

RESOLUTION NO. 10-811

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT WITH ALFRED DARMANIN TO CREATE A VETERAN'S MEMORIAL FOR THE ROYAL OAKS PARK COMMUNITY CENTER AS AN ART IN PUBLIC PLACES PROJECT; WAIVING PROCUREMENT PROCEDURES; AUTHORIZING TOWN OFFICIALS TO TAKE ALL STEPS NECESSARY TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT AND ANY EXTENSIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in May 2008, a Veteran's Ad Hoc Committee was created for the purpose of selecting a concept for a Veteran's Memorial as part of the Royal Oaks Community Center Project.; and

WHEREAS, in December 2009, the Ad Hoc Committee approved a design concept from local artist Alfred Darmanin which was presented to the Town Council (the "Artwork"); and

WHEREAS, the Town Council recommended that the design of the Artwork be submitted to the Miami-Dade County Art in Public Places Department ("MDC APP") for compliance and release of fund expenditure prior to formal Council approval; and

WHEREAS, MDC APP has recommended proceeding with the commissioning of the Artwork; and

WHEREAS, Section 2(H)(1) of the Town's Purchasing Procedures authorizes the Town Council to waive procurement procedures and enter into contracts without competitive bidding due to impracticality.

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 the Agreement. The Agreement for a Veteran's Memorial for the Royal Oaks Park Community Center as an Art in Public Places Project (the "Agreement"), a form of which is attached as Exhibit "A," together with such 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 Agreement.

Section 4. Waiving of Procurement Procedures. The Town Council hereby approves the waiver of procurement procedures due to impracticality in accordance with Section 2(H)(1) of the Town's Purchasing Procedures.

Section 5. 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 6. 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 7. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 11th day of May, 2010.

Motion to adopt by Collins, second by Meador.

FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>yes</u>
Vice Mayor Nick Perdomo	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Councilmember George Lopez	<u>yes</u>
Councilmember Robert Meador II	<u>yes</u>
Councilmember Richard Pulido	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>



Michael Pizzi
MAYOR

ATTEST:



Marjorie Tejada
TOWN CLERK

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



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