

RESOLUTION NO. 04-209

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, APPROVING THE SECOND AMENDMENT TO THE PROJECT AGREEMENT BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR TOWN ENGINEER SERVICES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") entered into an agreement with Kimley-Horn and Associates (the "Consultant") for day-to-day services as Town Engineer (the "Agreement") on November 12th, 2002; and

WHEREAS, the Town first amended this Agreement in June 16th, 2003; and

WHEREAS, the Town Council desires to further amend the Agreement so that Consultant may continue to perform services to the Town as Town Engineer for the duration of the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval of Second Amendment. The Second Amendment to the Project Agreement between Kimley-Horn and Associates, Inc. and the Town of Miami Lakes

for day-to-day services as the Town Engineer (the "Amendment"), a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved.

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the Amendment.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Amendment.

Section 5. Execution of Contract. The Mayor is authorized to execute the Contract on behalf of the Town.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 9th day of March, 2004.

Motion to adopt by Thomson, second by Collins.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Roberto Alonso	<u>Absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Beatris M. Arguelles
Beatris M. Arguelles, CMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:

W. S. Helfman
Weiss, Serota, Helfman, Pastoriza, Guedes,
Cole & Boniske, P.A.
TOWN ATTORNEY

702001/Resolutions/Approving Second Amendment to Kimley-Horn

**SECOND AMENDMENT TO PROJECT AGREEMENT BY AND BETWEEN KIMLEY-
HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES
FOR TOWN ENGINEER SERVICES**

This Second Amendment to the Project Agreement between Kimley-Horn and Associates, Inc. and the Town of Miami Lakes for Town Engineer (the "First Amendment") is made and entered into this 9th day of **March, 2004** by and between the Town of Miami Lakes, Florida, a municipal corporation of the State of Florida (the "Town") and Kimley-Horn and Associates, Inc., a Florida corporation (the "Consultant").

WHEREAS, on November 12th, 2002, the Town Council approved an Agreement whereby Consultant would provide day-to-day engineering services (the "Services") to the Town as requested (the "Agreement"); and

WHEREAS, on June 16th, 2003, the Town Council approved the First Amendment to the Agreement, whereby the compensation was raised from \$40,000 to \$136,000, as the total value of the Agreement had been surpassed; and

WHEREAS, the Town desires to amend the maximum compensation permitted under the Agreement so that Consultant can continue to provide services to through September 30, 2004.

NOW THEREFORE, in consideration of the mutual covenants set forth in this First Amendment, the parties agree as follows:

1. Amendment to Section 4.1. The parties amend Section 4.1 of the Agreement to read as follows:

4.1 Hourly Compensation. TOWN agrees to pay CONSULTANT compensation at CONSULTANT'S hourly rates, up to a maximum amount not to exceed ~~\$136,000.00~~ \$206,000.00. CONSULTANT' s

hourly rates shall be those specified in the Continuing Services Agreement. Prior to exceeding the budgeted amount, the CONSULTANT shall inform the TOWN and obtain authorization from the Town Council.

2. **Amendment to Section 3.1.** The parties amend Section 3.1 of the Agreement to read as follows:

3.1 **Term.** This Agreement shall become effective retroactive to May 14, 2002, upon execution by both parties, and shall remain in effect until September 30, ~~2003~~2004, unless earlier terminated in accordance with Section 6 of this Agreement. The Town Manager, in his sole discretion, may extend the term of this Agreement through written notification to the CONSULTANT up to an additional one (1) year. ~~Such extension shall not exceed 30 days.~~ No further extensions of this Agreement shall be effective unless authorized by the TOWN Council.

3. **No Further Modifications.** All other terms and conditions of the Agreement not in conflict or superseded by this First Amendment shall remain in full force and effect as if set forth in full herein.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this First Amendment upon the terms and conditions above stated on the day and year first above written.

CONSULTANT:

Kimley-Horn and Associates, Inc..
5100 NW 33rd Avenue
Suite 157
Ft. Lauderdale, FL 33309

TOWN:

Town of Miami Lakes
6853 Main Street
Miami Lakes, Florida 33014



R. Russell Barnes III, P.E.,
Vice-President



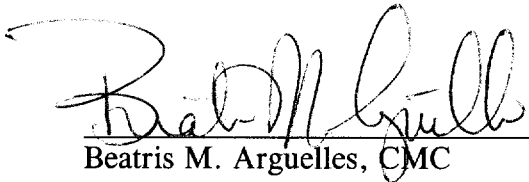
Wayne Slaton
Mayor

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:



Weiss, Serota, Helfman, Pastoriza, Guedes,
Cole & Boniske, P.A.
TOWN ATTORNEY

Attest:



Beatris M. Arguelles, CMC
Town Clerk