

**RESOLUTION NO. 2009 - 043**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE FIFTH MODIFICATION TO THE AGREEMENT WITH THE MELLGREN PLANNING GROUP, INC.; EXTENDING THE AGREEMENT UNTIL APRIL 30, 2009; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE FIFTH AMENDMENT TO THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 8, 2001 the Town Council authorized the issuance of a Request for Proposal for Development Management and Zoning Code Services; and

**WHEREAS**, on April 12, 2001, pursuant to Resolution No. 2001-045, the Town Council selected Michele Mellgren and Associates, Inc.; and

**WHEREAS**, on September 10, 2003, pursuant to Resolution No. 2003-073 the Town Council approved the First Amendment to its Agreement with Michele Mellgren and Associates, Inc., extending the term of the Agreement for an additional two (2) years; and

**WHEREAS**, on December 9, 2004, pursuant to Resolution No. 2005-021, the Town Council approved the Second Amendment to its Agreement with Michele Mellgren and Associates, Inc., which included several modifications and extended the term of the Agreement for an additional two (2) years, until September 30, 2007; and

**WHEREAS**, on September 20, 2007, pursuant to Resolution No. 2007-096, the Town Council approved the Third Amendment to its agreement with Michele Mellgren and Associates, Inc., which extended the term of the agreement until September 30, 2008; and

**WHEREAS**, on September 24, 2007, Michele Mellgren and Associates, Inc., changed its name to the Mellgren Planning Group, Inc. ("TMPG"); and

**WHEREAS**, on September 25, 2008, the Town Council adopted Resolution No. 2008-103, extending this Agreement until March 31, 2009 to see if a comprehensive integrated computerized tracking program can assist the Town in implementing a full cost recovery system; and

**WHEREAS**, in order to give the Town additional time to finalize a preliminary analysis on Consultant's cost recovery, the Town desires to extend TMPG's agreement through April 30, 2009; and

**WHEREAS**, this Resolution and the attached Fifth Amendment to the Agreement seek to effectuate the extension as described herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Southwest Ranches, Florida:

**Section 1.** The above referenced recitals are true and correct and are incorporated herein by reference.

**Section 2.** The Town Council hereby approves the Fifth Amendment to the Agreement with The Mellgren Planning Group, Inc. ("TMPG"), which extends the term of the Agreement until April 30, 2009, as specifically delineated in Exhibit "A", attached hereto and incorporated herein by reference.

**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Fifth Amendment to Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary and proper to effectuate the intent of this Resolution.

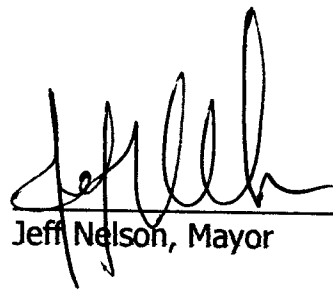
**Section 4.** That this Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** by the Town Council of the Town of Southwest Ranches, Florida, this 19<sup>th</sup> day of March 2009, on a motion by Council Member Doug McKay and seconded by Vice Mayor Steve Breitzkreuz.

Nelson	<u>Y</u>
Breitzkreuz	<u>Y</u>
Fisikelli	<u>Y</u>
Knight	<u>Y</u>
McKay	<u>Y</u>

Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

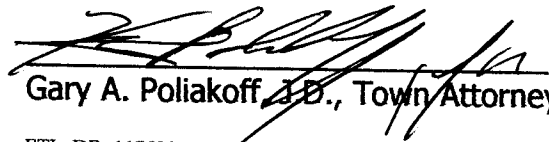
**[SIGNATURES ON FOLLOWING PAGE]**

  
\_\_\_\_\_  
Jeff Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:

  
\_\_\_\_\_  
Gary A. Poliakoff, J.D., Town Attorney

FTL\_DB: 1175294\_1

**EXHIBIT "A"**

**FIFTH AMENDMENT TO AGREEMENT**

**THIS FIFTH MODIFICATION TO AGREEMENT** entered into as of this \_\_\_\_ day of March, 2009 between the Town of Southwest Ranches, a municipal corporation of the State of Florida (the "Town") and the Mellgren Planning Group, Inc., consultant firm doing business or authorized to do business in the State of Florida, for the purpose of amending the Agreement between the Town and Michele Mellgren and Associates, Inc., dated April 26<sup>th</sup>, 2001.

**WITNESSETH:**

**WHEREAS**, on March 8, 2001 the Town Council authorized the issuance of a Request for Proposal for Development Management and Zoning Code Services; and

**WHEREAS**, on April 12, 2001, pursuant to Resolution No. 2001-045, the Town Council selected Michele Mellgren and Associates, Inc.; and

**WHEREAS**, on September 10, 2003, pursuant to Resolution No. 2003-073 the Town Council approved the First Amendment to its Agreement with Michele Mellgren and Associates, Inc., extending the term of the Agreement for an additional two (2) years; and

**WHEREAS**, on December 9, 2004, pursuant to Resolution No. 2005-021, the Town Council approved the Second Amendment to its Agreement with Michele Mellgren and Associates, Inc., which included several modifications and extended the term of the Agreement for an additional two (2) years, until September 30, 2007; and

**WHEREAS**, on September 20, 2007, pursuant to Resolution No. 2007-096, the Town Council approved the Third Amendment to its agreement with Michele Mellgren and Associates, Inc., which extended the term of the agreement until September 30, 2008; and

**WHEREAS**, on September 25, 2008, the Town Council adopted Resolution No. 2008-103, extending this Agreement until March 31, 2009 to see if a comprehensive integrated computerized tracking program can assist the Town in implementing a full cost recovery system; and

**WHEREAS**, in order to give the Town additional time to finalize a preliminary analysis on Consultant's cost recovery, the Town desires to extend Consultant's agreement through April 30, 2009; and

**WHEREAS**, both parties are desirous of amending the Agreement.

**NOW THEREFORE**, for and in consideration of the premises and for Ten Dollars (\$10.00) and for other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct.
2. Article 3 "Term" which has previously been amended by the First, Second, Third, and Fourth Amendments to Agreement, shall be further amended to read as follows:
  - 3.1 This Agreement shall terminate on April 30, 2009 ~~March 31, 2009~~, unless further extended, at the Town's sole discretion, through mutual agreement of both parties.
3. All other terms and conditions not modified herein shall remain of full force and effect and binding on the parties.

**IN WITNESS WHEREOF**, this Fifth Amendment is accepted and executed as of this \_\_\_\_ day of March, 2009.

TOWN OF SOUTHWEST RANCHES

THE MELLGREN PLANNING GROUP

\_\_\_\_\_  
Jeff Nelson, Mayor

\_\_\_\_\_  
Michele Mellgren, President

\_\_\_\_\_  
Bert Wrains, Interim Town Administrator

Attest:

\_\_\_\_\_  
Susan A. Owens, CMC, Town Clerk

\_\_\_\_\_  
Witness

Approved as to form and correctness:

\_\_\_\_\_  
Gary A. Poliakoff, Town Attorney

\_\_\_\_\_  
Witness

FTL\_DB: 1175294\_1