

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2014-94**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE CONTRACT FOR BEACH RAKING SERVICES BETWEEN THE CITY AND W.D. THOMPSON, INC., D/B/A BEACH RAKER, TO EXTEND SAME FOR A ONE-YEAR PERIOD; AUTHORIZING THE CITY MANAGER TO EXECUTE THE EXTENSION AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Resolution 2013-47, the City and W.D. Thompson, Inc., d/b/a/ Beach Raker ("Beach Raker") entered into a contract for beach cleaning service for CocoPlum and Sombrero Beach parks, with four one year renewal options to coincide with the Florida Department of Environmental Protection five (5) year beach cleaning permit (the "Contract"); and

WHEREAS, at the August 12, 2014 City Council Meeting, the Council instructed staff to amend the Contract to provide for an extension of one (1) year, to and through September 31, 2015.

WHEREAS, the City and Beach Raker desire to amend the Contract.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THAT:**


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

**Section 2.** An amendment to the Contract between the City and Beach Raker, attached hereto as Exhibit "A," together with such non-material changes as may be acceptable to the City Manager and approved as to form and legality by the City Attorney is hereby approved. The City Manager is authorized to sign the amendment and expend budgeted funds on behalf of the City.

**Section 3.** This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 26<sup>th</sup> DAY OF AUGUST, 2014.**

**THE CITY OF MARATHON, FLORIDA**

  
\_\_\_\_\_  
**Dick Ramsay, Mayor**

AYES: Bartus, Bull, Keating, Senmartin, Ramsay  
NOES: None  
ABSENT: None  
ABSTAIN: None

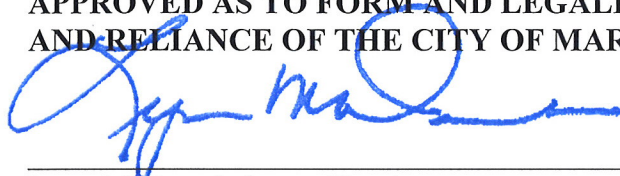
**ATTEST:**



\_\_\_\_\_  
Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**



\_\_\_\_\_  
Lynn M. Dannheisser, City Attorney

**AMENDMENT TO CONTRACT  
BETWEEN THE CITY OF MARATHON, FLORIDA  
AND W.D. THOMPSON, INC., D/B/A BEACH RAKER  
FOR BEACH RAKING SERVICES**

This Amendment to the Contract for beach raking services ("Amendment") made and entered into this 26 day of Aug, 2014, between the City of Marathon, Florida, a municipal corporation of the State of Florida ("City") and W.D. Thompson, Inc., d/b/a/ Beach Raker ("Beach Raker").

**WHEREAS**, pursuant to Resolution 2013-47, the City and W.D. Thompson, Inc., d/b/a/ Beach Raker ("Beach Raker") entered into a contract for beach cleaning service for CocoPlum and Sombrero Beach parks, with four one year renewal options to coincide with the Florida Department of Environmental Protection five (5) year beach cleaning permit (the "Contract"); and

**WHEREAS**, the City and Beach Raker desire to amend the Contract as set forth herein.

**NOW THEREFORE**, in consideration of the mutual covenants set forth in this Amendment, the parties agree as follows:

**Section 1. Amendment to Section 1.3 of the Contract.** The parties hereby amend Section 1.3 of the Contract as follows:

**1.3 TERM-** This Agreement shall be effective October 1, ~~2013~~ 2014 and shall continue until September 31, ~~2014~~ 2015, with an option of ~~(4) four~~ three (2) one-year renewals to coincide with the required Florida Department of Environmental Protection (FDEP) 5 year permit. Any extension shall be effective upon receipt of a written notice from the City to the Contractor received no later than 30 days prior to the date of termination.

**Section 2. Amendment to Section 1.20 of the Contract.** The parties hereby amend Section 1.20 on Notices to update same as follows:

**1.20. NOTICES** Whenever any party is required to give or deliver any notice to any other party, or desires to do so, such notices shall be sent via certified mail or hand delivery to:

City of Marathon  
Attention: Michael Puto, City Manager  
9805 Overseas Highway  
Marathon, Florida 33050  
Telephone: (305) 743-0033  
Facsimile: (305) 743-3667


With a copy to:  
GrayRobinson P.A.  
Attention: Lynn M. Dannheisser, Esq.  
1221 Brickell Avenue, 16<sup>th</sup> Floor  
Miami, FL 33131  
Telephone: (305) 416-6880  
Facsimile: (305) 416-6887

For Contractor:  
Beach Raker  
220 NE 13 Street  
Pompono Beach, Florida 33060  
Attn: Timothy Greener, President.  
954-560-3906

**EXCEPT AS PROVIDED HEREIN**, all other terms and conditions of the Contract dated June 12, 2013 shall remain in full force and effect.


DATED this 4 day of Sept, 2014.

WITNESSES:

  
Print Name: Todd Marcone

**W.D. THOMPSON, INC., D/B/A BEACH RAKER**

By:   
Print Name: Timothy Greener  
Title: President

  
Print Name: JANET CORNELL

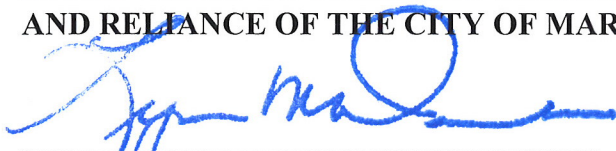
**THE CITY OF MARATHON, FLORIDA**

  
Michael Puto, City Manager

ATTEST:

  
Diane Clavier, City Clerk  
(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:**

A handwritten signature in blue ink, appearing to read "Lynn M. Dannheisser", written over a horizontal line.

Lynn M. Dannheisser, City Attorney