

ORDINANCE NO. 2016-17

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, APPROVING A USE, SPONSORSHIP AND LIMITED CONCESSION MANAGEMENT SERVICES FRANCHISE AGREEMENT BETWEEN HIALEAH YOUTH BASEBALL ASSOCIATION, INC. AND THE CITY OF HIALEAH, TO CREATE, DEVELOP AND OPERATE A YOUTH BASEBALL LEAGUE AT THE CITY OF HIALEAH BABCOCK PARK, TO PROVIDE CONCESSION MANAGEMENT SERVICES AT BABCOCK PARK IN CONNECTION WITH THE CITY OF HIALEAH YOUTH BASEBALL LEAGUE, AND BECOME THE YOUTH BASEBALL PARTNER OF THE CITY OF HIALEAH, FOR A TERM OF ONE YEAR, COMMENCING ON MARCH 1, 2016 AND ENDING ON FEBRUARY 28, 2017, FOR A MONTHLY FEE IN THE AMOUNT OF \$1,500.00, AND LIMITED ADVERTISING AND MARKETING OPPORTUNITIES FOR THE DURATION OF THE AGREEMENT; AND FURTHER AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY, TO EXECUTE THE USE, SPONSORSHIP AND LIMITED CONCESSION MANAGEMENT SERVICES FRANCHISE AGREEMENT IN SUBSTANTIAL CONFORMITY WITH THE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Hialeah Youth Baseball Association, Inc. wishes to partner with the City to develop and operate a youth baseball league at Babcock Park;

WHEREAS, the City has granted Hialeah Youth Baseball Association, Inc. a nonexclusive license to use the baseball fields and the concession stand located at Babcock Park in connection with the development of the City of Hialeah youth baseball league;

WHEREAS, the City has offered, and Hialeah Youth Baseball Association, Inc. has accepted a marketing and advertising package as a part of Hialeah Youth Baseball Association, Inc.'s designation as the "Youth Baseball Partner of the City of Hialeah", including but not limited to onsite marketing and advertising opportunities and onsite-signage space; and

WHEREAS, the City of Hialeah finds that it is in the best interest of the health, safety and welfare of the community to enter into this Agreement with Hialeah Youth Baseball Association, Inc. to support and encourage the growth of youth sports incentives in the community.

NOW, THEREFORE, BE IT RESOLVED 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 incorporated and adopted by reference as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby approves a Use, Sponsorship and Limited Concession Management Services Franchise Agreement between Hialeah Youth Baseball Association, Inc. and the City of Hialeah to create, develop and operate a youth baseball league at the City of Hialeah Babcock Park, provide concession management services at Babcock Park in connection with said youth baseball league, and become the Youth Baseball Partner of the City of Hialeah, for a term of one year, commencing on March 1, 2016 and ending on February 28, 2017, for a monthly fee in the amount of \$1,500.00, and limited advertising and marketing opportunities for the duration of the agreement; and further authorizes the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the Use, Sponsorship and Limited Concession Management Services Franchise Agreement in substantial conformity with the Agreement attached hereto and made a part hereof as Exhibit "1". All action taken to date by officers of the City in furtherance of the performance of this agreement is hereby approved, confirmed and ratified.

Section 3: Repeal of Ordinances in Conflict.

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

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 of licenses or permits.

Section 5: Severability Clause.

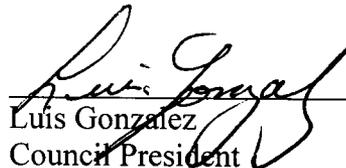
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council 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. Once effective, the provisions of this Ordinance shall have retroactive application to March 1, 2016.

PASSED AND ADOPTED this 8 day of March, 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

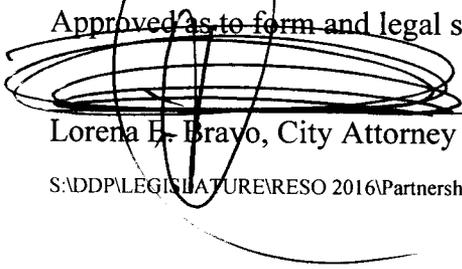
Attest: Approved on this _____ day of _____, 2016.

Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

S:\DDP\LEGISLATURE\RESO 2016\Partnership Agreement Hialeah Youth Baseball Association 2016-2017.docx

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