

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO ISSUE A PURCHASE ORDER BETWEEN SHERLOCK TREE COMPANY, INC. AND THE CITY OF HOLLYWOOD FOR TREE TRIMMING SERVICES FOR EXISTING TREES FROM THE FLORIDA EAST COAST RAILWAY CORRIDOR LANDSCAPE EASEMENT FROM FILLMORE STREET TO PEMBROKE ROAD AS REQUIRED FOR SAFE RAILWAY TRAFFIC, IN AN AMOUNT NOT TO EXCEED \$102,628.00; APPROVING AN AMENDMENT TO THE FISCAL YEAR 2018 CAPITAL IMPROVEMENT PROGRAM, AS SET FORTH IN EXHIBIT A.

WHEREAS, the City of Hollywood and Florida East Coast Railway (“FEC”) have throughout the years entered into several Easement Agreements, granting the City a license to install landscaping, parking areas and way finding features in Railway Rights-of-Way; and

WHEREAS, the Easement Agreements require the City to remove any improvements installed within the easement due to conflicts with existing or proposed railway operations; and

WHEREAS, in order to maintain safety and minimize pedestrian and vehicle conflicts, railway operations require a clear area within 25’ of the centerline of a railway, and in addition trees should be kept with a clear understory for visibility; and

WHEREAS, All Aboard Florida (“AAF”) has installed a new railway line on the west side of the original FEC railway, which is closer to the easement area along Dixie Highway and requires trimming trees from Harrison Street to Pembroke Road on both sides of the railway corridor; and

WHEREAS, AAF, its contractor Archer Western, and Archer Western’s subcontractor Sherlock Tree Company, Inc., are currently working in the FEC corridor from Miami to West Palm Beach, installing traffic control devices, adjusting rail lines, improving crossings, testing the system and will soon start testing the Brightline Trains south of the City of Fort Lauderdale Station; and

WHEREAS, working in an active railway right-of-way requires contractor certification by the railway company, mandatory supervision by railroad trained operators serving as Flagman and/or Employee In Charge coordinating work with approaching train traffic; and

WHEREAS, in order to maintain safe railway operations, reduce construction schedule conflicts, and eliminate City liability, staff recommends that Archer Western's subcontractor, Sherlock Tree Company, Inc., who is presently working in the FEC right-of-way to trim trees from Harrison Street to Pembroke Road along both sides of the railway corridor, be retained for tree trimming services from the Florida East Coast Railway Corridor Landscape Easement from Fillmore Street to Pembroke Road; and

WHEREAS, use of Archer Western's subcontractor requires a 5/7ths vote of the City Commission as competitive bidding and competitive proposals for the contractual services are not in the best interest of the City pursuant to Section 38.40(C)(8) of the Purchasing Code; and

WHEREAS, staff has evaluated the scope of the work, including Maintenance of Traffic Plan, tree trimming, tree removal, stump grinding, debris hauling, railway traffic and work safety coordination, as well as site and working conditions, and finds the price proposal to be fair and reasonable; and

WHEREAS, it is necessary to amend the approved FY 2018 Capital Improvements Program as set forth in Exhibit A, attached hereto;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it approves and authorizes issuance, by the appropriate City officials, of a Purchase Order between Sherlock Tree Company, Inc. and the City of Hollywood, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3: That it approves the amendment to the approved FY 2018 Capital improvement Program, as set forth in the attached Exhibit A.

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Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2017.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY