

ORDINANCE NO. 2016-18

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK, AS ATTESTING WITNESS, ON BEHALF OF THE CITY TO EXECUTE A NON-EXCLUSIVE CONCESSION MANAGEMENT SERVICES FRANCHISE AGREEMENT BETWEEN JUANITA'S KITCHEN, LLC AND THE CITY OF HIALEAH, FLORIDA, IN SUBSTANTIAL CONFORMITY WITH THE AGREEMENT ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1", TO PROVIDE CONCESSION MANAGEMENT SERVICES TO THE CITY AT DESIGNATED LOCATIONS FOR A MONTHLY FEE OF \$1,500.00 DURING THE OFF-SEASON AND \$2,500.00 DURING THE PEAK-SEASON, FOR A TERM OF ONE YEAR COMMENCING ON MARCH 1, 2016 AND ENDING ON FEBRUARY 28, 2017, WITH AN OPTION TO RENEW FOR THREE CONSECUTIVE ONE-YEAR TERMS; 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, pursuant to City of Hialeah Code Section 2-818, if advantageous to the City, the City may utilize bids that have been awarded or under contract by other governmental agencies, in which case competitive bidding will not be required;

WHEREAS, the City desires to utilize the City of Miami Gardens Request for Proposal No. 10-11-035(A), which was competitively bid in a manner similar to that set forth in Chapter 2, Article IV., entitled "Purchasing and Competitive Bidding" of the City of Hialeah Code of Ordinances, as it is advantageous and beneficial to the City of Hialeah and its residents;

WHEREAS, City of Miami Gardens issued a Request for Proposal No. 10-11-035(A) and after evaluating the responders' qualifications and competitive proposals, awarded the contract for concession management services to Juanita's Kitchen, LLC;

WHEREAS, Juanita's Kitchen, LLC has agreed to provide concession services to the City pursuant to the terms and conditions set forth in the agreement attached hereto and incorporated herein as Exhibit "1" ("Agreement"); and

WHEREAS, Juanita's Kitchen, LLC has made representations to the City, and the City has relied on Juanita's Kitchen, LLC's representations about its experience, equipment, manpower, capacity, permits and licenses to perform all concession management services for the City under the Agreement.

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 Mayor and the City Clerk, as attesting witness, are hereby authorized to execute, on behalf of the City, a Non-Exclusive Concession Management Services Franchise Agreement between Juanita's Kitchen, LLC and the City of Hialeah, Florida, in substantial conformity with the Agreement attached hereto and made a part hereof as Exhibit "1" , to provide non-exclusive concession management services to the City at designated locations for a monthly fee of \$1,500.00 during the off-season and \$2,500.00 during the peak-season, for a term of one year commencing on March 1, 2016 and ending on February 28, 2017, with an option to renew for three consecutive one-year terms. 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.

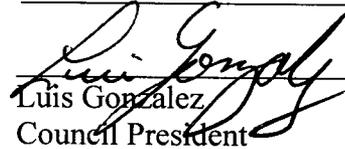
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or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

Section 6: Effective Date.

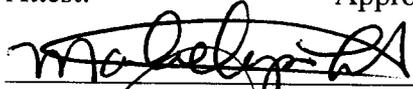
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. Once effective, the provisions of this Ordinance shall have retroactive 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.

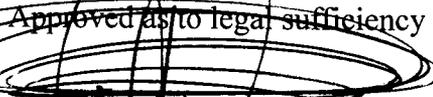

Luis Gonzalez
Council President

Attest: Approved on this 15 day of March, 2016.


Marbelys Fatjo, City Clerk


Mayor Carlos Hernandez

Approved as to legal sufficiency and as to form:


Lorena Bravo, City Attorney

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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.