

**CITY OF MARATHON, FLORIDA
RESOLUTION 2015-84**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, APPROVING A FIFTH AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND GONZALEZ BROTHERS LANDSCAPING, INC. FOR LANDSCAPING AND FACILITIES MAINTENANCE SERVICES IN AN AMOUNT OF \$482,000.00, TO EXTEND SAME FOR A TWO YEAR PERIOD WITH AN OPTIONAL 2 YEAR RENEWAL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in 2007 the City of Marathon, Florida (the "City") and Gonzalez Landscaping, Inc. ("Gonzalez") entered into a contract for landscaping and facilities maintenance at all of the City's parks and beaches (the "Contract"); and

WHEREAS, in 2009 the Contract was modified and extended by the City, and in 2011 the Contract was extended until September 30, 2013; and

WHEREAS, in 2013 the Contract was modified and extended by the City until September 30, 2015; and

WHEREAS, the City and Gonzalez desire to extend the Contract, as reflected in the Fifth Amendment to the Contract as set forth herein.

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 Fifth Amendment between the City and Gonzalez, a copy of which is attached hereto as "Exhibit A", is hereby approved. The City Manager is authorized to execute the Fifth 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 11th DAY OF AUGUST, 2015.

THE CITY OF MARATHON, FLORIDA



Chris Bull, Mayor

AYES: Keating, Senmartin, Zieg, Bull
NOES: None
ABSENT: Kelly
ABSTAIN: None

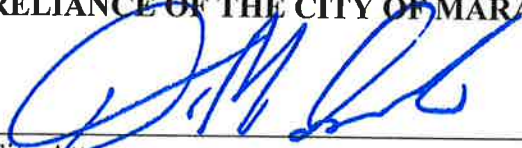
ATTEST:



Diane Clavier, City Clerk

(City Seal)

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



City Attorney

**FIFTH AMENDMENT TO CONTRACT
FOR
LANDSCAPE AND FACILITIES MAINTENANCE SERVICES**

This Fifth Amendment to the Contract for Landscape and Facilities Maintenance Services (the "Fifth Amendment") made and entered into this 11th day of August, 2015 between the City of Marathon, Florida, a municipal corporation organized and existing under the laws of the State of Florida, with its address at 9805 Overseas Highway, Marathon, Florida, 33050 (hereinafter referred to as "City") and Gonzalez Landscaping Brothers, Inc., a Florida corporation, with its address at P.O. Box 501740, Marathon, Florida 33050 (hereinafter referred to as "Contractor").

WITNESSETH:

WHEREAS, on August 14, 2007, the City and Contractor entered into a Contract for Landscape and Facilities Maintenance Services (the "Contract"); and

WHEREAS, the City and Contractor desire to further amend the Contract to extend the term as set forth in contract herein.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Fifth Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

Section 1. Amendment to Section 2.3 of the Contract

2.3 TERM:

This Contract shall continue through September 30, ~~2015~~ 2017.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth in this Fifth Amendment and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties hereby amend the Agreement to read as follows:

IN WITNESS WHEREOF, City and Contractor have set their hands and seals, as of the day and year first above written.

Attest:

City Of Marathon, Florida

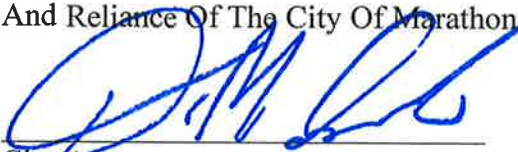


Diane Clavier
City Clerk



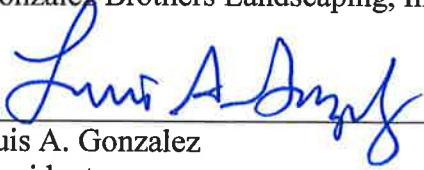
Michael H. Puto
City Manager

Approved As To Form And Legality For The Use
And Reliance Of The City Of Marathon, Florida Only:



City Attorney

Gonzalez Brothers Landscaping, Inc.



Luis A. Gonzalez
President