BILL NO.: **4990** **ORDINANCE NO.:** **4823**

Introduced by: City Manager Nathan Mai-Lombardo

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER #1 AGREEMENT WITH MOCKINGBIRD TREE (THE CITY DOES HEREBY FIND *AND DECLARE THAT AN EMERGENCY EXISTS WHICH REQUIRES THE IMMEDIATE PASSAGE OF THIS ORDINANCE FOR THE PRESERVATION OF THE WELFARE OF THE CITIZENS OF THE CITY OF BERKELEY.)*

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BERKELEY, MISSOURI, AS FOLLOWS:

Section 1. The City Manager is hereby authorized to execute a change order #1 Agreement for tree removal services with Mauldin Mountain Enterprises LLC dba Mockingbird Tree.

Section 2. The agreement is attached and hereby incorporated herein and made a part of this ordinance, as if fully set out herein.

Section 3. This Ordinance shall be in full force and effect from and after its date of passage.

Section 4. The City does hereby find and declare that an emergency exists which requires the immediate passage of this ordinance for the preservation of the welfare of the citizens of the City of Berkeley.

1st Reading this 06th day of November 2023

2nd Reading this 06th day of November 2023

3rd Reading, PASSED and APPROVED, this **06th day of November 2023**

Babatunde Deinbo, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Roll Call:

Councilwoman Verges	Aye X	Nay ___	Absent __	Abstain __
Councilwoman Williams	Aye X	Nay ___	Absent __	Abstain __
Councilman Hoskins	Aye X	Nay ___	Absent __	Abstain __
Councilwoman Anthony	Aye X	Nay ___	Absent __	Abstain __
Councilman Hindeleh	Aye X	Nay ___	Absent __	Abstain __
Councilwoman-at-Large Crawford-Graham	Aye X	Nay ___	Absent __	Abstain __
Mayor Deinbo	Aye X	Nay ___	Absent __	Abstain __

PROPOSAL FOR A CHANGE ORDER IN PROJECT AGREEMENT BETWEEN MAULDIN MOUNTAIN ENTERPRISES LLC dba: Mockingbird Tree and CITY OF BERKELEY, MISSOURI, Dated August 25th 2023, BID No 934.

Whereas, In the Bid Proposal form (which is part of the contract) on page 21 it reads PROJECT COST NOT TO EXCEED $100,000.00 AND the present costs of the projects are at 94,395.00, As both parties want to continue the project agreement,

The parties agree to amend the contract to delete" PROJECT COSTS NOT TO EXCEED $100,000" AND REPLACE WITH" PROJECT COST NOT TO EXCEED $300,000." As stated in the BID DOCUMENTS on page 21, PAYMENT WILL BE MADE ON ACTUAL QUANITIES.

SIGNED _____ Maudlin Mountain Enterprises LLC

DBA MOCKINGBIRD TREE

DATE 11-07-2023

SIGNED _____ CITY OF BERKELEY , MISSOURI

PROPOSAL FOR ADDITIONAL TREE WORK IN BERKELEY

Nathan and Keith,

We are requesting an increase in $200,000 dollars for the budget in our tree contract with Berkeley. I am attaching a spreadsheet for our recommendations for tree removals in 2 phases:

1) Immediate hazards and dead trees	$75,000
2) Future hazards and decaying trees	$65,000
3) Spring cleanup city wide pruning	$20,000
4) Home owner Matching program	$20,000
5) Unexpected expenses	$20,000
TOTAL	$200,000

I believe this will more than cover the tree care needs of the city for the next year.

Jerry Day

Mockingbird Tree