

RESOLUTION NO.13-120

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA APPROVING THE SECOND AMENDMENT TO THE AGREEMENT BETWEEN THE CITY AND AMERICAN TRAFFIC SOLUTIONS, INC., FOR THE PROVISION OF A PHOTO RED-LIGHT ENFORCEMENT PROGRAM IN THE CITY OF DORAL; AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND AMENDMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Doral City Council adopted Ordinance #2009-08 titled the “Doral Dangerous Intersection Safety Act,” which permits the City to use unmanned cameras and monitoring devices for red light infractions; and

WHEREAS, in order to implement the Act, the City entered into an agreement with American Traffic Solutions, Inc. (“ATS”), for the provision of a photo red- light enforcement program (the “Agreement”); and

WHEREAS, the City and ATS entered into a First Amendment to the Agreement (the “First Amendment) to implement the provisions HB 325 (2010), which expressly authorizes municipalities to use traffic infraction detectors to enforce certain provisions of Chapter 316, *Florida Statutes*, subject to certain requirements and conditions; and

WHEREAS, the Florida Legislature passed and the Governor of the State of Florida signed into law CS/CS/HB 7125 (2013), authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, *Florida Statutes*, and taking effect on July 1, 2013; and

WHEREAS, the City and ATS mutually desire to amend certain terms and conditions of the Agreement, as modified by the First Amendment, to align the provision of services by ATS with the provisions and requirements of Chapter 2013-160, Laws of Florida (2013) (the “Second Amendment”).

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

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

Section 2. Approval. The Second Amendment to the Agreement between the City and ATS for the provision of a photo red-light enforcement program in the City, a copy of which is attached as Exhibit “A,” together with such non-material changes as may be acceptable to the City Manager and approved as to form by the City Attorney, is hereby approved. The City Manager is authorized to execute the Second Amendment on behalf of the City.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Councilmember Ruiz who moved its adoption. The motion was seconded by Vice Mayor Rodriguez Aguilera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Bettina Rodriguez-Aguilera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED and ADOPTED this 15th day of October, 2013.



LUIGI BORIA, MAYOR

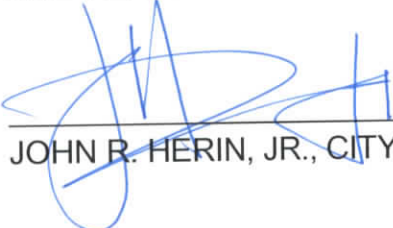
10/16/2013

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF DORAL ONLY:



JOHN B. HERIN, JR., CITY ATTORNEY

EXHIBIT “A”

SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT

This Second Amendment is dated effective this 9th day of October, 2013 and is entered into between American Traffic Solutions, Inc. ("ATS"), a Kansas corporation and the City of Doral ("Customer"), a municipal corporation of the State of Florida.

RECITALS

WHEREAS, on March 11, 2009, Customer and ATS entered into a Professional Services Agreement (the "Agreement"), a copy of which is attached hereto as Exhibit "A;" and

WHEREAS, pursuant to Resolution 10-151, Customer and ATS entered into a first amendment to the Agreement to implement the provisions of HB 325 (2010) (the "First Amendment"), a copy of which is attached hereto as Exhibit "B;" and

WHEREAS, the Florida Legislature passed and the Governor of the State of Florida signed into law CS/CS/HB 7125, authorizing local hearings for notices of violations connected with the use of red light cameras as traffic infraction detectors to enforce Chapter 316, the State of Florida Uniform Traffic Code and taking effect on July 1, 2013; and

WHEREAS, Customer and ATS mutually desire to amend certain terms and conditions of the Agreement, as modified by the First Amendment, to align the provision of services by ATS with the provisions and requirements of Chapter 2013-160, Laws of Florida (2013) (the "Second Amendment").

TERMS AND CONDITIONS

NOW THEREFORE, Customer and ATS hereby agree as set forth below:

1. The above recitals are true and correct and incorporated herein.
2. Section 1.0 of Exhibit F is hereby amended to add the following:

Subsequent notices mailings fee: \$2.00 per piece.

ATS is authorized to charge, collect and retain a convenience fee of up to 5% of the total dollar amount for each electronic payment processed. Such convenience fees are paid by the violator.
3. Exhibit D is hereby amended to add a new Section 16 as follows: "Subsequent notices, other than those specified in section 8, may be delivered by First Class mail for additional compensation as set forth in Exhibit F."
4. Section 19 of Exhibit D is hereby amended to add the following: "Customer shall provide for itself a local hearing officer, clerk, and hearing facilities to schedule and hear disputed Notices of Violation."

5. To the extent that the revenue collected over the term of the Agreement is insufficient to cover any balance deferred under Section 1.0 of Exhibit F, ATS shall issue a credit of up to \$36,575 toward such deferred balance.
6. The provisions of the Agreement and First Amendment, as amended by this Second Amendment, including the recitals, comprise all of the terms, conditions, agreements, and representations of the parties with respect to the subject matter hereof. Except as expressly amended or modified by the terms of this Second Amendment, all terms of the Agreement and First Amendment shall remain in full force and effect. In the event of a conflict between the terms of this Second Amendment and the Agreement or First Amendment, the terms of this Second Amendment shall prevail and control.
7. This Second Amendment may be executed in one or more counterparts, each of which shall constitute an original, but all of which taken together shall constitute one and the same instrument. Each party represents and warrants that the representative signing this Second Amendment on its behalf has all right and authority to bind and commit that party to the terms and conditions of this Second Amendment.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment.

City Of Doral

American Traffic Solutions, Inc.

Joe Carollo, City Manager

Date:_____

Attest:

By:_____

Title:_____

Date:_____

Barbara Herrera, City Clerk

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

John R. Herin, Jr., City Attorney