

ORDINANCE NO. 2016-36

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

WHEREAS, in 2008, the City established a multi-year franchise agreement for City-wide wrecker towing service for the removal and storage of vehicles that are creating a traffic hazard, abandoned, disabled from a traffic crash, or for non-consensual removal of vehicles from public streets and areas within the City; and

WHEREAS, on October 1, 2008, the City entered into a five (5) year Franchise Agreement for City-wide wrecker towing service (“Agreement”) 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 (5) additional one (1) year periods; and

WHEREAS, the City has extended the Agreement for three (3) of the five (5) available one (1) year extension periods; and

WHEREAS, the City is desirous of extending the Agreement a fourth (4th) time, and Emerald Transportation Corporation has agreed to same; and

WHEREAS, the City Commission finds and determines that it is in the best interest of the City to extend the Franchise Agreement for City-wide wrecker towing service for one (1) year from October 1, 2016 through September 30, 2017 as contemplated by Paragraph 6 of the Franchise Agreement, dated October 1, 2008; and

WHEREAS, the Agreement provides for an annual franchise fee of \$25,000.00; and

WHEREAS, the Agreement provides that the franchise fee will increase each year of the contract by a minimum of five percent (5%) from the previous year's fee.

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 (1) year, beginning on October 1, 2016 and expiring September 30, 2017.

Section 2: That all ordinances or parts of ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

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

PASSED FIRST READING THIS 11th DAY OF AUGUST, 2016.

PASSED SECOND READING THIS 8th DAY OF SEPTEMBER, 2016.

Mikkie Belvedere, Mayor

Attest:

Leslie Wallace May, City Clerk

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