

**CITY OF MARATHON, FLORIDA  
RESOLUTION 2014-99**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING AN AMENDMENT TO THE ORIGINAL CONTRACT WITH SWEETWATER ENVIRONMENTAL, INC. FOR DEWATERING OPERATIONS AND MAINTENANCE SERVICES PREVIOUSLY APPROVED BY RESOLUTION 2011-61 DATED JULY 26, 2011; AUTHORIZING AN EXTENSION OF THE TERM OF THE CONTRACT TO SEPTEMBER 30, 2015; INCREASING THE AMENDED CONTRACT AMOUNT FROM \$920,625 BY SECOND AMENDMENT TO \$1,273,105; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on July 26, 2011, the City entered into a Contract (the “Contract”) with Sweetwater Environmental, Inc. (“Sweetwater”), whereby Sweetwater would provide Dewatering Operations and Maintenance Services to the City (the “Contract”). A copy of the Contract is attached hereto as Exhibit “1” and incorporated by this reference; and

**WHEREAS**, on May 13, 2014, Resolution 2014-52 extended the Contract term to September 30, 2014 and increased the contract amount from \$525,000 to \$920,625; and

**WHEREAS**, the City and Sweetwater desire to amend the Contract as set forth herein to increase by \$353,000 the total contract amount from \$920,625 to \$1,273,105, and to extend the term of the Contract through September 30, 2015.

**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.** The Amendment to the Contract attached as Exhibit “A” is hereby approved 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 approved. The City Manager is authorized to execute the Second Amendment on behalf of the City and expend budgeted funds for the services set forth in the Contract.

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

**PASSED AND APPROVED** by the City Council of the City of Marathon, Florida, this 26th 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 Dannheisser, City Attorney

**SECOND AMENDMENT  
TO CONTRACT BETWEEN THE CITY OF MARATHON, FLORIDA  
AND SWEETWATER ENVIRONMENTAL, INC.**

This Amendment to the Contract for Dewatering Operations And Maintenance Services between the City of Marathon, Florida, a municipal corporation of the State of Florida (“City”) and Sweetwater Environmental, Inc. (“Sweetwater” or “Contractor”), a Florida corporation, (“Amendment”).

**WHEREAS**, pursuant to Resolution 2011-61, the City and Sweetwater entered into a contract for Dewatering Operations And Maintenance Services (“Contract”). A copy of the Contract is attached hereto as Exhibit “1” and incorporated by this reference; and

**WHEREAS**, on May 13, 2014, Resolution 2014-52 extended the Contract term to September 30, 2014 and increased the contract amount from \$525,000 to \$920,625; and

**WHEREAS**, the City and Sweetwater desire to amend the Contract as set forth herein to increase by \$353,000, the total contract amount from \$920,625 to \$1,273,105, and to extend the term of the Contract through September 30, 2015.

**NOW THEREFORE**, in consideration of the mutual covenants set forth in this Amendment, the parties agree as follows:<sup>1</sup>

**Section 1.** **Amendment to Section 3 of the Contract to add subsection (e).** The parties hereby amend Section 3 of the Contract to add subsection (e) to read as follows:

**3. Compensation/Payment**

**(e)** The total amount invoiced shall not exceed \$1,273,105. This invoiced amount shall reflect services for the four ~~three~~ (4) year period ending September 30, 2015. 2014.

**Section 2.** **Amendment to Section 5 of the Contract.** The parties hereby amend Section 5 of the Contract as follows:

**(5) Term.** This Contract shall be effective upon execution by both parties. This Contract shall remain in effect for ~~two three~~ four years from the date of execution unless terminated earlier in accordance with this Contract. The City Manager may, at

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<sup>1</sup> / Additions to existing text are shown by underline, and deletions are shown as ~~strikethrough~~.  
\\Sweetwatert\_Amendment.doc

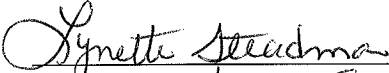
his/her sole option, extend this Contract on the same terms and conditions for one additional one year term extensions by written notice delivered at least sixty (60) days prior to termination of this Contract.


**EXCEPT AS PROVIDED HEREIN**, all other terms and conditions of the Contract dated July 26, 2011, remain in force and effect.

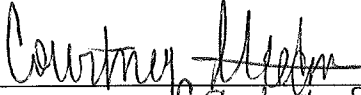
**DATED** this 26<sup>th</sup> day of August, 2014.

**WITNESSES:**

**SWEETWATER ENVIRONMENTAL, INC.**

  
Print Name: Lynette Steadman

By:   
Print Name: Spence Steadman  
Title: ~~President~~ Vice President

  
Print Name: Courtney Steadman

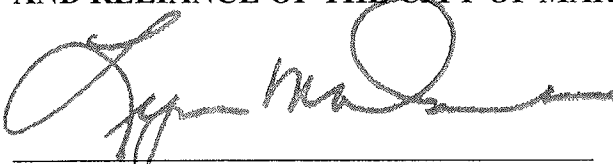
**THE CITY OF MARATHON, FLORIDA**

  
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:**

  
Lynn Damheisser, City Attorney