

TAB 2

**RESOLUTION NO. 09-48**

**A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDM25, FM #424087-1-78-01, SUPPLEMENT #1, PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Palmetto authorized execution of the Florida Department of Transportation Maintenance Agreement #BDM25, FM #424087-1-78-01 by Resolution No. 09-07 on January 26, 2009; and

**WHEREAS**, the City Commission has found that it is not in the best interest of the City to purchase equipment necessary to perform the required mechanical sweeping service; and

**WHEREAS**, Florida Department of Transportation and the City have agreed to delete mechanical sweeping service from the Agreement; and

**WHEREAS**, Florida Department of Transportation and the City have agreed to modify quarterly reimbursements to the City to reflect deletion of the mechanical sweeping service from the Agreement.

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1:** That the City Commission does hereby authorize the Mayor to execute the State of Florida Department of Transportation Maintenance Agreement Supplement #1 for Agreement #BDM25, FM #424087-1-78-01, reducing the quarterly payment by \$2,085.48 to \$6,077.65, a total yearly decrease of \$8,341.92.

**Section 2:** This resolution shall take effect immediately upon its passage.

**Section 3:** All resolutions and parts of resolution in conflict herewith are repealed.

**PASSED AND DULY ADOPTED**, at a public hearing with a quorum present and voting this 2nd day of November, 2009.

CITY OF PALMETTO FLORIDA, BY THE  
CITY COMMISSION OF THE CITY OF  
PALMETTO

BY: \_\_\_\_\_  
Shirley Groover Bryant, Mayor

ATTEST:

BY: \_\_\_\_\_  
James R. Freeman, City Clerk



SCANNED

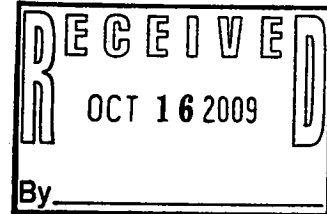
EM TO JF&AT 10/23/09

# Florida Department of Transportation

CHARLIE CRIST  
GOVERNOR

STEPHANIE C. KOPELOUSOS  
SECRETARY

October 14, 2009



City of Palmetto  
Attn.: Mayor Bryant  
Post Office Box 1209  
Palmetto, FL 34220-1209

Re: Supplemental Agreement No. 1  
Contract No.: BDM25  
Financial Project No.: 424087-1-78-01  
Project: City of Palmetto  
Project Description: Mowing, Litter Removal, Edging  
and Sweeping

Dear Mayor Bryant:

Due to the City being unable to obtain a truck mounted impact attenuator, we have prepared a Supplemental Agreement to remove the item of Mechanical Sweeping. As a result of removing the Mechanical Sweeping, the quarterly payments will be decreased in the amount of \$2,085.48.

I have enclosed three (3) copies of Supplemental Agreement Number 1 between the City of Palmetto and the Florida Department of Transportation. If the Agreement meets with your approval, please have each copy originally signed and sealed. The City will also need to provide two (2) copies of the City Resolution with original signatures and seals. Please ensure that the person executing the Supplemental Agreement is the person named in the City Resolution.

Please **do not complete** the "Date of Execution" on the Supplemental Agreement; this office will execute the Agreement upon the signature of the Director of Operations.

Return all forms to me no later than **November 16, 2009** for final processing. If you should need any additional information, please do not hesitate to contact me at 863-519-2680.

Respectfully,

Ginger L. Ward  
District Maintenance Contracts Administrator

/pcp  
Enclosures

Cc: Art Hall, Sarasota Operations Center

District One Maintenance Department/Contracts Section  
801 North Broadway Avenue \*Post Office Box 1249\* Bartow, Florida 33831-1249  
(863) 519-2680 \*(863)534-7045 (Fax)\* MS 1-7

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION  
MAINTENANCE AGREEMENT  
SUPPLEMENT #1**

This is Supplement #1 which modifies the *STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT* (hereinafter, "Agreement") between the CITY OF PALMETTO and the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, dated February 12, 2009.

**WITNESSETH**

- A. WHEREAS, the DEPARTMENT and the AGENCY entered into a Maintenance Agreement for the AGENCY to perform certain services that included mechanical sweeping listed under Attachment A of the Agreement as Activity 543 for specific locations; and
- B. WHEREAS, the AGENCY is unable to perform the required mechanical sweeping service; and
- C. WHEREAS, the DEPARTMENT and the AGENCY have agreed to delete mechanical sweeping service from the Agreement; and
- D. WHEREAS, the DEPARTMENT and the AGENCY have agreed to modify quarterly payments to the AGENCY to reflect deletion of the mechanical sweeping service.

