RESOLUTION NO. 2014-108

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY TO ENTER INTO A THIRD AMENDMENT TO THE BUS LEASE AGREEMENT RENEWING THE TERM FOR AN ADDITIONAL TWO YEARS COMMENCING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2016, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1".

WHEREAS, pursuant to Hialeah, Fla., Resolution 10-114 (Oct. 28, 2010), the City of Hialeah entered into a two-year license with MV Contract Transportation, Inc. with options to renew; and

WHEREAS, pursuant to Hialeah, Fla., Resolution 11-113 (Oct. 31, 2011), the City entered into a first amendment to the professional services agreement and the bus lease agreement with MV Contract Transportation, Inc. due to a change in inventory when the City added new buses; and

WHREAS, pursuant to Hialeah, Fla., Resolution 12-101 (Sept. 2, 2012), the City amended the bus lease agreement with MV Contract Transportation, Inc. by extending the terms for a period of two years commencing on October 1, 2012 and ending on September 30, 2014; and

WHEREAS, the City of Hialeah finds that it is in the best interest and welfare of the residents of the City of Hialeah to enjoy uninterrupted high-quality bus service by renewing the bus lease agreement with MV Contract Transportation, Inc., for an additional two years beginning on October 1, 2014 and ending on September 30, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby renews a two-year lease of the City's buses as inventoried on the Bus Lease Agreement, dated October 29, 2010, as amended, to MV Contract Transportation, Inc. to provide professional services and personnel in connection with the operation of the Hialeah Transit System.

Section 3: The City of Hialeah, Florida hereby authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Third Amendment to the Bus Lease Agreement, a copy of which is attached hereto and made a part hereof as Composite Exhibit "1," in furtherance thereof.

PASSED AND ADOPTED this 09 day of September, 2014.

Isis Garcia-Martinez
Council President

Attest:

Approved on this 11 day of September, 2014.

Marbelys Fatjo, Acting City Clerk

Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

Lorena E. Bravo, Acting City Attorney

Resolution was adopted by a 5-0-2 vote with Council Members Casáls-Muñoz, Garcia-Martinez, Gonzalez, Hernandez, & Lozano voting "Yes", & Councilmembers Caragol and Cue-Fuente absent.

s:\leb\legislation\2014-resolutions\mvtransportation3rdamendmentbuslease docx

THIRD AMENDMENT
TO BUS LEASE AGREEMENT DATED OCTOBER 29, 2010

WHEREAS, pursuant to Hialeah, Fla., Resolution 11-113 (Oct. 31, 2011), MV Contract Transportation, Inc. and the City entered into a First Amendment to Bus Lease Agreement Dated October 29, 2010 due to an Inventory Change; and

WHEREAS, pursuant to Hialeah, Fla., Resolution 10-114 (Oct. 28, 2010), the City entered into a bus lease agreement with MV Contract Transportation, Inc. for a term commencing on November 1, 2010 and ending on October 31, 2012;

WHEREAS, pursuant to Hialeah, Fla., Resolution 12-101 (September 2, 2012), the City amended the bus lease agreement with MV Contract Transportation, Inc. by extending the term for a period of two years commencing on October 1, 2012 and ending on September 30, 2014; and

WHEREAS, the parties hereto agree that the specific amendments will be shown below by underlining language to be added and deleting existing language by a strikethrough.

NOW, THEREFORE, in consideration of the mutual promises, covenants, and agreements herein contained and other valuable consideration, the receipt of which is hereby acknowledged, the Agreement is hereby amended as follows:

BUS LEASE AGREEMENT

* * *

Term. The term of this lease shall commence on ~~October 1, 2012~~ October 1, 2014 and terminate on ~~September 30, 2014~~ September 30, 2016, unless otherwise terminated as provided herein. ~~The parties may agree to a successive one-year renewal of the agreement by resolution~~.

* * *

All other provisions of the Agreement, as amended and the First Amendment shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by the respective officials or officers thereunto duly authorized, this ___ day of _____, 2014.

City of Hialeah, Florida
501 Palm Avenue
Hialeah, FL 33010-0040

Attest:

Authorized signature on behalf of City of Hialeah

_____

Marbelys Fatjo Date
Acting City Clerk

_____

Mayor Carlos Hernandez Date

(SEAL)

Approved as to legal sufficiency and form:

_____

Lorena E. Bravo, Acting City Attorney

MV Contract Transportation, Inc., a wholly owned subsidiary of the parent company, MV Transportation, Inc.
4620 Westamerica Drive
Fairfield, CA 94534

Attest:

Authorized signature of the firm

_____

Corporate Secretary
(SEAL)

_____

Brad Cornelsen Date
CFO

s:\leb\departments\transit\mvthirdamendmentbus-lease-agrmnt.docx