

**RESOLUTION NO. 2010 - 005**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, APPROVING THE SEVENTH MODIFICATION TO THE AGREEMENT WITH THE MELLGREN PLANNING GROUP, INC.; EXTENDING THE AGREEMENT UNTIL OCTOBER 31, 2010; AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND TOWN ATTORNEY TO ENTER INTO THE SEVENTH 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. ("MPG"); and

**WHEREAS**, on September 25, 2008, pursuant to Resolution No. 2008-106, the Town Council approved the Fourth Amendment to its agreement with MPG, which recognized the corporation's name change, amended the processing requirements, clarified rates, and extended the term of the agreement until March 31, 2009; and

**WHEREAS**, on March 19, 2009, pursuant to Resolution No. 2009-43, the Town Council approved the Fifth Amendment to its agreement with MPG, which extended the term of the agreement until April 30, 2009; and

**WHEREAS**, on April 16, 2009, pursuant to Resolution 2009-056, the Town Council approved the Sixth Amendment to its agreement, which provided for complete cost recovery and extended the term of the agreement until September 30, 2009; and

**WHEREAS**, the Town desires to extend the Agreement through October 31, 2010.

**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 Seventh Amendment to the Agreement with The Mellgren Planning Group, Inc. ("MPG"), which extends the term of the Agreement until October 31, 2010, as specifically delineated in Exhibit "A", attached hereto and incorporated herein by reference.

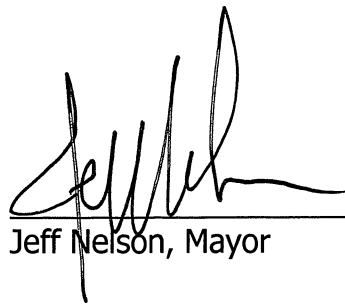
**Section 3.** The Town Council hereby authorizes the Mayor, Town Administrator and Town Attorney to enter into the Seventh Amendment to Agreement in substantially the same form as that attached hereto as Exhibit "A" and to make such modifications, additions and/or deletions which they deem necessary 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 1<sup>st</sup> day of October 2009, on a motion by Council Member McKay and seconded by Council Member Knight.

Nelson	<u>Yes</u>	Ayes	<u>5</u>
Breitkreuz	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>	Absent	<u>0</u>
Knight	<u>Yes</u>	Abstaining	<u>0</u>
McKay	<u>Yes</u>		

**[SIGNATURES ON FOLLOWING PAGE]**



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Jeff Nelson, Mayor


ATTEST:



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Debra Doré-Thomas, CMC, Town Clerk

Approved as to Form and Correctness:



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Gary A. Poliakoff, J.D., Town Attorney  
ACTIVE: 2699381\_1

## **SEVENTH MODIFICATION TO AGREEMENT**

**THIS SEVENTH MODIFICATION TO AGREEMENT** entered into as of this <sup>2<sup>ND</sup></sup> day of Nov 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

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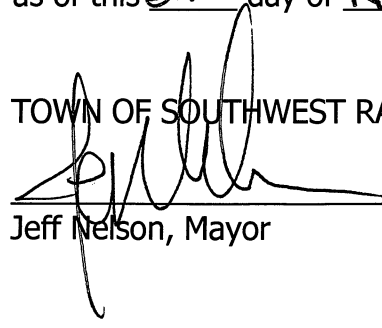
**NOW THEREFORE**, for and in consideration of the premises and for Ten Dollars (\$10.00) and for other good and valuable consideration the receipt and sufficiency whereof is hereby acknowledged, the parties hereto agree that the Original Agreement shall be amended as follows:

1. The foregoing recitals are true and correct.
2. Article 3 "Term" which has previously been amended by the First, Second, Third, Fourth and Fifth Amendments to Agreement, shall be further amended to read as follows:
  - 3.1 This Agreement shall terminate on ~~September 30, 2009~~ October 31, 2010, 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.

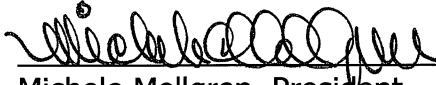
**[Signatures on Following Page]**

**IN WITNESS WHEREOF**, this Seventh Modification is accepted and executed as of this 2ND day of NOV 2009.


TOWN OF SOUTHWEST RANCHES

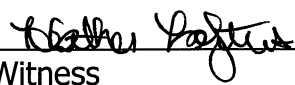
  
\_\_\_\_\_  
Jeff Nelson, Mayor

THE MELLGREN PLANNING GROUP, INC.

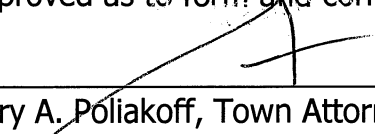
  
\_\_\_\_\_  
Michele Mellgren, President

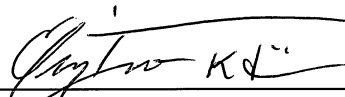
Attest:

  
\_\_\_\_\_  
Debra Doré-Thomas, CMC, Town Clerk

  
\_\_\_\_\_  
Witness

Approved as to form and correctness:

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

  
\_\_\_\_\_  
Witness

ACTIVE: 2699381\_1