NOW, THEREFORE, that for and in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

- 1. All expressions used herein, unless herein separately defined, shall have the same meaning herein as in the Agreement.
- 2. Except as expressly or by necessary implication modified hereby, all provisions of the Agreement shall remain in full force and effect in accordance with their terms but in the event of any inconsistency(ies) between the provisions of the Agreement and the provisions of Supplement #1, the latter shall prevail.
- 3. Except as set forth herein, all terms and conditions of said original Agreement shall remain in force and effect during the remainder of this Agreement and any Supplements.
- 4. Attachment A of the original Agreement is deleted in its entirety and replaced with "SUPPLEMENT #1: MODIFIED ATTACHMENT A, LOCATIONS AND COST.
- 5. The Supplement #1 Modified Attachment A reflects a decrease in Quarterly Payments by \$2,085.48 for the remaining quarters beginning the \_\_\_\_\_ day of \_\_\_\_\_, 2009 and ending the 29<sup>th</sup> day of February 2012.
- 6. The Supplement #1 Modified Attachment A reflects total yearly decrease of \$8,341.92.
- 7. There are not other modifications.

IN WITNESS WHEREOF, the AGENCY has caused this Supplemental to be executed in its behalf this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the \_\_\_\_\_, authorized to enter into and execute same by Resolution # \_\_\_\_\_ dated \_\_\_\_\_, 2009 and the DEPARTMENT has executed this Supplemental through its District Secretary or authorized designee, Florida Department of Transportation, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF PALMETTO, FLORIDA

ATTEST: \_\_\_\_\_ (SEAL)  
Signature

BY: \_\_\_\_\_  
Signature

NAME: \_\_\_\_\_  
Print

NAME: \_\_\_\_\_  
Print

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

ATTEST: \_\_\_\_\_ (SEAL)  
Executive Secretary

BY: \_\_\_\_\_  
District One Secretary or Designee

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_  
Print

NAME: \_\_\_\_\_  
Print

DOT District Maintenance Administrator  
Approval: *sw 9/14/09* *547 9/24/09*

DOT Legal Review:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature *9/24/09*

Availability of Funds Approval:

DATE: \_\_\_\_\_



RESOLUTION NO. 09-07

**A RESOLUTION OF THE CITY OF PALMETTO, FLORIDA, AUTHORIZING EXECUTION OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT #BDM25, FM #424087-1-78-01; PROVIDING FOR REPEAL OF RESOLUTIONS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Palmetto is very concerned about the appearance of median islands, interchange areas and right-of-way within the corporate limits of the City of Palmetto, and

**WHEREAS**, the City Commission of the City of Palmetto, after discussion with the State of Florida Department of Transportation, believes that it can better perform the maintenance of the right-of-way areas, and

**WHEREAS**, the State of Florida Department of Transportation has agreed to provide funds in three quarterly payments of \$8,163.13 and one quarterly payment of \$8,163.12, for a total sum of \$32,652.51 per year for a three-year period beginning on the Florida Department of Transportation's execution date of the Maintenance Agreement, with a three-year renewal term subject to mutual agreement of both parties; and

**WHEREAS**, the City Commission of the City of Palmetto believes such an agreement to be in the best interest of the citizens of the City of Palmetto.

**NOW, THEREFORE, BE IT RESOLVED:**

**Section 1:** That the City Commission of the City of Palmetto does hereby authorize the Mayor to execute an agreement entitled "State of Florida Department of Transportation Maintenance Agreement", #BDM25, FM #424087-1-78-01, between the City of Palmetto and the State of Florida Department of Transportation, wherein the City agrees to maintain the right-of-way islands, interchange areas and road shoulders described in said Agreement in exchange for the payment of \$32,652.51 per year, payable quarterly for three years beginning the execution date of the Agreement, with one three-year renewal, subject to mutual agreement of the parties.

**Section 2:** This resolution shall take effect immediately upon its passage.

**Section 3.** All resolutions and parts of resolutions in conflict herewith are repealed.

**PASSED AND DULY ADOPTED**, at a public hearing with a quorum present and voting, this 26<sup>th</sup> day of January, 2009.

CITY OF PALMETTO, FLORIDA, BY THE  
CITY COMMISSION OF THE CITY OF  
PALMETTO, FLORIDA

BY:   
SHIRLEY GROOVER BRYANT, MAYOR

ATTEST: JAMES R. FREEMAN

BY:   
City Clerk