

BILL #2906

ORDINANCE #2906

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING SECTION TWO OF ORDINANCE #2788 OF THE CITY OF WILDWOOD, MISSOURI, TO INCREASE THE TOTAL AUTHORIZATION AMOUNT OF THE CITY-CONTRACTOR AGREEMENT WITH HORNER & SHIFRIN, INC., TO COMPLETE A CULTURAL RESOURCE REVIEW AS PART OF THE DESIGN OF THE ROUTE 100 TURN LANE IMPROVEMENT PROJECT.

WHEREAS, on May 8, 2023, the City Council of the City of Wildwood, Missouri (the "City"), passed and approved Ordinance #2788, authorizing a City-Consultant Agreement (the "Agreement") by and between the City and Horner & Shifrin, Inc. (the "Consultant"), for the engineering design of the Route 100 Left Turn Lane Improvement Project; and

WHEREAS, pursuant to Section Two of Ordinance #2788, "[t]he total aggregate expenses and liability of the City under the Agreement authorized pursuant to Section One of this Ordinance, shall not exceed a contract amount of \$280,042.00, except that the Director of Public Works may, by written change order, increase the scope of the work pursuant to the same contract rates and terms in an amount not to exceed a total authorization under this Ordinance of \$290,042.00"; and

WHEREAS, the engineering design of the project requires the Consultant to complete a cultural resource assessment, pursuant to requirements from the Missouri Department of Transportation. (the "Additional Work"); and

WHEREAS, the amount of the Additional Work will exceed the total authorization previously provided for by Ordinance #2788; and

WHEREAS, the City Council of the City (the "City Council") finds and determines that it is to the benefit of the City for the Consultant to complete the Additional Work, as identified by the Department of Public Works, in order to complete the design of the Project; and

WHEREAS, the Administration and Public Works committee, at its regular meeting on August 5, 2023, recommended approval of the Additional Work to the City Council; and

WHEREAS, to complete the Additional Work, the City Council finds it is necessary to increase the total authorization, as specified by Ordinance #2788, to a maximum amount of \$298,474.53.

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

Section One. That Ordinance #2788 of the City of Wildwood, Missouri, shall be and is hereby amended by deleting Section Two thereof in its entirety and replacing it, in lieu thereof, with a new Section Two to read, as follows:

Section Two. The total aggregate expenses and liability of the City under the Agreement, authorized pursuant to section One of this Ordinance, shall not exceed

\$298,474.53, except that the City Council may by resolution increase said amount upon recommendation by the City Administrator and Director of Public Works.

Section Two. Savings. Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof, unless expressly set forth herein.

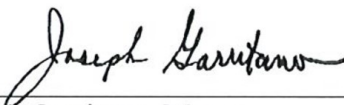
Section Three. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

Section Four. This Ordinance shall be in full force and effect from and after its passage and approval.

This Bill was passed and approved this 12th day of August, 2024, by the Council of the City of Wildwood, Missouri, after having been read by title or in full two (2) times prior to its passage.



Presiding Officer



Joseph Garritano, Mayor

ATTEST:


City Clerk

ATTEST:


City Clerk