

RESOLUTION NO. 06-47

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT BETWEEN SUPERIOR LANDSCAPING & LAWN SERVICE, INC. AND THE TOWN OF MIAMI LAKES FOR THE TREE REPLACEMENT PROGRAM; 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 TOWN MANAGER TO EXECUTE THE AGREEMENT; 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; and

**WHEREAS**, on Monday, October 24, 2005, Hurricane Wilma struck Miami-Dade County and caused extensive landscape damage throughout the Town of Miami Lakes, (the "Town") and destroyed many of the trees there were located in the swale areas by the Town's streets and adjacent to the Town's sidewalks; and

**WHEREAS**, on September 22, 2006, the Town issued an Advertisement for Bids (the "Bid") entitled "Tree Replacement Program" to provide and install new live oak trees throughout the Town;

**WHEREAS**, the Bid provided that the award of contract would be to the lowest Responsive and Responsible Bidder; and

**WHEREAS**, on October 16, 2006, the Town received seven (7) Bids which were reviewed by the Town Engineer, and

**WHEREAS**, the Town Engineer recommended award of the Bid to Superior Landscaping & Lawn Service, Inc. (“Superior”) as the lowest Responsive and Responsible Bidder, and the Town Manager accepted the recommendation; and

**WHEREAS**, the Town Council desires to award the Bid to Superior and enter into an Agreement with Superior for the installation of live oak trees; and

**WHEREAS**, the Town Council finds that approval of the Agreement between Superior and the Town 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 Agreement.** The Agreement between Superior Landscaping & Lawn Service, Inc. and the Town to provide for the delivery and installation of new live oak trees throughout the Town, 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/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

**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 Agreement.

**Section 5. Execution of Agreement.** The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement 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 12 day of December, 2006.


Motion to adopt by Roberto Alonso, second by Nancy Simon.

FINAL VOTE AT ADOPTION

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


PASSED AND ADOPTED this 12 day of December 2006.

ATTEST:

  
\_\_\_\_\_  
Debra Eastman, MMC  
TOWN CLERK

  
\_\_\_\_\_  
Wayne Slaton  
MAYOR

Approved as to form and legal sufficiency  
for use only by the Town of Miami Lakes:

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