



City of Coral Gables  
CITY COMMISSION MEETING  
March 23, 2010

**ITEM TITLE:**

Resolution authorizing the City Attorney to proceed with filing an action for breach of contract against ArcoArt Plus, L.L.C d/b/a Trolinet for failing to comply with the terms of the agreement with the City; and further authorizing the City Attorney to take all action necessary to represent the interests of the City.

**RECOMMENDATION OF THE CITY MANAGER:**

Approval.

**BRIEF HISTORY:**

ArcoArt Plus, LLC d/b/a Trolinet ("TROLINET") has a professional services agreement with the City of Coral Gables for on-board trolley and print advertising services wherein it agreed to all professional services necessary to sell advertising to raise revenues. The Agreement was executed by all parties on January 12, 2009, and approved by the City Commission via Resolution Number 2008-128. The City further negotiated an Amendment to the aforementioned Agreement as requested by Trolinet modifying the date and amount of payments to be made to the City. The Commission approved the Amendment on July 7, 2009. Trolinet failed to execute the Amendment to the Agreement and to make payments pursuant to the terms of both the Agreement and the Amendment to the Agreement.

On or about February 18, 2010, the City sent Trolinet a notice of default and a request to execute the Amendment or the City would terminate the Agreement for a material breach of the Contract. To date, Trolinet has not responded to the City's request for payment and/or execution of the Amendment to the Agreement.

Based upon Trolinet's material breach, we request authority to allow the City Attorney's office to file suit requesting payment in full for all payments due the City pursuant to the Agreement dated January 12, 2009, or payment in full pursuant to the terms of the Amendment to the Agreement as agreed to by the City on July 7, 2009.

**APPROVED BY:**

| Assistant City Manager | City Attorney | City Manager |
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**ATTACHMENT(S):**

1. Resolution.
2. ArcoArt Plus, L.L.C. d/b/a Trolinet Proposed Resolution Memorandum.