

RESOLUTION NO. 03- 185

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN ILER PLANNING GROUP AND THE TOWN OF MIAMI LAKES FOR PLANNING AND ZONING SERVICES; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE TOWN; AUTHORIZING TOWN OFFICIALS TO TAKE ALL ACTIONS NECESSARY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Iler Planning Group (the “Planner”) and the Town of Miami Lakes (the “Town”) entered into an agreement for professional planning and zoning services on November 12th, 2002 (the “Agreement”) and a first amendment was made on April 8th, 2003; and

WHEREAS, the Town Manager finds it in the best interest of the Town to provide for a second amendment in order to close out the Agreement; and

WHEREAS, the Town Council finds that the approval of the second amendment to the Agreement is in the best interest of the Town.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. Approval of Second Amendment to Agreement. The Second Amendment to the Agreement, 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. Execution of Agreement. The Town Manager is authorized to execute the Second Amendment to the Agreement on behalf of the Town.

Section 4. Authorization of Town Officials. The Town Manager and Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the amended Agreement.

Section 5. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the amended Agreement

Section 6. Effective Date. This Resolution shall be effective immediately upon adoption.

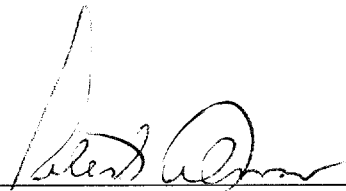
PASSED AND ADOPTED this 9th day of December, 2003.

Motion to adopt by Collins, second by Thomson.

FINAL VOTE AT ADOPTION

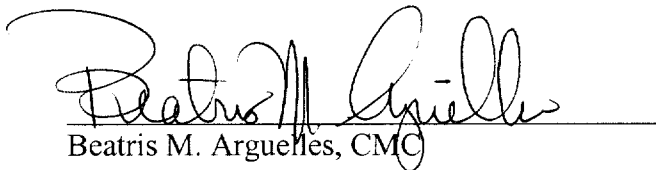
Mayor Wayne Slaton	<u>Absent</u>
Vice Mayor Roberto Alonso	<u>Yes</u>
Councilmember Mary Collins	<u>Yes</u>
Councilmember Robert Meador	<u>Yes</u>
Councilmember Michael Pizzi	<u>Yes</u>
Councilmember Nancy Simon	<u>Yes</u>
Councilmember Peter Thomson	<u>Yes</u>

Resolution No. 03-185



ROBERTO ALONSO
VICE MAYOR

ATTEST:



Beatris M. Arguelles, CMC
TOWN CLERK

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

**SECOND AMENDMENT TO AGREEMENT
FOR PROFESSIONAL SERVICES
BETWEEN
ILER PLANNING GROUP
AND
THE TOWN OF MIAMI LAKES**

THIS SECOND AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES (the "Amendment") is made this 9th day of December, 2003, between the TOWN OF MIAMI LAKES, a Florida municipal corporation (the "Town") and ILER PLANNING GROUP, ("IPG") (collectively, the "Parties").

WHEREAS, the Parties entered into an Agreement for planning and zoning services for the Town dated November 12th, 2002, (the "Agreement"); and

WHEREAS, the Parties entered into a First Amendment to the Agreement on April 8th, 2003;

WHEREAS, the Parties have determined it is in their best mutual interest to provide for a second amendment, in order to finalize and close out the term of the Agreement.

NOW THEREFORE, in consideration of the sums hereinafter set forth and for other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, the parties agree as follows:

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

This Agreement shall become effective retroactive to February 1, 2002, upon execution by both parties, and shall remain in effect until December 15, 2003, unless earlier terminated in accordance with Paragraph 7 of this Agreement.

2. **Amendment to Section 5.1 of the Agreement.** The parties hereby amend

Section 5.1 of the Agreement to read as follows:

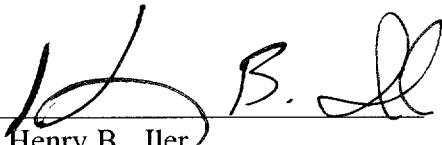
5.1 IPG shall be paid on an hourly basis in accordance with the Fee Schedule attached hereto as Exhibit "A." Total compensation under this contract shall not exceed \$247,685.

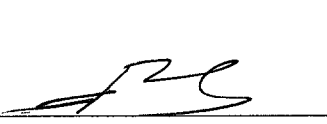
3. **No Further Modifications.** All other terms and conditions of the Agreement for planning and zoning services not in conflict or superseded by this First Amendment shall remain in full force and effect as if set forth in full herein.

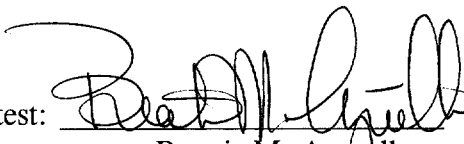
IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Amendment to Agreement upon the terms and conditions above stated on the day and year first above written.

ILER PLANNING GROUP

TOWN OF MIAMI LAKES

By: 
Henry B. Iler
PRESIDENT

By: 
Alex Rey
TOWN MANAGER

Attest: 
Beatris M. Arguelles
TOWN CLERK

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

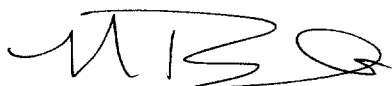

Weiss, Serota, Helfman, Pastoriza Guedes
Cole & Boniske, P.A.
TOWN ATTORNEY

Exhibit "A"

Ilter Planning Group Hourly Rates

President/Principal.....	\$110.00/hr
Principal IPG.....	\$85.00/hr
Senior IPG.....	\$75.00/hr
GIS Specialist.....	\$65.00/hr
Clerical/Administrative.....	\$45.00/hr
Overhead Rate.....	25%