment regularly.
- h. Trim all trees and shrubs as needed.
- i. Fertilize park as needed.
- j. Maintain cypress mulch to a depth of 3”.

**33<sup>rd</sup> STREET BOAT RAMP**

- a. Daily locking and unlocking the 33<sup>rd</sup> Street Boat Ramp bath facility at dusk and dawn.
- b. Stocking and cleaning daily.

IN WITNESS WHEREOF, City and Contractor have set their hands and seals,  
as of the day and year first above written.

Attest:

City Of Marathon, Florida



Diane Clavier  
City Clerk



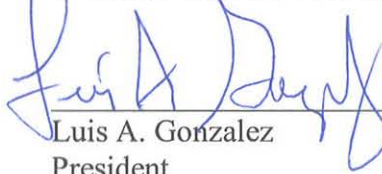
Roger Hernstadt  
City Manager

Approved As To Form And Legality For The Use  
And Reliance Of The City Of Marathon, Florida Only:



City Attorney

Gonzalez Brothers Landscaping, Inc.



Luis A. Gonzalez  
President