

ORDINANCE NO. 2019-055

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING AN EQUIPMENT LEASE-PURCHASE AGREEMENT WITH MOTOROLA SOLUTIONS, INC., AS LESSOR, AND THE CITY, AS LESSEE, FOR THE ACQUISITION, PURCHASE, FINANCING AND LEASING OF CERTAIN EQUIPMENT AS DESCRIBED HEREIN; AUTHORIZING THE MAYOR AND CITY CLERK, AS ATTESTING WITNESS, TO EXECUTE THE EQUIPMENT LEASE-PURCHASE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF IN SUBSTANTIAL FORM AS EXHIBIT "A" AND ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY; AUTHORIZING ALL OTHER ACTIONS NECESSARY IN FURTHERANCE OF THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah, Florida (the "City") a municipal corporation duly organized and validly existing under the laws of the State of Florida (the "State") is authorized by the laws of the State to purchase, acquire and lease personal property (tangible and intangible) for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the City Council of the City (the "City Council") has determined that a need exists for the acquisition, purchase and financing of certain property consisting of P25 Phase II compliant subscriber radio equipment and related services (collectively, the "Equipment") as described herein; and

WHEREAS, in order to acquire such Equipment, the City proposes to enter into an Equipment Lease-Purchase Agreement (the "Agreement") with Motorola Solutions, Inc., as Lessor (the "Lessor"), substantially in the proposed form attached hereto as Exhibit "A"; and

WHEREAS, the City Council deems it is in the best interest of the public and the efficient and effective administration of the City government to enter into the Equipment Lease-Purchase Agreement for the purchase, acquisition, financing and leasing of the Equipment to be therein described on the terms and conditions therein and herein provided.

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

Section 1: Authority for ordinance.

This Ordinance is enacted pursuant to the provisions of Chapter 166, Florida Statutes, the City Charter and other applicable provisions of law (collectively, the "Act"). The City has ascertained and hereby determined that enactment of this Ordinance is necessary to carry out the powers, purposes and duties expressly provided in the Act, that each and every matter and thing as to which provision is made herein is necessary in order to carry out and effectuate the purposes of the City in accordance with the Act and to carry out and effectuate the plan and purpose of the Act, and that the powers of the City herein exercised are in each case exercised in accordance with the provisions of the Act and in furtherance of the purposes of the City.

Section 2: Findings.

It is hereby ascertained, determined and declared that:

- A. The WHEREAS clauses recited above are hereby incorporated herein as a part of this Ordinance.
- B. The terms of the Agreement, are in the best interests of the City for the acquisition, purchase, financing and leasing of the Equipment.
- C. The costs associated with the execution and delivery of the Agreement shall be deemed to include legal fees and expenses, financial advisory fees and expenses, and such other expenses as may be necessary or incidental for the lease-purchase financing herein authorized.

Section 3: Approval of financing documents.

A. The form, terms and provisions of the Agreement attached hereto and incorporated hereof in substance form as Exhibit "A" are hereby approved, with such insertions, omissions and changes as shall be approved by the Mayor executing the same, the execution of such documents being conclusive evidence of such approval. The Mayor, and the City Clerk, as attesting witness, are hereby authorized and directed to sign and deliver on behalf of the City the Agreement, and any related documents, if and when required (collectively, the "Financing Documents"); provided, however, that, without further authorization from the City, (a) the principal component of Rental Payments under the Lease related to the Equipment (the "Lease") entered into pursuant to the Agreement shall not exceed \$4,600,924.60; (b) the maximum term under the Lease shall not exceed ten years; and (c) the maximum interest rate used to determine the interest component of Rental Payments under the Lease shall not exceed 2.830% per annum. The Mayor may sign and deliver the Lease, to the Lessor, on behalf of the City, pursuant to the

Agreement on such terms and conditions as they shall determine are in the best interests of the City up to the maximum aggregate principal component, maximum term and maximum interest rate provided above.

Section 4: Authorizations.

The Mayor, the City Clerk, the City Attorney or the Finance Director, and such other officials and employees of the City as may be designated by the City, are each designated as agents of the City in connection with the issuance and delivery of the Financing Documents and are authorized and empowered, collectively or individually, to take all actions and steps and to execute all instruments, documents, and contracts on behalf of the City that are necessary or desirable in connection with the execution and delivery of the Financing Documents, and which are specifically authorized or are not inconsistent with the terms and provisions of this Ordinance.

Section 5: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 7: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 8: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor

or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 16 day of July, 2019.



Vivian Casals-Muñoz
Council President

Attest:

Approved on this 18 day of July, 2019.

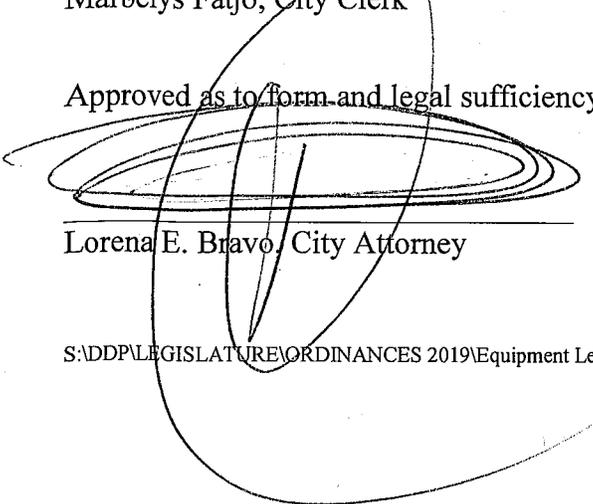


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Ordinance was adopted by a 5-0-2 vote with Councilmembers, Casals-Muñoz, Garcia-Martinez, Caragol, Hernandez and Zogby voting "Yes" and with Councilmembers Cue-Fuente and Lozano absent.