

ORDINANCE NO. 2017-035

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXTEND THE FRANCHISE AGREEMENT BETWEEN THE CITY AND EMERALD TRANSPORTATION CORPORATION DATED OCTOBER 1, 2008, FOR ONE YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on October 1, 2008, the City entered into a five-year Franchise Agreement (“Agreement”) for City-wide wrecker towing service for the removal and storage of vehicles that are abandoned, disabled from a traffic crash, creating a traffic hazard, or for non-consensual removal of vehicles from public streets and areas within the City pursuant to RFP No. 08-14-08-10; and

WHEREAS, pursuant to the Agreement, the City reserved the right to extend the Agreement for five additional one-year periods; and

WHEREAS, the City has extended the Agreement for four of the five available one-year extension periods; and

WHEREAS, the City is desirous of extending the Agreement a fifth time, and Emerald Transportation Corporation has agreed to same; and

WHEREAS, the Agreement provides for an annual franchise fee of \$25,000.00, with an increase each year of the contract by a minimum of five percent from the previous year’s fee; and

WHEREAS, the City Commission finds and determines that it is in the best interest of the City to extend the Agreement for City-wide wrecker towing service for one year from October 1, 2017, through September 30, 2018, as contemplated by Paragraph 6 of the Agreement, dated October 1, 2008.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the City Manager, or designee, is hereby authorized to extend the Agreement between the City of Coconut Creek and Emerald Towing Corporation for City-wide wrecker towing service, by letter, for one year, beginning on October 1, 2017, and expiring September 30, 2018.

Section 2: That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3: That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 4: That this Ordinance shall become effective immediately upon its passage on second and final reading.

PASSED FIRST READING THIS 10TH DAY OF AUGUST, 2017.

PASSED SECOND READING THIS 14TH DAY OF SEPTEMBER, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>