

RESOLUTION NO. 06- 386

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE FIRST AMENDMENT TO THE CONTRACT FOR EMERGENCY WASTE HAULING SERVICES FOLLOWING HURRICANE WILMA BETWEEN ACOSTA TRACTORS, INC. AND THE TOWN OF MIAMI LAKES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO FINALIZE THE TERMS OF THE AMENDMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AMENDMENT ON BEHALF OF THE TOWN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on October 19, 2005 the Governor of the State of Florida issued Emergency Order No.05-219 declaring a state of emergency due to the impending threat of Hurricane Wilma;

**WHEREAS**, on Monday, October 24, 2005 Hurricane Wilma struck Miami-Dade County and caused extensive landscape and related infrastructure damage to the public roads and rights-of-way throughout the Town of Miami Lakes, (the "Town") and such debris not only blocked the passage of emergency vehicles, but also caused damage to and blocked access to infrastructure and utilities; and

**WHEREAS**, pursuant to Section 2(C)(1) of Ordinance No. 04-51, the Town Manager is authorized to declare a state of emergency for purchasing purposes; and

**WHEREAS**, in accordance with Section 2(C)(3) of Ordinance No. 04-51, the Town Manager entered into an Agreement with Acosta Tractors, Inc. ("Acosta") on October 25, 2005 to provide for the collection and hauling of debris throughout the Town; and

**WHEREAS**, the Agreement provided for a maximum compensation of \$50,000.00; and

**WHEREAS**, the total owed cost of the Agreement has increased as a result of the continued services provided by Acosta in expediting the necessary debris removal following Hurricane Wilma; and

**WHEREAS**, the Town desires to amend the Agreement (the “First Amendment”) to increase the maximum compensation amount owed to Acosta under the Agreement; and

**WHEREAS**, the Town Council finds that approving the First Amendment 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 foregoing Recitals are true and correct and are incorporated herein by this reference.

**Section 2. Approval of First Amendment.** The First Amendment to the Agreement between Acosta Tractors, Inc. and the Town of Miami Lakes, 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 his or her designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the First Amendment.

**Section 4. Authorization of Fund Expenditure.** Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town’s Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the First Amendment.

**Section 5. Execution of Amendment.** The Town Manager is authorized to execute the First Amendment on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the First Amendment and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

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

PASSED AND ADOPTED this 16 day of March, 2006.

Motion to adopt by Robert Meador, second by Mary Collins.

FINAL VOTE AT ADOPTION

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Robert Meador	<u>yes</u>
Councilmember Roberto Alonso	<u>absent</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember Dorothy Cook	<u>yes</u>
Councilmember Michael Pizzi	<u>absent</u>
Councilmember Nancy Simon	<u>yes</u>

Wayne Slaton  
Wayne Slaton  
MAYOR

ATTEST:

Debra Eastman  
Debra Eastman, MMC  
TOWN CLERK

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

A handwritten signature in black ink, appearing to be 'J. Weiss', written over a horizontal line.

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

E:/702.001/Resolutions/First Amendment Acosta Tractors Hurricane.