

ORDINANCE NO. 2017-046

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA SUBMITTING TO THE ELECTORATE AT A SPECIAL ELECTION OF THE CITY TO BE HELD ON TUESDAY NOVEMBER 7, 2017, THE SAME DATE AS THE HIALEAH PRIMARY ELECTION IN MIAMI-DADE COUNTY, WHERE THE ELECTORS AT THE HIALEAH PRIMARY AND SPECIAL ELECTION SHALL BE PRIVILEGED TO VOTE ON THE FOLLOWING BALLOT QUESTION:

“SHALL THE ELECTORATE ALLOW THE CITY OF HIALEAH TO SELL REAL PROPERTY IMPROVED WITH A WAREHOUSE, APPROXIMATELY 28,916 SQUARE FEET IN SIZE, LOCATED AT 601 WEST 20TH STREET, IDENTIFIED BY FOLIO NUMBER 04-3013-034-0110, ON OR AFTER DECEMBER 9, 2019, AS THE FUTURE SALE SHALL RELIEVE THE CITY FROM THE COSTS OF REPAIRS AND MAINTENANCE ON THE PROPERTY?”

REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council, as required by § 1.04(b) of the City Charter, requires the City to hold a referendum election each time City owned real property is sold; and

WHEREAS, the warehouse located at 601 West 20th Street, is subject to a restriction that the warehouse not be sold sooner than December 9, 2019, and selling the warehouse shall relieve the city from the costs of repairs and maintenance; and

WHEREAS, on October 5th in 1993, the City accepted an Economic Development Administration Grant of \$1 million dollars, Project No. 04-59-03988 to finance, rehabilitate,

and convert the warehouse as a training, educational, research, economic, and a tech-hub, among other uses; and

WHEREAS, a private corporation then donated the warehouse, subject to a restrictive covenant that prohibited its sale for at least twenty-five years; and

WHEREAS, in 1995 the City entered into an agreement with Technology Construction Corp., to improve the warehouse, and with Hialeah Technology Center Inc., as a sub-recipient of CDBG grant funding to develop programs at the warehouse; and

WHEREAS, the City then entered into agreements with Fraunhofer USA, Inc., a non-profit company, as a sub-recipient of CDBG grant funding, to assist in the marketing, development and management of the warehouse and the facilities, namely, the Hialeah International Technologies and Productivity Improvement Center (HIT-PIC); and

WHEREAS, on October 1, 2004, the City took over the management of the warehouse and facilities; and

WHEREAS, thereafter the City has allocated about \$100,000.00 yearly on CDBG funding to operate the warehouse and facilities since it took over the management, and in 2017 had to replace a 25 ton a/c unit at a cost of \$10,672.00, among other costs expended by the city, in this and past years, to maintain and operate the warehouse.

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

Section 1: The Charter of the City of Hialeah, Florida, Article 1, entitled: "Corporate existence, form of government, boundary and power" and specifically, § 1.04(b)(1), authorizes by voter referendum the sale of City owned real property.

Section 2: The Mayor and the City Council of the City of Hialeah, Florida hereby submit the following question to the electorate at a special election of the City of Hialeah, Florida, the Hialeah Primary and Special Election, to be conducted on Tuesday, November 7,

2017, on the same date of the Hialeah primary election in Miami-Dade County, to which the electors of the City of Hialeah, Florida may vote “Yes” or “No”. The form of the ballot question shall be as follows:

Title: Sale of improved real property owned by the City located at 601 West 20th Street.

Ballot Question:

“SHALL THE ELECTORATE ALLOW THE CITY OF HIALEAH TO SELL REAL PROPERTY IMPROVED WITH A WAREHOUSE, APPROXIMATELY 28,916 SQUARE FEET IN SIZE, LOCATED AT 601 WEST 20TH STREET, IDENTIFIED BY FOLIO NUMBER 04-3013-034, ON OR AFTER DECEMBER 9, 2019, AS THE FUTURE SALE SHALL RELIEVE THE CITY FROM THE COSTS OF REPAIRS AND MAINTENANCE ON THE PROPERTY?”

