

ORDINANCE NO. 2016-47

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING A FIVE-YEAR LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF HIALEAH, AS LESSEE, AND U.S. BANCORP GOVERNMENT LEASING AND FINANCE, INC., A MINNESOTA CORPORATION, AS LESSOR, TO FINANCE THE PURCHASE OF A 2016 THIRTY-TWO FOOT EL DORADO EZ RIDER II PASSENGER BUS, IN THE TOTAL AMOUNT OF \$360,364.29, INCLUDING INTEREST PAYMENTS TOTALING \$19,964.29, AT AN ANNUAL INTEREST RATE OF 2.640%, PAYABLE ON A YEARLY BASIS BEGINNING ON DECEMBER 1, 2016 AND EVERY FIRST DAY OF DECEMBER THEREAFTER FOR FIVE YEARS, IN THE AMOUNT OF \$72,072.86; AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE LEASE-PURCHASE AGREEMENT, IN SUBSTANTIAL CONFORMITY WITH THE LEASE-PURCHASE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1" AND ALL OTHER NECESSARY DOCUMENTS IN FURTHERANCE HEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah, a municipal corporation of the State of Florida, has authority under the Constitution and the laws of the State of Florida to purchase and acquire a 2016 thirty-two (32) feet El Dorado EZ Rider II bus as described in the Lease-Purchase Agreement, attached hereto as Exhibit "1"; and

WHEREAS, the City Council of the City of Hialeah, as the governing body of the City, has determined that a true and very real need exists for the acquisition of the bus to upgrade its fleet for public transportation; and

WHEREAS, the bus is essential for the City's performance of its governmental functions, and in particular, for the safe and efficient delivery of transportation services to the community; and

WHEREAS, the bus will not be used for private business purposes; and

WHEREAS, pursuant to Resolution No. 2016-98 (August ~~23~~²³, 2016), the Council approved the purchase of the bus from El Dorado National – California, Inc.; and

WHEREAS, the Council finds that the approval of the terms and conditions of this financing agreement are exempt from competitive bidding pursuant to Hialeah Code Section 2-817; and

WHEREAS, the City has taken the necessary steps, including the compliance with all legally binding requirements under applicable law for the acquisition of such equipment, including; and

WHEREAS, it is in the best interest of the welfare of the community to enter into this Lease-Purchase Agreement with U.S. Bancorp Government Leasing and Finance, Inc. to acquire a thirty-two (32) foot El Dorado EZ Rider II passenger bus pursuant to and in accordance with the negotiated terms as set forth in the Lease-Purchase Agreement to improve the City of Hialeah public transportation services to the community.

NOW, THEREFORE, BE IT ORDAINED 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 ordinance are hereby adopted and incorporated by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby approves a five-year Lease-Purchase Agreement between the City of Hialeah, as Lessee, and U.S. Bancorp Government Leasing and Finance, Inc., a Minnesota corporation, as Lessor, to finance the purchase of a 2016 thirty-two foot El Dorado EZ Rider II passenger bus, in the total amount of \$360,364.29, including interest payments totaling \$19,964.29, at an annual

interest rate of 2.640%, payable on a yearly basis beginning on December 1, 2016 and every first day of December thereafter for five years, in the amount of \$72,072.86.

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 Lease-Purchase Agreement, in substantial conformity with the Lease-Purchase Agreement attached hereto and made a part hereof as Exhibit "1" and all other necessary documents in furtherance hereof.

Section 4: 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 or suspension of licenses or permits.

Section 5: 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.

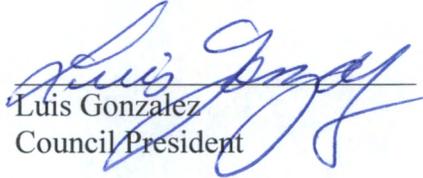
Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida and signed by the Mayor of the City of Hialeah, Florida 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 13 day of September, 2016.

THE FOREGOING ORDINANCE 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

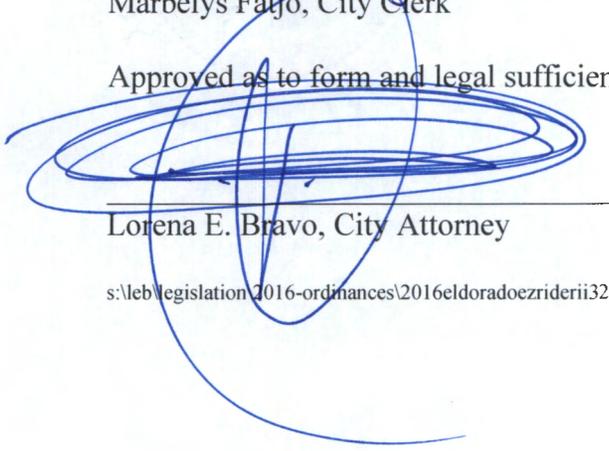
Attest:

Approved on this 14 day of September, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to form and legal sufficiency:


Lorena E. Bravo, City Attorney

Ordinance was adopted by a (7-0) unanimous vote with Councilmembers, Caragol, Cue-Fuente, Garcia-Martinez, Hernandez, Gonzalez, Lozano and Casáls-Muñoz voting "Yes".