

★ Roll Call Number

231621

Agenda Item Number

25

Date November 20, 2023

**APPROVING FIRST ADDENDUM TO AGREEMENT FOR TREE PLANTING SERVICES WITH TREES FOREVER, INC., AND AUTHORIZING CITY MANAGER TO EXECUTE SAME**

**WHEREAS**, in 2010 the City established a City Tree Replacement Fund (“CTRF”); and

**WHEREAS**, Trees Forever, Inc. is a nonprofit organization with a mission to plant and care for trees and the environment by empowering people, building community, and promoting stewardship; and

**WHEREAS**, on January 14, 2019, by Roll Call No. 19-0060, the City Council approved an exception to the Procurement Ordinance competitive bid process for good cause, pursuant to Des Moines Municipal Code Section 2-710(a), and approved an Agreement for Tree Planting Services with Trees Forever, Inc. (“Agreement”), authorizing the Public Works Department to engage Trees Forever, Inc. to provide the services of purchasing, planting, watering and maintaining a minimum goal of at least 533 trees per year on City-owned property in exchange for City payment of CTRF funds annually for the purchase and planting of trees at \$275.00 per tree and to water those trees planted annually at \$5.00 per tree up to 20 times in the planting year, and also authorized the City Manager to negotiate and approve changes in unit tree pricing in Agreement years 2-5 by which the planting payment has increased to \$375.00 per tree as of January 2019; and

**WHEREAS**, the initial term of said Agreement is through November 30, 2023, with the option for two successive one-year terms, and the City Forester has determined that it is appropriate to again increase the unit tree pricing due to market fluctuation; and

**WHEREAS**, the Public Works Department, Forestry Division and Trees Forever, Inc. have agreed to the First Addendum, in form on file in the office of the City Clerk, exercising the first one-year renewal option to extend the Agreement to November 30, 2024, and increasing the per-tree cost to be paid by the City to Trees Forever, Inc. from \$375.00 to \$450.00; and

**WHEREAS**, the Public Works Department Director recommends approval of said First Addendum.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Des Moines, Iowa:

1. That the above-described First Addendum to Agreement for Tree Planting Services between the City of Des Moines, Iowa, and Trees Forever, Inc., on file in the City Clerk’s Office, is hereby approved, and the City Manager is authorized and directed to execute the First Renewal Addendum.
2. That the City Manager is authorized to approve and execute addenda for the second renewal term, and to negotiate and execute on behalf of the City addenda to change the unit tree pricing in renewal years 1 and 2, if there are fluctuations of unit tree pricing by a minimum of plus or minus 5% in a calendar year, if the City Manager deems such renewal and/or price adjustment to be in the best interest of the City.

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(Council Communication No. 23-520)

Moved by Gatto to adopt.

Second by Boesen.

APPROVED AS TO FORM:

/s/ Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
COLEMAN	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		
<u>T.M. Frank</u>		Mayor		

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Laura Baumgartner  
Laura Baumgartner, City Clerk