Yes

No

Section 3: Conduct of Elections.

The Miami-Dade County Supervisor of Elections is requested and authorized to conduct these elections in accordance with the general election laws of the State of Florida and the Charter and Code of the City of Hialeah, Florida. The City will pay all expenses associated with these elections unless some of the expenses are shared with other governmental entities. The Miami-Dade County Supervisor of Elections shall appoint an Election Board to assist the Elections Department in conducting the elections. The City of Hialeah will make the final tabulation and certification of results.

Section 4: Form of Ballot.

The ballot form to be used shall be as provided by the Miami-Dade County Supervisor of Elections.

Section 5: Opening and Validating Absentee Ballots.

The criteria and requirements for the opening and validating of absentee ballots and canvassing of ballots shall be same as followed by the Miami-Dade County Supervisor of Elections. All absentee ballots shall comply with the minimum requirements of state law.

Section 6: Canvassing Board.

The City Councilmembers may serve as the Canvassing Board for this election. Furthermore, the members in attendance will be the Canvassing Board for the Logic and Accuracy test and the canvas of ballots on Election Day. If no member of the Canvassing Board attends the Logic and Accuracy tests and/or the canvassing of the ballots on Election Day, the City Clerk shall serve as the Canvassing Board designee for the City Council.

Section 7: Certification of Results.

The Canvassing Board will make the official certification of the results of the ballot question on or about at 12:00 noon on Wednesday, November 8, 2017, at a special meeting the day following the election.

Section 8: Registration of Voters.

The Miami-Dade County Supervisor of Elections will register voters for the ballot question conducted at the election until 5:00 p.m. on Tuesday, October 10, 2017. All persons eligible to vote at this election must be registered before the times stipulated above or have registered previously, as provided by law.

Section 9: Polling Places, Hours of Voting.

Polling places for this election will be as designated by the Miami-Dade County Supervisor of Elections and will be open from 7:00 a.m. to 7:00 p.m. on the Election Day. Early voting shall be at the same times and dates as early voting is allowed by Miami-Dade County.

Section 10: Notice.

Notice of this election shall be according to law.

Section 11: Early Voting.

The City shall comply with the times and locations of early voting as established by the Miami-Dade County Supervisor of Elections pursuant to state law.

Section 12: Repeal of Ordinances in Conflict.

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

Section 13: 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.

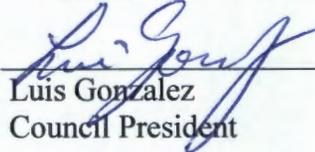
Section 14: Severability Clause.

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.

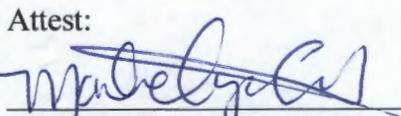
Section 15: Effective Date.

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.

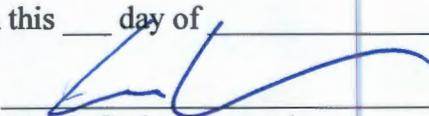
THE FOREGOING ~~ORDINANCE~~ **PASSED** and ADOPTED this 22 day of August, 2017.
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



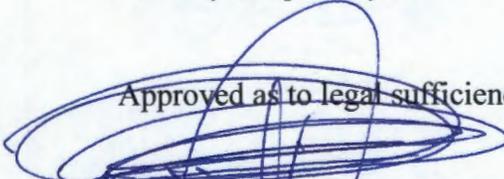
Luis Gonzalez
Council President

Attest:


Marbelys Fatjo, City Clerk

Approved on this _____ day of _____, 2017.


Mayor Carlos Hernandez

Approved as to legal sufficiency and form:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (6-0-1) vote with Councilmembers, Lozano, Gonzalez, Hernandez, Cue-Fuente, Garcia-Martinez and Casáls-Muñoz voting "Yes". Councilmember Caragol absent.